

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2009-0314-AIR-E **TCEQ ID:** RN100542844 **CASE NO.:** 37313  
**RESPONDENT NAME:** ExxonMobil Oil Corporation

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Mobil Chemical Beaumont Chemical Plant BMCP, 2775 Gulf States Road, Beaumont, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on August 10, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Mr. Terry Murphy, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-5025; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. John R. Townsend, Site Manager, ExxonMobil Oil Corporation, 2775 Gulf States Road, Beaumont, Texas 77701  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> November 4, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> February 27, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failure to comply with permitted emissions limits. Specifically, during an emissions event on August 22, 2008, improper disconnection procedures occurred during unloading operations at the Plant's Aromatics Wharf, resulting in an estimated 619 pounds of toluene emissions over a ten minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [New Source Review Permit No. 18838/PSD-TX-843, Special Conditions 1 and 22, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$9,925</p> <p><b>Total Deferred:</b> \$1,985  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$3,970</p> <p><b>Total Paid to General Revenue:</b> \$3,970</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, ensure the completion of additional training and/or supervision over the operational practices that address the causes leading to the emissions event that occurred on August 22, 2008; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.a. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>

Additional ID No(s): JE0062S

Attachment A  
Docket Number: 2009-0314-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** ExxonMobil Oil Corporation  
**Payable Penalty Amount:** Seven Thousand Nine Hundred Forty Dollars (\$7,940)  
**SEP Amount:** Three Thousand Nine Hundred Seventy Dollars (\$3,970)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Jefferson County: Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles  
**Location of SEP:** Jefferson County

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

**1. Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient will contribute to Jefferson County for its Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles. Specifically, the contribution will be used to purchase alternative fueled equipment such as propane or electric powered lawn mowers, propane powered light duty and heavy equipment, and alternative fueled vehicles and retire diesel and gasoline powered equipment and vehicles. Jefferson County will also convert current equipment and vehicles to alternative fueled equipment in order to lower emissions.

All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air emissions generated by gasoline and diesel powered equipment and vehicles in the Beaumont/Port Arthur ozone non-attainment area.



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:

The Honorable Judge Ron Walker  
Jefferson County Judge  
1149 Pearl Street, 4<sup>th</sup> Floor  
Beaumont, Texas 77701

**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 October 30, 2008

<b>DATES</b>	Assigned	17-Feb-2009	Screening	19-Feb-2009	EPA Due	24-Nov-2009
	PCW	3-Apr-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	ExxonMobil Oil Corporation		
Reg. Ent. Ref. No.	RN100542844		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	37313	No. of Violations	1
Docket No.	2009-0314-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Terry Murphy
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

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

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

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

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

Notes

**Culpability**   Enhancement Subtotal 4

Notes

**Good Faith Effort to Comply Total Adjustments** Subtotal 5

**Economic Benefit**  Enhancement\* Subtotal 6

Total EB Amounts    
 Approx. Cost of Compliance    
 \*Capped at the Total EB \$ Amount

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty

**DEFERRAL**  Reduction Adjustment

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

Notes

**PAYABLE PENALTY**

Screening Date 19-Feb-2009

Docket No. 2009-0314-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 2 (September 2002)

Case ID No. 37313

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100542844

Media [Statute] Air

Enf. Coordinator Terry Murphy

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	4	20%
	Other written NOV's	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	12	240%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 297%

>> 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

The penalty was enhanced by seven dissimilar and four similar NOV's, 12 1660-style agreed orders, one findings agreed order, and reduced by two NOAs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 297%

<b>Screening Date</b> 19-Feb-2009	<b>Docket No.</b> 2009-0314-AIR-E	<b>PCW</b>
<b>Respondent</b> ExxonMobil Oil Corporation		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 37313		<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b> RN100542844		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Terry Murphy		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	New Source Review Permit No. 18838/PSD-TX-843, Special Conditions 1 and 22, 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to comply with permitted emissions limits, as documented during an investigation conducted on November 4, 2008. Specifically, during an emissions event on August 22, 2008, improper disconnection procedures occurred during unloading operations at the Plant's Aromatics Wharf, resulting in an estimated 619 pounds of toluene emissions over a ten minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>		<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>	X	<b>Percent</b> <input type="text" value="25%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

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

**Matrix Notes**

Human health or the environment was exposed to insignificant amounts of pollutants that did not exceed levels protective of human health or environmental receptors.

**Adjustment**

**Violation Base Penalty**

**Violation Events**

	<b>Number of Violation Events</b> <input type="text" value="1"/>		<b>Number of violation days</b> <input type="text" value="1"/>															
<i>mark only one with an x</i>	<table border="1" style="border-collapse: collapse; width: 100%;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td style="text-align:center">X</td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	X	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>			<b>Violation Base Penalty</b> <input type="text" value="\$2,500"/>
daily	<input type="text"/>																	
weekly	<input type="text"/>																	
monthly	<input type="text"/>																	
quarterly	X																	
semiannual	<input type="text"/>																	
annual	<input type="text"/>																	
single event	<input type="text"/>																	
	One quarterly event is recommended based on the emissions event that occurred on August 22, 2008.																	

**Good Faith Efforts to Comply**

	<b>0.0% Reduction</b>		<b>\$0</b>
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	X	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
	<b>Violation Subtotal</b>		<input type="text" value="\$2,500"/>

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$257"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$9,925"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$9,925"/>	

## Economic Benefit Worksheet

**Respondent** ExxonMobil Oil Corporation  
**Case ID No.** 37313  
**Reg. Ent. Reference No.** RN100542844  
**Media Air**  
**Violation No.** 1

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

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

No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$5,000	22-Aug-2008	1-Sep-2009	1.03	\$257	n/a	\$257
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 costs to ensure additional personnel training and/or oversight is provided. The Date Required is the date of the event, and the Final Date is the date of expected compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$257

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600920748 ExxonMobil Oil Corporation	Classification: AVERAGE	Rating: 3.75
Regulated Entity:	RN100542844 MOBIL CHEMICAL BEAUMONT CHEMICAL PLANT BMCP	Classification: AVERAGE	Site Rating: 4.58

ID Number(s):			
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0062
	AIR OPERATING PERMITS	PERMIT	1173
	AIR OPERATING PERMITS	PERMIT	2201
	AIR OPERATING PERMITS	PERMIT	1354
	AIR OPERATING PERMITS	PERMIT	2292
	AIR OPERATING PERMITS	PERMIT	2293
	AIR OPERATING PERMITS	PERMIT	1354
	AIR OPERATING PERMITS	PERMIT	2292
	AIR OPERATING PERMITS	PERMIT	2293
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	123008
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30047
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	ID NUMBER	30047
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000
	WASTEWATER	PERMIT	WQ000
	WASTEWATER	PERMIT	TX0068
	WASTEWATER	PERMIT	WQ000
	WASTEWATER	PERMIT	TPDES
	WASTEWATER	PERMIT	TX0004
	AIR NEW SOURCE PERMITS	AFS NUM	482450
	AIR NEW SOURCE PERMITS	PERMIT	9907
	AIR NEW SOURCE PERMITS	PERMIT	485
	AIR NEW SOURCE PERMITS	PERMIT	7799
	AIR NEW SOURCE PERMITS	PERMIT	10248
	AIR NEW SOURCE PERMITS	PERMIT	10249
	AIR NEW SOURCE PERMITS	PERMIT	10575
	AIR NEW SOURCE PERMITS	PERMIT	10728
	AIR NEW SOURCE PERMITS	PERMIT	11238
	AIR NEW SOURCE PERMITS	PERMIT	11791
	AIR NEW SOURCE PERMITS	PERMIT	13942
	AIR NEW SOURCE PERMITS	PERMIT	14021
	AIR NEW SOURCE PERMITS	PERMIT	15160
	AIR NEW SOURCE PERMITS	PERMIT	18838
	AIR NEW SOURCE PERMITS	PERMIT	19000
	AIR NEW SOURCE PERMITS	PERMIT	41728
	AIR NEW SOURCE PERMITS	PERMIT	43948
	AIR NEW SOURCE PERMITS	PERMIT	44969
	AIR NEW SOURCE PERMITS	PERMIT	44976
	AIR NEW SOURCE PERMITS	PERMIT	44975
	AIR NEW SOURCE PERMITS	PERMIT	44973
	AIR NEW SOURCE PERMITS	PERMIT	44971
	AIR NEW SOURCE PERMITS	PERMIT	48054
	AIR NEW SOURCE PERMITS	PERMIT	48163
	AIR NEW SOURCE PERMITS	PERMIT	50210
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0062
	AIR NEW SOURCE PERMITS	PERMIT	1295
	AIR NEW SOURCE PERMITS	PERMIT	1295A
	AIR NEW SOURCE PERMITS	PERMIT	10194
	AIR NEW SOURCE PERMITS	PERMIT	10242
	AIR NEW SOURCE PERMITS	PERMIT	11641
	AIR NEW SOURCE PERMITS	PERMIT	11642
	AIR NEW SOURCE PERMITS	PERMIT	11983
	AIR NEW SOURCE PERMITS	PERMIT	12105
	AIR NEW SOURCE PERMITS	PERMIT	12362
	AIR NEW SOURCE PERMITS	PERMIT	12575
	AIR NEW SOURCE PERMITS	PERMIT	13789
	AIR NEW SOURCE PERMITS	PERMIT	14492

AIR NEW SOURCE PERMITS	PERMIT	19366
AIR NEW SOURCE PERMITS	PERMIT	19950
AIR NEW SOURCE PERMITS	PERMIT	23327
AIR NEW SOURCE PERMITS	PERMIT	24243
AIR NEW SOURCE PERMITS	PERMIT	24975
AIR NEW SOURCE PERMITS	PERMIT	26126
AIR NEW SOURCE PERMITS	PERMIT	26152
AIR NEW SOURCE PERMITS	PERMIT	24857
AIR NEW SOURCE PERMITS	PERMIT	32200
AIR NEW SOURCE PERMITS	PERMIT	32614
AIR NEW SOURCE PERMITS	PERMIT	32865
AIR NEW SOURCE PERMITS	PERMIT	34347
AIR NEW SOURCE PERMITS	PERMIT	34780
AIR NEW SOURCE PERMITS	PERMIT	34427
AIR NEW SOURCE PERMITS	PERMIT	37362
AIR NEW SOURCE PERMITS	PERMIT	40289
AIR NEW SOURCE PERMITS	PERMIT	41445
AIR NEW SOURCE PERMITS	PERMIT	42983
AIR NEW SOURCE PERMITS	PERMIT	43123
AIR NEW SOURCE PERMITS	PERMIT	41935
AIR NEW SOURCE PERMITS	PERMIT	44863
AIR NEW SOURCE PERMITS	PERMIT	44991
AIR NEW SOURCE PERMITS	PERMIT	44990
AIR NEW SOURCE PERMITS	PERMIT	46421
AIR NEW SOURCE PERMITS	PERMIT	46852
AIR NEW SOURCE PERMITS	REGISTRATION	72115
AIR NEW SOURCE PERMITS	PERMIT	53384
AIR NEW SOURCE PERMITS	REGISTRATION	55190
AIR NEW SOURCE PERMITS	REGISTRATION	83294
AIR NEW SOURCE PERMITS	REGISTRATION	76364
AIR NEW SOURCE PERMITS	REGISTRATION	76365
AIR NEW SOURCE PERMITS	REGISTRATION	75511
AIR NEW SOURCE PERMITS	REGISTRATION	76058
AIR NEW SOURCE PERMITS	AFS NUM	482450
AIR NEW SOURCE PERMITS	PERMIT	56360
AIR NEW SOURCE PERMITS	REGISTRATION	71524
AIR NEW SOURCE PERMITS	REGISTRATION	71675
AIR NEW SOURCE PERMITS	REGISTRATION	71387
AIR NEW SOURCE PERMITS	REGISTRATION	71388
AIR NEW SOURCE PERMITS	PERMIT	50767
AIR NEW SOURCE PERMITS	PERMIT	54743
AIR NEW SOURCE PERMITS	REGISTRATION	73014
AIR NEW SOURCE PERMITS	REGISTRATION	72706
AIR NEW SOURCE PERMITS	REGISTRATION	72936
AIR NEW SOURCE PERMITS	REGISTRATION	73733
AIR NEW SOURCE PERMITS	REGISTRATION	72767
AIR NEW SOURCE PERMITS	REGISTRATION	74662
AIR NEW SOURCE PERMITS	REGISTRATION	75162
AIR NEW SOURCE PERMITS	REGISTRATION	75328
AIR NEW SOURCE PERMITS	REGISTRATION	75304
AIR NEW SOURCE PERMITS	EPA ID	PSDTX
AIR NEW SOURCE PERMITS	REGISTRATION	76710
AIR NEW SOURCE PERMITS	REGISTRATION	76456
AIR NEW SOURCE PERMITS	REGISTRATION	77711
AIR NEW SOURCE PERMITS	REGISTRATION	78058
AIR NEW SOURCE PERMITS	REGISTRATION	78903
AIR NEW SOURCE PERMITS	REGISTRATION	78554
AIR NEW SOURCE PERMITS	REGISTRATION	78861
AIR NEW SOURCE PERMITS	REGISTRATION	78170
AIR NEW SOURCE PERMITS	REGISTRATION	78284
AIR NEW SOURCE PERMITS	REGISTRATION	83702
AIR NEW SOURCE PERMITS	REGISTRATION	79796
AIR NEW SOURCE PERMITS	REGISTRATION	79510
AIR NEW SOURCE PERMITS	REGISTRATION	80418
AIR NEW SOURCE PERMITS	REGISTRATION	79874
AIR NEW SOURCE PERMITS	REGISTRATION	80937
AIR NEW SOURCE PERMITS	REGISTRATION	80540

AIR NEW SOURCE PERMITS	REGISTRATION	80827
AIR NEW SOURCE PERMITS	REGISTRATION	81318
AIR NEW SOURCE PERMITS	REGISTRATION	81813
AIR NEW SOURCE PERMITS	REGISTRATION	81905
AIR NEW SOURCE PERMITS	REGISTRATION	81541
AIR NEW SOURCE PERMITS	REGISTRATION	82391
AIR NEW SOURCE PERMITS	REGISTRATION	84011
AIR NEW SOURCE PERMITS	REGISTRATION	86181
AIR NEW SOURCE PERMITS	REGISTRATION	84807
AIR NEW SOURCE PERMITS	REGISTRATION	87572
AIR NEW SOURCE PERMITS	REGISTRATION	86629
AIR NEW SOURCE PERMITS	REGISTRATION	84781
AIR NEW SOURCE PERMITS	REGISTRATION	84611
AIR NEW SOURCE PERMITS	REGISTRATION	87570
AIR NEW SOURCE PERMITS	REGISTRATION	86103
AIR NEW SOURCE PERMITS	REGISTRATION	84001
AIR NEW SOURCE PERMITS	REGISTRATION	83461
AIR NEW SOURCE PERMITS	EPA ID	PAL15
AIR NEW SOURCE PERMITS	REGISTRATION	82725
AIR NEW SOURCE PERMITS	REGISTRATION	87214
AIR NEW SOURCE PERMITS	REGISTRATION	84535
AIR NEW SOURCE PERMITS	REGISTRATION	84067
AIR NEW SOURCE PERMITS	REGISTRATION	84315
AIR NEW SOURCE PERMITS	REGISTRATION	82468
AIR NEW SOURCE PERMITS	REGISTRATION	87219
AIR NEW SOURCE PERMITS	REGISTRATION	85875
AIR NEW SOURCE PERMITS	REGISTRATION	86098
WATER LICENSING	LICENSE	123008
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30047

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

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: March 05, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 05, 2004 to March 05, 2009

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

Name: Terry Murphy Phone: (512) 239-5025

**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
6. Rating Date: 9/1/2008 Repeat Violator: NO

**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: 11/26/2004 ADMINORDER 2004-0491-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 7799/PSD-TX-860 PERMIT

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

Effective Date: 03/06/2006

ADMINORDER 2004-2052-AIR-E

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: 7799/PSD-TX-860 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

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

Effective Date: 06/26/2006

ADMINORDER 2006-0007-AIR-E

Classification: Moderate

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

Rqmt Prov: 1 PERMIT

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

Effective Date: 07/14/2006

ADMINORDER 2005-1903-AIR-E

Classification: Moderate

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

Rqmt Prov: 7799, Special Condition 1 PERMIT  
Description: Failed to comply with permitted and visible emissions limits.  
Classification: Minor

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

Description: Failed to submit a timely emission event report.  
Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT  
Description: Failed to comply with permitted emissions limits.  
Classification: Minor

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

Rqmt Prov: Special Condition No. 1 PERMIT  
Description: Failed to comply with permitted emissions limits.

Effective Date: 08/28/2006 ADMINORDER 2006-0132-AIR-E

Classification: Moderate

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

Effective Date: 05/25/2007 ADMINORDER 2006-1743-AIR-E

Classification: Moderate

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

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

Effective Date: 06/29/2007 ADMINORDER 2006-1703-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to comply with the High Pressure Flare maximum allowable emission rates for volatile organic compounds, carbon monoxide, and nitric oxides on April 9, 2006 due to an emissions event at the USC I Unit.

Effective Date: 01/12/2008 ADMINORDER 2007-0259-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: 7799, PSD-TX-860, Special Condition 1 PERMIT  
Description: Failure to maintain an emission rate below the allowable emission limit.

Effective Date: 01/28/2008 ADMINORDER 2007-0811-AIR-E

Classification: Moderate

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

Rqmt Prov: 7799 Special Condition 1 PERMIT  
FOP O-01173 General Terms and Conditions OP  
FOP O-01173 Special Condition 20 OP

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

Effective Date: 06/19/2008 ADMINORDER 2007-1840-IWD-E

Classification: Moderate

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

Rqmt Prov: Effluent Limits PERMIT

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

Effective Date: 10/23/2008 ADMINORDER 2003-1455-AIR-E

Classification: Moderate

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

Rqmt Prov: 7799/PSD-TX-860, Special Condition 1 PERMIT  
Description: Failing to prevent the unauthorized emission of air contaminants.

Classification: Moderate

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

Rqmt Prov: 7799/PSD-TX-860, SC1 PERMIT  
Description: Failing to prevent the unauthorized emission of air contaminants.

Classification: Minor

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

Description: Failing to properly notify the regional office of the TCEQ of an emissions event which began on November 1, 2002, at 9:41 AM and ended at 11:30 AM.

Classification: Moderate

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

Rqmt Prov: 7799/PSD-TX-860, Special Condition 1 PERMIT  
Description: Failing to prevent the unauthorized emission of an air contaminant.

Effective Date: 10/23/2008 ADMINORDER 2004-0125-AIR-E

Classification: Minor

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

Description: Failure to submit a final emissions event notification within two weeks after the end of an emissions event on October 7, 2003. This event ended at 11:07 AM on October 7, 2003 and was therefore required to be submitted by October 21, 2003. However, the final report was not received until October 23, 2003.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 7799/PSD-TX-860, SPECIAL CONDITION 1 PERMIT  
Description: Failure to prevent unauthorized emissions during an emissions event at the chemical plant on October 7, 2003.

Classification: Moderate

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

Rqmt Prov: 7799/PSD-TX-860 PERMIT  
Description: Failure to maintain an emission rate within the Maximum Allowable Emission Rate Table ("MAERT") limits.

Classification: Moderate

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

Rqmt Prov: 7799/PSD-TX-860 PERMIT  
Description: Failing to maintain an emission rate within the MAERT limits.

Effective Date: 12/04/2008 ADMINORDER 2008-0781-AIR-E

Classification: Moderate

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

Rqmt Prov: 7799 and PSD-TX-860, Special Condition 1 PERMIT  
Description: Failure to comply with the Maximum Allowable Emission Rate Table emissions limits during an emissions event.

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	03/08/2004	(263017)	74	10/21/2005	(468278)	149	08/16/2007	(570339)
2	03/17/2004	(295025)	75	11/28/2005	(468279)	150	08/20/2007	(570721)
3	03/18/2004	(263711)	76	12/16/2005	(468280)	151	08/22/2007	(601549)
4	03/18/2004	(264108)	77	12/22/2005	(440335)	152	08/29/2007	(571493)
5	03/19/2004	(262155)	78	01/12/2006	(468281)	153	10/15/2007	(573833)
6	03/19/2004	(265439)	79	01/19/2006	(450582)	154	10/15/2007	(573835)
7	04/08/2004	(265858)	80	01/27/2006	(438784)	155	10/15/2007	(573836)
8	04/08/2004	(265859)	81	01/27/2006	(452740)	156	10/15/2007	(573862)
9	04/08/2004	(265861)	82	02/21/2006	(468276)	157	10/17/2007	(619454)
10	04/08/2004	(265862)	83	02/27/2006	(455014)	158	10/17/2007	(619455)
11	04/08/2004	(265864)	84	03/20/2006	(468277)	159	10/24/2007	(573702)
12	04/08/2004	(265866)	85	04/13/2006	(458301)	160	11/01/2007	(593551)
13	04/14/2004	(295026)	86	04/18/2006	(458326)	161	11/06/2007	(598961)
14	05/14/2004	(270134)	87	04/21/2006	(461141)	162	11/12/2007	(598319)
15	05/27/2004	(267998)	88	04/21/2006	(461550)	163	11/15/2007	(619456)
16	06/08/2004	(271363)	89	04/24/2006	(498092)	164	11/20/2007	(596165)
17	06/25/2004	(351948)	90	04/28/2006	(458040)	165	11/20/2007	(596220)
18	07/19/2004	(351949)	91	05/01/2006	(460605)	166	11/20/2007	(596223)
19	08/11/2004	(283476)	92	05/03/2006	(461386)	167	11/26/2007	(596817)
20	08/13/2004	(351950)	93	05/11/2006	(465117)	168	12/27/2007	(600710)
21	08/16/2004	(283483)	94	05/22/2006	(498093)	169	01/09/2008	(671966)
22	09/09/2004	(351951)	95	06/09/2006	(464823)	170	01/14/2008	(611160)
23	09/23/2004	(286727)	96	06/22/2006	(498094)	171	01/23/2008	(671965)
24	09/23/2004	(333290)	97	06/22/2006	(498095)	172	01/23/2008	(671967)

25	10/05/2004	(292551)	98	07/17/2006	(520112)	173	01/30/2008	(616600)
26	10/07/2004	(381774)	99	07/26/2006	(484018)	174	02/20/2008	(671963)
27	11/02/2004	(336327)	100	07/26/2006	(484019)	175	02/25/2008	(636532)
28	11/12/2004	(351952)	101	07/27/2006	(483687)	176	02/26/2008	(671964)
29	11/12/2004	(381775)	102	07/28/2006	(484021)	177	02/27/2008	(637150)
30	11/22/2004	(339443)	103	08/10/2006	(497294)	178	02/29/2008	(614580)
31	11/29/2004	(338558)	104	08/18/2006	(509390)	179	02/29/2008	(614800)
32	12/08/2004	(336179)	105	08/21/2006	(520113)	180	02/29/2008	(618536)
33	12/14/2004	(342891)	106	09/11/2006	(489225)	181	04/07/2008	(638797)
34	12/22/2004	(341860)	107	09/21/2006	(489166)	182	04/08/2008	(641496)
35	12/22/2004	(341934)	108	09/22/2006	(511416)	183	04/09/2008	(641396)
36	12/23/2004	(344306)	109	10/24/2006	(544371)	184	04/24/2008	(641272)
37	01/04/2005	(344309)	110	11/14/2006	(515867)	185	04/29/2008	(639047)
38	01/07/2005	(344744)	111	11/15/2006	(544372)	186	04/29/2008	(639051)
39	01/11/2005	(381776)	112	11/18/2006	(515852)	187	04/29/2008	(639053)
40	01/24/2005	(346430)	113	11/27/2006	(531085)	188	04/29/2008	(639054)
41	01/24/2005	(347162)	114	11/30/2006	(519280)	189	04/29/2008	(639063)
42	01/27/2005	(347142)	115	11/30/2006	(519476)	190	05/05/2008	(637371)
43	02/16/2005	(381771)	116	12/11/2006	(533458)	191	05/08/2008	(654390)
44	02/16/2005	(381773)	117	12/11/2006	(601550)	192	05/14/2008	(646375)
45	03/14/2005	(381772)	118	12/12/2006	(515914)	193	05/21/2008	(639976)
46	03/25/2005	(373598)	119	12/28/2006	(261352)	194	05/22/2008	(689883)
47	03/25/2005	(373612)	120	01/19/2007	(513430)	195	05/30/2008	(680544)
48	04/01/2005	(350006)	121	01/19/2007	(532314)	196	06/30/2008	(710658)
49	04/04/2005	(373527)	122	01/22/2007	(575113)	197	07/08/2008	(685566)
50	04/04/2005	(373546)	123	02/14/2007	(535407)	198	07/10/2008	(679904)
51	04/13/2005	(419603)	124	02/14/2007	(535431)	199	07/17/2008	(679912)
52	04/15/2005	(374940)	125	02/14/2007	(537204)	200	07/18/2008	(710659)
53	04/15/2005	(374959)	126	02/27/2007	(575107)	201	07/30/2008	(684455)
54	04/15/2005	(374964)	127	02/28/2007	(539164)	202	07/30/2008	(684462)
55	05/16/2005	(419604)	128	03/19/2007	(575108)	203	07/31/2008	(684037)
56	05/17/2005	(379171)	129	03/21/2007	(543226)	204	07/31/2008	(684459)
57	05/17/2005	(379173)	130	03/30/2007	(538598)	205	08/20/2008	(710660)
58	05/18/2005	(376394)	131	03/30/2007	(538639)	206	08/25/2008	(685145)
59	05/18/2005	(376397)	132	04/24/2007	(575109)	207	08/27/2008	(700966)
60	05/20/2005	(377601)	133	04/24/2007	(575112)	208	09/04/2008	(689152)
61	05/20/2005	(378697)	134	05/04/2007	(543280)	209	10/08/2008	(699998)
62	06/07/2005	(393622)	135	05/21/2007	(558462)	210	10/29/2008	(710661)
63	06/14/2005	(394339)	136	05/21/2007	(558475)	211	11/24/2008	(727427)
64	06/15/2005	(343658)	137	05/21/2007	(575110)	212	11/24/2008	(727428)
65	07/05/2005	(395523)	138	05/31/2007	(558479)	213	12/19/2008	(727429)
66	07/21/2005	(440745)	139	05/31/2007	(558487)	214	01/09/2009	(722874)
67	08/08/2005	(399209)	140	06/19/2007	(556679)	215	02/03/2009	(723099)
68	08/12/2005	(402412)	141	06/22/2007	(575111)	216	02/03/2009	(723109)
69	08/12/2005	(402429)	142	07/06/2007	(561820)	217	02/03/2009	(723183)
70	08/12/2005	(404419)	143	07/06/2007	(563442)	218	02/03/2009	(723186)
71	08/22/2005	(440746)	144	07/06/2007	(564834)	219	02/18/2009	(722915)
72	09/06/2005	(440747)	145	07/20/2007	(601548)	220	02/23/2009	(735783)
73	09/19/2005	(431106)	146	07/24/2007	(564898)	221	02/23/2009	(735787)
			147	08/06/2007	(571035)	222	02/27/2009	(707353)
			148	08/06/2007	(571036)			

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

Date: 05/18/2005 (376394)

Self Report? NO

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

Date: 09/30/2006 (544371)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 03/31/2007 (575109)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 04/02/2007 (538639)

Self Report? NO Classification: Minor  
 Citation: 1295 Special Condition II-7 PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP 2292 SC 10 OP  
 Description: Failure to properly operate and maintain the Abator oxygen analyzer.  
 Self Report? NO Classification: Minor  
 Citation: 1295 Special Condition IV-5 PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP 2292 Special Condition 10 OP  
 Description: Failure to maintain the NOx concentration above 175 parts per million as  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b).  
 FOP O-02292 Special Condition 17A OP  
 FOP O-02293 Special Condition 18A OP  
 Description: Failure to comply with the FOP condition to comply with the Stratospheric  
 Ozone Requirements as required by 40 CFR 82.156.

Self Report? NO Classification: Moderate  
 Citation: 19950 Special Condition 10(A) PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP 2293 Special Condition 10 OP  
 Description: Failure to perform daily audible, visual, and olfactory observations in the  
 Boron Trifluoride area.

Self Report? NO Classification: Moderate  
 Citation: 19366 Special Condition 7(B) PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP 1354 Special Condition 11 OP  
 Description: Failure to calibrate the fugitive emissions monitor in accordance with the  
 manufacturer's recommendations.  
 Date: 04/30/2007 (575110)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 08/17/2007 (570339)

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

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 63, Subpart H 63.167

5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-02201 General Terms and Conditions OP  
 FOP O-02201 Special Condition 1A OP  
 FOP O-02201 Special Condition 26 OP  
 Permit 18838 Special Condition 14E PERMIT  
 Permit 18838 Special Condition 6 PERMIT  
 Description: Failure to replace two plugs on open ended lines in VOC service.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 63, Subpart H 63.181(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-02201 Special Condition 1A OP  
 FOP O-02201 Special Condition 26 OP  
 Permit 18838 Special Condition 6 PERMIT  
 Description: Failure to properly document criteria to determine leaks from dual sealed pumps based on design or operational experience.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 115, SubChapter D 115.354(2)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 63, Subpart H 63.168  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01173 Special Condition 1A OP  
 FOP O-01173 Special Condition 20 OP  
 FOP O-02201 Special Condition 1A OP  
 FOP O-02201 Special Condition 26 OP  
 Permit 18838 Special Condition 14F PERMIT  
 Permit 18838 Special Condition 6 PERMIT  
 Permit 7799 Special Condition 18F PERMIT  
 Description: Failure to conduct quarterly monitoring of components in VOC service at several units during the deviation reporting periods for FOPs O-02201 and O-01173.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 106, SubChapter K 106.262(3)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-02201 General Terms and Conditions OP  
 Description: Failure to properly notify the TCEQ of Permits By Rule claimed by the company within 10 days.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter E 115.426(1)(B)  
 30 TAC Chapter 115, SubChapter E 115.426(1)(D)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01173 General Terms and Conditions OP  
 FOP O-01173 Special Condition 1A OP  
 Description: Failure to maintain records in sufficient detail to demonstrate compliance with the 3 pounds of VOC per hour limit.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01173 General Terms and Conditions OP  
 FOP O-01173 Special Condition 1A OP  
 Description: Failure to monitor 107 connectors within 30 days of being placed in VOC  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 115, SubChapter D 115.352(1)(A)  
 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01173 General Terms and Conditions OP  
 FOP O-01173 Special Condition 1A OP  
 Description: Failure to make a first attempt at repair within 5 days and repair within 15 days for one component.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(B)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-02201 General Terms and Conditions OP

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

Date: 08/31/2007 (575112)

Self Report? YES Classification: Moderate

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

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

Date: 01/15/2008 (611160)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-02292, General Terms and Conditions OP  
 O-02292, Special Condition 10 OP  
 Permit 1295, Special Condition I-12 PERMIT

Description: Failure to submit a permit alteration request identifying pressure drops for the catalyst unit baghouses by June 30, 2007, as required by Permit 1295, Special Condition I-12.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01354, General Terms and Conditions OP  
 O-01354, Special Condition 11 OP  
 Permit 19366, Special Condition 6A PERMIT

Description: Failure to sample the carbon adsorber at least quarterly to determine whether breakthrough of volatile organic compounds was occurring, as required by Special Condition 6A of permit 19366.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01354, General Terms and Conditions OP  
 O-01354, Special Condition 11 OP  
 Permit 19366, Special Condition 6C PERMIT

Description: Failure to replace the carbon canister within two years of the date the canister was placed in service, as required by Special Condition 6C of Permit 19366.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 O-01354, General Terms and Conditions OP

Description: Failure to report a deviation (failure to replace the carbon canister within two years of the date the canister was placed in service) during the semi-annual reporting period of April 18, 2006, through October 17, 2006).

Date: 05/31/2008 (710658)

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: 07/11/2008 (679904)

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

Citation: 18838, PSD-TX-843, Special Condition 15F PERMIT  
 18838, PSD-TX-843, Special Condition 6 PERMIT  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.100  
 30 TAC Chapter 115, SubChapter D 115.354(2)

30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)  
 5C THSC Chapter 382 382.085(b)  
 O-02201, General Terms and Conditions OP  
 O-02201, Special Condition 13 OP  
 O-02201, Special Condition 1A OP  
 O-02201, Special Condition 26 OP

Description: Failure to monitor 2 valves and 38 flanges during the first quarter of 2007.  
 Self Report? NO Classification: Minor

Citation: 18838, PSD-TX-843, Special Condition 15E PERMIT  
 18838, PSD-TX-843, Special Condition 6 PERMIT  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.100  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 O-02201, General Terms and Conditions OP  
 O-02201, Special Condition 13 OP  
 O-02201, Special Condition 1A OP  
 O-02201, Special Condition 26 OP

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

Self Report? NO Classification: Minor

Citation: 18838, PSD-TX-843, Special Condition 15H PERMIT  
 18838, PSD-TX-843, Special Condition 6 PERMIT  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.100  
 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)  
 5C THSC Chapter 382 382.085(b)  
 O-02201, General Terms and Conditions OP  
 O-02201, Special Condition 13 OP  
 O-02201, Special Condition 1A OP  
 O-02201, Special Condition 26 OP

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

Self Report? NO Classification: Minor

Citation: 18838, PSD-TX-843, Special Condition 6 PERMIT  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.100  
 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)  
 5C THSC Chapter 382 382.085(b)  
 O-02201, General Terms and Conditions OP  
 O-02201, Special Condition 13 OP  
 O-02201, Special Condition 1A OP  
 O-02201, Special Condition 26 OP

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 113, SubChapter C 113.560  
 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(a)  
 5C THSC Chapter 382 382.085(b)  
 O-01173, General Terms and Conditions OP  
 O-01173, Special Condition 17 OP  
 O-01173, Special Condition 1A OP  
 Description: Failure to make a first attempt at repair on three leaking valves no later than five calendar days after the leak was found.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 7799, PSD-TX-860, Special Condition 12B PERMIT  
 O-01173, General Terms and Conditions OP  
 O-01173, Special Condition 1A OP  
 O-01173, Special Condition 20 OP  
 Description: Failure to conduct the fourth quarter, 2007, Cylinder Gas Audit at the EH47 boiler carbon monoxide continuous emissions monitor.

Date: 02/18/2009 (722915)

Self Report? NO Classification: Minor  
 Citation: 1295 Special Condition I-12 PERMIT  
 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)  
 O-02292, General Terms and Conditions OP  
 O-02292, Special Condition 10 OP  
 Description: Failure to record the differential pressure across each baghouse at the Catalyst Unit at least once per day.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-02293, General Terms and Conditions OP  
 O-02293, Special Condition 12 OP  
 Description: Failure to submit a Form PI-7 by March 31, 2006, summarizing all uses of Permit by Rule 106.261 in 2005.

F. Environmental audits.

Notice of Intent Date: 01/19/2007 (541324)  
 No DOV Associated  
 Notice of Intent Date: 04/18/2008 (681804)  
 No DOV Associated

G. Type of environmental management systems (EMSs).

\* N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2009-0314-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petrochemical manufacturing plant at 2775 Gulf States Road in Beaumont, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 4, 2009.
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 Nine Thousand Nine Hundred Twenty-Five Dollars (\$9,925) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Nine Hundred Seventy Dollars (\$3,970) of the administrative penalty and One Thousand Nine Hundred Eighty-Five Dollars

(\$1,985) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Three Thousand Nine Hundred Seventy Dollars (\$3,970) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with permitted emissions limits, in violation of New Source Review Permit No. 18838/PSD-TX-843, Special Conditions 1 and 22, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 4, 2008. Specifically, during an emissions event on August 22, 2008, improper disconnection procedures occurred during unloading operations at the Plant's Aromatics Wharf, resulting in an estimated 619 pounds of toluene emissions over a ten minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

## III. DENIALS

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

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ExxonMobil Oil Corporation, Docket No. 2009-0314-AIR-E" to:

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

2. The Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Three Thousand Nine Hundred Seventy Dollars (\$3,970) 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, ensure the completion of additional training and/or supervision over the operational practices that address the causes leading to the emissions event that occurred on August 22, 2008; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 3.a. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John Szallies  
\_\_\_\_\_  
For the Executive Director

7/22/2009  
\_\_\_\_\_  
Date

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

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

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

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

John R. Townsend  
\_\_\_\_\_  
Signature

JUNE 4, 2009  
\_\_\_\_\_  
Date

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

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

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



Attachment A

Docket Number: 2009-0314-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** ExxonMobil Oil Corporation  
**Payable Penalty Amount:** Seven Thousand Nine Hundred Forty Dollars (\$7,940)  
**SEP Amount:** Three Thousand Nine Hundred Seventy Dollars (\$3,970)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Jefferson County: Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles  
**Location of SEP:** Jefferson County

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

1. **Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient will contribute to Jefferson County for its Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles. Specifically, the contribution will be used to purchase alternative fueled equipment such as propane or electric powered lawn mowers, propane powered light duty and heavy equipment, and alternative fueled vehicles and retire diesel and gasoline powered equipment and vehicles. Jefferson County will also convert current equipment and vehicles to alternative fueled equipment in order to lower emissions.

All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air emissions generated by gasoline and diesel powered equipment and vehicles in the Beaumont/Port Arthur ozone non-attainment area.

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:

The Honorable Judge Ron Walker  
Jefferson County Judge  
1149 Pearl Street, 4<sup>th</sup> Floor  
Beaumont, Texas 77701

**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.

