

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-0217-AIR-E **TCEQ ID:** RN102212925 **CASE NO.:** 37164
RESPONDENT NAME: Exxon Mobil Corporation

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Exxon Mobil Chemical Baytown Olefins Plant, 3525 Decker Drive, Baytown, Harris County</p> <p>TYPE OF OPERATION: Chemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are five additional pending enforcement actions regarding this facility location, Docket Nos. 2008-0734-AIR-E, 2007-1985-AIR-E, 2009-0388-AIR-E, 2009-0654-AIR-E, and 2009-0986-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment-period expired on August 10, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Mr. John Muennink, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Jeff Kovacs, Environmental Supervisor, Exxon Mobil Corporation, P.O. Box 4004, Baytown, Texas 77522 Mr. Michael P. Zamora, Plant Manager, Exxon Mobil Corporation, P.O. Box 4004, Baytown, Texas 77522 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 23, 2008 and January 23, 2009</p> <p>Date of NOV/NOE Relating to this Case: January 30 and February 4, 2009 (NOE)</p> <p>Background Facts: These were record reviews.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions. Specifically, the Respondent released 2,120.81 pounds ("lbs") of volatile organic compounds ("VOC"), 696.67 lbs of carbon monoxide and 97.9 lbs of nitrogen oxide from the Isoprene/Benzene/Naphthalene Unit during an avoidable emissions event (Incident No. 109491) that began June 15, 2008 and lasted 22 hours. A block valve on the UP-206 Pump was opened to vent vapors and alleviate cavitation in the pump at start-up. After venting, the valve was left open leading to the release of emissions. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit No. 3452, Special Condition No. 1].</p> <p>2) Failure to prevent unauthorized emissions. Specifically, the Respondent released 13,719.47 lbs of VOCs, including 5,825.36 lbs of hazardous air pollutants, from Feed Tank ZTK-05 during an avoidable emissions event (Incident No. 112334) that began August 8, 2008 and lasted 23 hours and six minutes. During the transfer from an old software system to</p>	<p>Total Assessed: \$18,725</p> <p>Total Deferred: \$3,745 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$7,490</p> <p>Total Paid to General Revenue: \$7,490</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</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:</p> <p>i. Implement measures designed to ensure the proper operation of the block valve on the UP-206 Pump (Incident No. 109491); and</p> <p>ii. Implement measures designed to ensure the proper operation of the High Level alarms on Feed Tank ZTK-05 (Incident No. 112334).</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision 2.a.</p>

<p>a new software system, the alarm set points for the High Level alarm on the tank were altered. The alarms failed to go off, causing the tank to overfill, leading to unauthorized emissions. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit No. 3452, Special Condition No. 1].</p>		
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Additional ID No(s): HG0228H

Attachment A
Docket Number: 2009-0217-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Exxon Mobil Corporation

Payable Penalty Amount: Fourteen Thousand Nine Hundred Eighty Dollars (\$14,980)

SEP Amount: Seven Thousand Four Hundred Ninety Dollars (\$7,490)

Type of SEP: Pre-approved

Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

Location of SEP: Texas Air Quality Control Region 216 – Houston-Galveston

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. 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:

Exxon Mobil Corporation
Agreed Order - Attachment A

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

DATES	Assigned	9-Feb-2009	Screening	17-Feb-2008	EPA Due	27-Oct-2009
	PCW	12-Feb-2009				

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

CASE INFORMATION			
Enf./Case ID No.	37164	No. of Violations	2
Docket No.	2009-0217-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Muennink
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	<i>Subtotal 1</i>	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	249.0% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$18,675
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Notes	Enhancement due to 18 NOVs with same or similar violations, two NOVs with unrelated violations, four 1660 Agreed Orders and three Findings Orders.
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Culpability	No	<i>Subtotal 4</i>	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	<i>Subtotal 5</i>	\$0
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Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
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Total EB Amounts	\$53	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,000	

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$26,175
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	<i>Adjustment</i>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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<i>Final Penalty Amount</i>	\$26,175
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STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$18,725
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DEFERRAL	20.0% Reduction	<i>Adjustment</i>	-\$3,745
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$14,980
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Screening Date 17-Feb-2008

Docket No. 2009-0217-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 37164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102212925

Media [Statute] Air

Enf. Coordinator John Muennink

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	18	90%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	4	80%
	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 <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 249%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement due to 18 NOVs with same or similar violations, two NOVs with unrelated violations, four 1660 Agreed Orders and three Findings Orders.

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

Screening Date 17-Feb-2008	Docket No. 2009-0217-AIR-E	PCW
Respondent Exxon Mobil Corporation		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 37164		<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No. RN102212925		
Media [Statute] Air		
Enf. Coordinator John Muennink		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b) and Flexible Permit No. 3452, Special Condition No. 1	
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,120.81 pounds ("lbs") volatile organic compounds ("VOC"), 696.67 lbs of carbon monoxide and 97.9 lbs of nitrogen oxide from the Isoprene/Benzene/Naphthalene Unit during an avoidable emissions event (Incident No. 109491) that began June 15, 2008 and lasted 22 hours. A block valve on the UP-206 Pump was opened to vent vapors and alleviate cavitation in the pump at start-up. After venting, the valve was left open leading to the release of emissions. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.	
	Base Penalty	<input type="text" value="\$10,000"/>
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release Major Moderate Minor	
	Actual	<input type="text" value="x"/>
	Potential	
	Percent	<input type="text" value="25%"/>
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
		Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment has been exposed to an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.	
	Adjustment	<input type="text" value="\$7,500"/>
		<input type="text" value="\$2,500"/>
Violation Events		
	Number of Violation Events <input type="text" value="1"/>	Number of violation days <input type="text" value="1"/>
<small>mark only one with an x</small>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>
	Violation Base Penalty	<input type="text" value="\$2,500"/>
	<input type="text" value="One quarterly event is recommended based on the June 15, 2008 date that the emissions event occurred."/>	
Good Faith Efforts to Comply		
	0.0% Reduction	<input type="text" value="\$0"/>
	<small>Before NOV NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<small>(mark with x)</small>
Notes	The Respondent does not meet the good faith criteria for this violation.	
	Violation Subtotal	<input type="text" value="\$2,500"/>
Economic Benefit (EB) for this violation		
Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$28"/>	Violation Final Penalty Total <input type="text" value="\$8,725"/>
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$8,725"/>	

Economic Benefit Worksheet

Respondent: Exxon Mobil Corporation
Case ID No.: 37164
Reg. Ent. Reference No.: RN102212925
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	15-Jun-2008	31-Jul-2009	1.13	\$28	n/a	\$28
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated expense to implement measures designed to ensure the proper operation of the block valve on the UP-206 Pump. The Date Required is the date of the emissions event. The Final Date is the estimated date that corrective actions will 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

\$500

TOTAL

\$28

Screening Date 17-Feb-2008	Docket No. 2009-0217-AIR-E	PCW				
Respondent Exxon Mobil Corporation		<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 37164		<small>PCW Revision October 30, 2008</small>				
Reg. Ent. Reference No. RN102212925						
Media [Statute] Air						
Enf. Coordinator John Muennink						
Violation Number <input type="text" value="2"/>						
Rule Cite(s)	30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b) and Flexible Permit No. 3452, Special Condition No. 1					
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 13,719.47 lbs of VOCs, including 5,825.36 lbs of hazardous air pollutants, from Feed Tank ZTK-05 during an avoidable emissions event (Incident No. 112334) that began August 8, 2008 and lasted 23 hours and six minutes. During the transfer from an old software system to a new software system, the alarm set points for the High Level alarm on the tank were altered. The alarms failed to go off, causing the tank to overflow, leading to unauthorized emissions. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.					
	Base Penalty	<input type="text" value="\$10,000"/>				
>> Environmental, Property and Human Health Matrix						
OR	Release	Harm				
		Major	Moderate	Minor		
	Actual	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>		
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="50%"/>	
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>	
Matrix Notes	Human health or the environment has been exposed to a significant amount of pollutants that do not exceed levels protective of human health or environmental receptors. The Harris-Galveston-Brazoria County non-attainment area has been exposed to 2.9 tons of hazardous air pollutants.					
	Adjustment	<input type="text" value="\$5,000"/>				
\$5,000						
Violation Events						
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="1"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>				
	weekly	<input type="text"/>				
	monthly	<input checked="" type="checkbox"/>				
	quarterly	<input type="text"/>				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
	single event	<input type="text"/>				
	Violation Base Penalty	<input type="text" value="\$5,000"/>				
One monthly event is recommended based on the August 8, 2008 date that the emissions event occurred.						
Good Faith Efforts to Comply						
	0.0% Reduction				\$0	
		Before NOV	NOV to EDRP/Settlement Offer			
	Extraordinary	<input type="text"/>	<input type="text"/>			
	Ordinary	<input type="text"/>	<input type="text"/>			
	N/A	<input checked="" type="checkbox"/>	(mark with x)			
Notes	The Respondent does not meet the good faith criteria for this violation.					
	Violation Subtotal	<input type="text" value="\$5,000"/>				
Economic Benefit (EB) for this violation						
	Estimated EB Amount	<input type="text" value="\$24"/>			Violation Final Penalty Total	<input type="text" value="\$17,450"/>
This violation Final Assessed Penalty (adjusted for limits)					<input type="text" value="\$10,000"/>	

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 37164
Reg. Ent. Reference No. RN102212925
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$500	8-Aug-2008	31-Jul-2009	0.98	\$24	n/a	\$24
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated expense to implement measures designed to ensure the proper operation of the High Level alarms on Feed Tank ZTK-05. The Date Required is the date of the emissions event. The Final Date is the estimated date that corrective actions will 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	\$500	TOTAL	\$24
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Compliance History Report

Customer/Respondent/Owner-Operator: CN600123939 Exxon Mobil Corporation Classification: AVERAGE Rating: 2.63
Regulated Entity: RN102212925 EXXON MOBIL CHEMICAL BAYTOWN Classification: AVERAGE Site Rating: 2.60
OLEFINS PLANT

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

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: February 11, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 11, 2004 to February 11, 2009

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

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

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |
| 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: 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 occurred 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 occurred 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. Specifically, 2,333.87 lbs of VOCs, including 1,791 lbs of 1-3 butadiene, were released from the Butadiene Unit during an avoidable emissions event that began October 6, 2006 and lasted 5 hours.

Effective Date: 11/17/2008

ADMINORDER 2008-0681-AIR-E

Classification: Moderate

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

Rqmt Prov: No. 3452, Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,572.45 pounds ("lbs") of carbon monoxide, 884.94 lbs of nitrogen oxide and 231.90 lbs of volatile organic compounds from the Olefins Plant during an avoidable emissions event that began December 16, 2007 and lasted 13 hours.

Classification: Moderate

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

Description: Failed to submit the initial notification for the emissions event that occurred December 16, 2007 within 24 hours of discovery

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

56	12/13/2004	(271258)
57	12/13/2004	(287868)
58	12/13/2004	(289555)
59	12/13/2004	(289556)
60	12/13/2004	(289563)
61	12/20/2004	(360125)
62	12/21/2004	(339334)
63	01/14/2005	(386366)
64	02/14/2005	(386364)
65	03/18/2005	(386365)
66	03/21/2005	(341471)
67	03/25/2005	(374513)
68	04/18/2005	(424253)
69	04/22/2005	(377892)
70	05/10/2005	(339150)
71	05/17/2005	(424254)
72	05/19/2005	(373581)
73	05/20/2005	(373582)
74	05/25/2005	(349417)
75	06/17/2005	(424255)
76	07/14/2005	(392795)
77	07/14/2005	(392796)
78	07/14/2005	(392797)
79	07/14/2005	(396285)
80	07/19/2005	(445026)
81	07/26/2005	(400606)
82	08/05/2005	(403334)
83	08/10/2005	(445027)
84	08/15/2005	(404700)
85	08/24/2005	(397056)
86	08/29/2005	(405282)
87	09/20/2005	(445028)
88	10/24/2005	(445029)
89	11/28/2005	(476046)
90	12/06/2005	(376780)
91	12/20/2005	(476047)
92	01/19/2006	(439145)
93	01/23/2006	(476048)
94	02/03/2006	(437332)
95	02/07/2006	(433592)
96	02/10/2006	(438263)
97	02/21/2006	(476045)
98	02/28/2006	(457054)
99	03/20/2006	(503241)
100	03/28/2006	(452535)
101	04/21/2006	(503242)
102	05/22/2006	(503243)
103	05/24/2006	(463814)
104	05/24/2006	(464433)
105	05/30/2006	(479910)
106	05/30/2006	(479920)
107	05/30/2006	(479928)
108	05/30/2006	(479932)
109	05/30/2006	(479940)
110	05/30/2006	(479945)
111	05/31/2006	(341397)
112	05/31/2006	(464208)
113	06/20/2006	(503244)
114	07/17/2006	(481459)

115	07/17/2006	(503245)
116	07/28/2006	(465223)
117	08/07/2006	(488663)
118	08/17/2006	(525611)
119	08/24/2006	(480881)
120	08/29/2006	(480887)
121	08/29/2006	(480895)
122	08/31/2006	(510492)
123	09/19/2006	(525612)
124	09/22/2006	(513668)
125	10/18/2006	(550249)
126	10/23/2006	(509809)
127	11/15/2006	(515850)
128	11/16/2006	(519233)
129	11/21/2006	(550250)
130	12/07/2006	(514158)
131	12/11/2006	(373579)
132	12/14/2006	(531122)
133	12/15/2006	(550251)
134	12/20/2006	(516286)
135	01/22/2007	(550252)
136	02/14/2007	(536779)
137	02/16/2007	(585541)
138	02/22/2007	(514944)
139	02/22/2007	(515162)
140	03/13/2007	(585542)
141	03/26/2007	(543744)
142	03/27/2007	(461893)
143	04/16/2007	(461341)
144	04/16/2007	(462392)
145	04/18/2007	(585543)
146	04/27/2007	(542037)
147	05/01/2007	(543836)
148	05/02/2007	(558005)
149	05/10/2007	(558255)
150	05/15/2007	(558509)
151	05/15/2007	(585544)
152	05/23/2007	(560720)
153	05/30/2007	(558671)
154	06/14/2007	(585545)
155	07/18/2007	(585546)
156	07/20/2007	(560856)
157	07/20/2007	(560875)
158	07/20/2007	(560879)
159	07/20/2007	(560887)
160	07/24/2007	(566555)
161	07/30/2007	(570076)
162	08/16/2007	(608536)
163	08/20/2007	(568625)
164	08/21/2007	(572965)
165	08/22/2007	(570798)
166	08/30/2007	(512669)
167	09/17/2007	(608537)
168	09/20/2007	(574110)
169	09/20/2007	(593382)
170	10/02/2007	(564017)
171	10/02/2007	(564077)
172	10/02/2007	(564092)
173	10/16/2007	(597921)

174 10/16/2007 (598051)
 175 10/16/2007 (623742)
 176 10/25/2007 (555099)
 177 11/16/2007 (623743)
 178 11/30/2007 (599111)
 179 12/03/2007 (599440)
 180 12/07/2007 (567958)
 181 12/20/2007 (612594)
 182 12/20/2007 (623744)
 183 01/22/2008 (674968)
 184 01/25/2008 (615804)
 185 01/25/2008 (615948)
 186 02/15/2008 (612736)
 187 02/19/2008 (674966)
 188 03/17/2008 (674967)
 189 03/18/2008 (613434)
 190 04/04/2008 (638133)
 191 04/15/2008 (693308)
 192 04/18/2008 (618510)
 193 05/08/2008 (653506)
 194 05/15/2008 (693309)
 195 05/16/2008 (640773)
 196 06/10/2008 (682221)
 197 06/16/2008 (693310)
 198 07/17/2008 (684567)
 199 07/21/2008 (686008)
 200 07/22/2008 (714552)
 201 07/25/2008 (686750)
 202 08/15/2008 (714553)
 203 08/21/2008 (636743)
 204 09/24/2008 (714554)
 205 10/30/2008 (699719)
 206 11/03/2008 (702159)
 207 11/10/2008 (702009)
 208 12/16/2008 (708040)
 209 12/18/2008 (708038)
 210 01/09/2009 (723177)
 211 01/30/2009 (723574)
 212 02/04/2009 (724659)

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)
 Flexible Permit No. 3452, S.C. No. 1 PERMIT
 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)
 TCEQ Permit #3452, Special Condition-1 PERMIT
 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)
 TCEQ Permit #3452, Special Condition 1 PERMIT
 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)
 No. 3452, Special Condition No. 1 PERMIT
 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)
 9910 and PSD-TX-731M3, SC 7B PERMIT
 O-1153, Special Condition 14 OP
 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)
 3452 and PSD-TX-302M2, SC 13A PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-1553, Special Condition 14 OP
 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)

O-1553, General Terms and Conditions OP

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)
No. 3452, Special Condition No. 1 PERMIT

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)
No. 3452, Special Condition No. 1 PERMIT

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)
No. 3452, Special Condition No. 1 PERMIT

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)
TCEQ Air Permit No. 3452, SC No. 1 PA

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)
No. 3452, Special Condition No. 1 PERMIT
No. 3452, Special Condition No. 9 PERMIT

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)
No. 3452, Special Condition No. 1 PERMIT

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)
No. 3452 PERMIT

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: No. 3452, Special Condition No. 1 PERMIT
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Exxon/Mobil Chemical Baytown Olefins Plant failed to prevent a methanator trip.

Date: 07/31/2007 (608536)

CN600123939

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)
Special Condition 1 PERMIT

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)
Special Condition 1 PERMIT

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)
OP O-01553, Special Condition 14 OP
Permit Nos. 3452 and PSD-TX-302M2, SC 17 PA

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)
OP O-01553, Special Condition 14 OP
Permit 3452 and PSD-TX-302M2, SC 9 PA

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)
Permit 3452 and PSD-TX-3032M2, SC 9 PA

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
ENFORCEMENT ACTION
CONCERNING
EXXON MOBIL CORPORATION
RN102212925

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0217-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical 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 February 4 and 9, 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 Eighteen Thousand Seven Hundred Twenty-Five Dollars (\$18,725) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Four Hundred Ninety Dollars (\$7,490) of the administrative penalty and Three Thousand Seven Hundred Forty-Five Dollars

(\$3,745) 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. Seven Thousand Four Hundred Ninety Dollars (\$7,490) 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 § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b) and Flexible Permit No. 3452, Special Condition No. 1, as documented during a record review conducted on December 23, 2008. Specifically, the Respondent released 2,120.81 pounds ("lbs") volatile organic compounds ("VOC"), 696.67 lbs of carbon monoxide and 97.9 lbs of nitrogen oxide from the Isoprene/Benzene/Naphthalene Unit during an avoidable emissions event (Incident No. 109491) that began June 15, 2008 and lasted 22 hours. A block valve on the UP-206 Pump was opened to vent vapors and alleviate cavitation in the pump at start-up. After venting, the valve was left open leading to the release of emissions. Since this emissions event could have been avoided by better operational practices, 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 § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b) and Flexible Permit No. 3452, Special Condition No. 1, as documented during a record review conducted on January 23, 2009. Specifically, the Respondent released 13,719.47 lbs of VOCs, including 5,825.36 lbs of hazardous air pollutants, from Feed Tank ZTK-05 during an avoidable emissions event (Incident No. 112334) that began August 8, 2008 and lasted 23 hours and six minutes. During the transfer from an old software

system to a new software system; the alarm set points for the High Level alarm on the tank were altered. The alarms failed to go off, causing the tank to overflow, leading to unauthorized emissions. Since this emissions event could have been avoided by better operational practices, 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. 2009-0217-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, Seven Thousand Four Hundred Ninety Dollars (\$7,490) 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:
 - i. Implement measures designed to ensure the proper operation of the block valve on the UP-206 Pump (Incident No. 109491); and
 - ii. Implement measures designed to ensure the proper operation of the High Level alarms on Feed Tank ZTK-05 (Incident No. 112334).
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a.

The certification shall be notarized by a State of Texas Notary Public and contain the following 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 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
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 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



For the Executive Director

8/3/2009
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.



Signature

5/14/09
Date

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: 2009-0217-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Exxon Mobil Corporation
Payable Penalty Amount: Fourteen Thousand Nine Hundred Eighty Dollars (\$14,980)
SEP Amount: Seven Thousand Four Hundred Ninety Dollars (\$7,490)
Type of SEP: Pre-approved
Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP: Texas Air Quality Control Region 216 – Houston-Galveston

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. 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:

Exxon Mobil Corporation
Agreed Order - Attachment A

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.

