

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2009-0986-AIR-E **TCEQ ID:** RN102212925 **CASE NO.:** 37858  
**RESPONDENT NAME:** Exxon Mobil 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> Exxon Mobil Chemical Baytown Olefins Plant, 3525 Decker Drive, Baytown, Harris County</p> <p><b>TYPE OF OPERATION:</b> Olefins 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 are three additional pending enforcement actions regarding this facility location, Docket Nos. 2008-0734-AIR-E, 2009-0388-AIR-E, and 2009-1524-AIR-E.</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 December 14, 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. Kirk Schoppe, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0489; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Jeffrey K. Kovacs, Environmental Coordinator, Exxon Mobil Corporation, 3525 Decker Drive, Baytown, Texas 77520  Mr. Michael Zamora, Plant Manager, Exxon Mobil Corporation, 3525 Decker Drive, Baytown, Texas 77520  <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> March 18, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 11, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions during an event that occurred on January 12, 2009. Specifically, the Respondent released 617 pounds ("lbs") of unauthorized volatile organic compounds emissions, 22 lbs of unauthorized carbon monoxide emissions, and 1 lb of nitrogen oxides from piping (Emission Point No. ("EPN") PN-5006) and the primary flare (EPN Flare 1) in the Butadiene Unit over a two hour and thirty minute period (Incident No. 118816). The event occurred when a pinhole leak resulted from external corrosion caused by cooling water drift on product transfer piping. Since the emissions event occurred due to the lack of good maintenance practices, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and New Source Review Flexible Permit No. 3452/PSD-TX-302M2, Special Condition 1].</p>	<p><b>Total Assessed:</b> \$7,800</p> <p><b>Total Deferred:</b> \$1,560  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$3,120</p> <p><b>Total Paid to General Revenue:</b> \$3,120</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>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that, by July 31, 2009, the Respondent implemented additional corrosion inspections at different angles and with a closer proximity along piping in the Butadiene Unit.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Attachment A  
Docket Number: 2009-0986-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Exxon Mobil Corporation</b>
<b>Payable Penalty Amount:</b>	<b>Six Thousand Two Hundred Forty Dollars (\$6,240)</b>
<b>SEP Amount:</b>	<b>Three Thousand One Hundred Twenty Dollars (\$3,120)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Barbers Hill Independent School District-Alternative Fueled Vehicle and Equipment Program</b>
<b>Location of SEP:</b>	<b>Harris County</b>

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 Barbers Hill Independent School District’s (“Barbers Hill ISD”) Alternative Fueled Vehicle and Equipment Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between Barbers Hill ISD and the Texas Commission on Environmental Quality*. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP Funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

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 air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.



C. Minimum Expenditure

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:

John Johnson  
Carl Griffith & Associates, Inc.  
2901 Turtle Creek Drive, Suite 101  
Port Arthur, Texas 77642

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.







Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	15-Jun-2009	Screening	25-Jun-2009	EPA Due	
	PCW	9-Sep-2009				

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

<b>CASE INFORMATION</b>			
Enf./Case ID No.	37858	No. of Violations	1
Docket No.	2009-0986-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kirk Schoppe
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$2,500</b>
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>	<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>	
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<b>Compliance History</b>	222.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$5,550</b>
Notes	The penalty was enhanced due to eighteen NOV's for similar violations, one NOV for non-similar violations, four 1660-style orders, and two Findings orders.		

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
Notes	The Respondent does not meet the culpability criteria.			

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$250</b>
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<b>Economic Benefit</b>	0.0% Enhancement	<b>Subtotal 6</b>	<b>\$0</b>
Total EB Amounts	\$41	<small>*Capped at the Total EB \$ Amount</small>	
Approx. Cost of Compliance	\$1,500		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$7,800</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			

Notes		<b>Final Penalty Amount</b>	<b>\$7,800</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$7,800</b>
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	<b>-\$1,560</b>
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			

Notes	Deferral offered for expedited settlement.
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<b>PAYABLE PENALTY</b>	<b>\$6,240</b>
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**Screening Date** 25-Jun-2009

**Docket No.** 2009-0986-AIR-E

**PCW**

**Respondent** Exxon Mobil Corporation

Policy Revision 2 (September 2002)

**Case ID No.** 37858

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN102212925

**Media [Statute]** Air

**Enf. Coordinator** Kirk Schoppe

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	18	90%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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)** 222%

>> **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 due to eighteen NOVs for similar violations, one NOV for non-similar violations, four 1660-style orders, and two Findings orders.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 222%

<b>Screening Date</b> 25-Jun-2009	<b>Docket No.</b> 2009-0986-AIR-E	<b>PCW</b>														
<b>Respondent</b> Exxon Mobil Corporation	<i>Policy Revision 2 (September 2002)</i>															
<b>Case ID No.</b> 37858	<i>PCW Revision October 30, 2008</i>															
<b>Reg. Ent. Reference No.</b> RN102212925																
<b>Media [Statute]</b> Air																
<b>Enf. Coordinator</b> Kirk Schoppe																
<b>Violation Number</b> <input type="text" value="1"/>																
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Tex. Health & Safety Code § 382.085(b), and New Source Review ("NSR") Flexible Permit No. 3452/PSD-TX-302M2, Special Condition 1															
<b>Violation Description</b>	Failed to prevent unauthorized emissions during an event that occurred on January 12, 2009, as documented during an investigation conducted on March 18, 2009. Specifically, the Respondent released 617 pounds ("lbs") of unauthorized volatile organic compounds emissions, 22 lbs of unauthorized carbon monoxide emissions, and 1 lb of nitrogen oxides from piping (Emission Point No. ("EPN") PN-5006) and the primary flare (EPN Flare 1) in the Butadiene Unit over a two hour and thirty minute period (Incident No. 118816). The event occurred when a pinhole leak resulted from external corrosion caused by cooling water drift on product transfer piping. Since the emissions event was avoidable due to lack of good maintenance practices, it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.															
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>														
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																
<b>OR</b>	<b>Harm</b>															
	Release    Major    Moderate    Minor															
Actual	<input type="text"/>	<input type="text" value="x"/>														
Potential	<input type="text"/>	<input type="text"/>														
	<b>Percent</b>	<input type="text" value="25%"/>														
<b>&gt;&gt; Programmatic Matrix</b>																
	Falsification    Major    Moderate    Minor															
	<input type="text"/>	<input type="text" value="0%"/>														
<b>Matrix Notes</b>	The emissions event resulted in the release of an insignificant amount of pollutants which did not exceed levels protective of human health and/or the environment.															
	<b>Adjustment</b>	<input type="text" value="\$7,500"/>														
		<b>\$2,500</b>														
<b>Violation Events</b>																
Number of Violation Events	<input type="text" value="1"/>	Number of violation days														
	<input type="text" value="1"/>															
<i>mark only one with an x</i>	<table style="width:100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">weekly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">monthly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">quarterly</td><td style="text-align: center;"><input checked="" type="text"/></td></tr> <tr><td style="padding: 2px;">semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">single event</td><td style="text-align: center;"><input type="text"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input checked="" type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	<b>Violation Base Penalty</b>
daily	<input type="text"/>															
weekly	<input type="text"/>															
monthly	<input type="text"/>															
quarterly	<input checked="" type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input type="text"/>															
		<input type="text" value="\$2,500"/>														
One quarterly event is recommended based on the two hour and thirty minute event.																
<b>Good Faith Efforts to Comply</b>																
	<b>10.0% Reduction</b>	<input type="text" value="\$250"/>														
	Before NOV    NOV to EDCRP/Settlement Offer															
Extraordinary	<input type="text"/>															
Ordinary	<input checked="" type="text"/>															
N/A	(mark with x)															
<b>Notes</b>	The Respondent returned to compliance by July 31, 2009 and the NOE is date June 11, 2009.															
	<b>Violation Subtotal</b>	<input type="text" value="\$2,250"/>														
<b>Economic Benefit (EB) for this violation</b>																
<b>Estimated EB Amount</b>	<input type="text" value="\$41"/>	<b>Statutory Limit Test</b>														
	<b>Violation Final Penalty Total</b>	<input type="text" value="\$7,800"/>														
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$7,800"/>														

## Economic Benefit Worksheet

**Respondent:** Exxon Mobil Corporation  
**Case ID No.:** 37858  
**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
<small>No commas or \$</small>							

**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	\$1,500	12-Jan-2009	31-Jul-2009	0.55	\$41	n/a	\$41
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 cost for additional oversight and management practices designed to ensure proper operation and maintenance practices are followed along product transfer piping. In addition, ensure the integrity of the product transfer piping to avoid leaks caused by external corrosion. Date Required is based on the date of the emissions event and the Final Date is the date of 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

\$1,500

TOTAL

\$41

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN601549660 Exxon Mobil Corporation	Classification: AVERAGE	Rating: 2.62
Regulated Entity:	RN102212925 EXXON MOBIL CHEMICAL BAYTOWN OLEFINS PLANT	Classification: AVERAGE	Site Rating: 3.73

ID Number(s):	Description	Type	ID Number
	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	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	87751
	AIR NEW SOURCE PERMITS	REGISTRATION	87598
	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: June 16, 2009  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: June 16, 2004 to June 16, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Kirk Schoppe Phone: 239 - 0489

### 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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator 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  
N/A  
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: 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	06/18/2004	(271703)
N/A	2	06/18/2004	(271704)
	3	06/30/2004	(271595)
	4	08/13/2004	(277844)
	5	08/16/2004	(277785)
	6	08/16/2004	(277845)
	7	08/31/2004	(278199)
	8	09/01/2004	(288665)
	9	09/01/2004	(288722)
	10	09/01/2004	(288748)
	11	09/03/2004	(279795)
	12	09/30/2004	(288587)
	13	10/31/2004	(289550)
	14	10/31/2004	(289551)
	15	11/08/2004	(339363)
	16	11/08/2004	(339632)
	17	11/08/2004	(339636)
	18	11/09/2004	(339460)
	19	11/29/2004	(339359)
	20	12/13/2004	(271258)
	21	12/21/2004	(339334)
	22	03/25/2005	(374513)
	23	04/22/2005	(377892)
	24	05/25/2005	(349417)
	25	07/14/2005	(392795)
	26	07/14/2005	(392796)
	27	07/14/2005	(392797)
	28	08/05/2005	(403334)
	29	08/24/2005	(397056)
	30	12/06/2005	(376780)
	31	01/19/2006	(439145)
	32	02/03/2006	(437332)
	33	02/07/2006	(433592)
	34	03/28/2006	(452535)
	35	05/24/2006	(463814)
	36	05/24/2006	(464433)
	37	05/30/2006	(479910)
	38	05/30/2006	(479920)
	39	05/30/2006	(479928)
	40	05/30/2006	(479932)
	41	05/30/2006	(479940)
	42	05/30/2006	(479945)
	43	05/31/2006	(341397)



44	07/17/2006	(481459)
45	07/28/2006	(465223)
46	08/24/2006	(480881)
47	08/29/2006	(480887)
48	08/29/2006	(480895)
49	08/31/2006	(510492)
50	09/22/2006	(513668)
51	10/23/2006	(509809)
52	11/15/2006	(515850)
53	11/16/2006	(519233)
54	12/07/2006	(514158)
55	12/14/2006	(531122)
56	12/20/2006	(516286)
57	02/14/2007	(536779)
58	02/22/2007	(514944)
59	02/22/2007	(515162)
60	03/26/2007	(543744)
61	03/27/2007	(461893)
62	04/16/2007	(461341)
63	04/16/2007	(462392)
64	04/27/2007	(542037)
65	05/01/2007	(543836)
66	05/02/2007	(558005)
67	05/15/2007	(558509)
68	05/30/2007	(558671)
69	07/20/2007	(560856)
70	07/20/2007	(560875)
71	07/20/2007	(560879)
72	07/20/2007	(560887)
73	07/24/2007	(566555)
74	07/30/2007	(570076)
75	08/20/2007	(568625)
76	08/21/2007	(572965)
77	08/22/2007	(570798)
78	09/20/2007	(574110)
79	09/20/2007	(593382)
80	10/02/2007	(564017)
81	10/02/2007	(564077)
82	10/02/2007	(564092)
83	10/16/2007	(597921)
84	10/16/2007	(598051)
85	10/25/2007	(555099)
86	11/30/2007	(599111)
87	12/03/2007	(599440)
88	12/07/2007	(567958)
89	12/20/2007	(612594)
90	01/25/2008	(615804)
91	01/25/2008	(615948)
92	03/18/2008	(613434)
93	04/04/2008	(638133)
94	04/18/2008	(618510)
95	05/08/2008	(653506)
96	05/16/2008	(640773)
97	06/10/2008	(682221)
98	07/17/2008	(684567)
99	07/21/2008	(686008)
100	07/25/2008	(686750)
101	10/30/2008	(699719)
102	11/03/2008	(702159)

103 11/10/2008 (702009)  
 104 12/16/2008 (708040)  
 105 12/18/2008 (708038)  
 106 01/30/2009 (723574)  
 107 02/04/2009 (724659)  
 108 02/16/2009 (558232)  
 109 02/16/2009 (709278)  
 110 02/16/2009 (709330)  
 111 02/26/2009 (724231)  
 112 02/26/2009 (724251)  
 113 02/26/2009 (724808)  
 114 04/02/2009 (725714)  
 115 04/02/2009 (725717)  
 116 04/02/2009 (735587)  
 117 04/10/2009 (739889)  
 118 04/23/2009 (743523)  
 119 04/24/2009 (725715)  
 120 04/24/2009 (735600)  
 121 04/28/2009 (737427)  
 122 04/28/2009 (737512)  
 123 05/11/2009 (739888)  
 124 05/14/2009 (742022)  
 125 06/08/2009 (747629)  
 126 06/09/2009 (746773)  
 127 06/11/2009 (741349)  
 128 06/12/2009 (746853)

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

Date: 02/06/2006 (437332)  
 N/A 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: 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: 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: 02/26/2009 (724251)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: The RE did not provide sufficient detailed information to demonstrate that the emissions event could not reasonably have been avoided.

Date: 04/02/2009 (735587)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: Failure to present an affirmative defense for the unauthorized emissions that resulted from the emissions event (Incident No. 117320). Specifically, failed to provide the cause(s) of the liquid entrainment into the Medium Pressure Vent, resulting in formation of a hydrate plug.

Date: 04/24/2009 (735600)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)  
5C THSC Chapter 382 382.085(b)  
Description: The RE failed to prevent the excessive opacity levels in the flue gas from Cracking Furnace DF-01 when a tube in the confection section experienced creep failure.

Date: 04/28/2009 (737427)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions during an emissions event. Exxon BOP failed to prevent the feed surge to the depropanizer.

Date: 05/14/2009 (742022)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: Exxon Mobil failed to depressure the Import/Export Pipeline to a recovery device

and depressured it to the flare.

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. 2009-0986-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

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

1. The Respondent owns and operates an olefins 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 June 16, 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 Seven Thousand Eight Hundred Dollars (\$7,800) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand One Hundred Twenty Dollars (\$3,120) of the administrative penalty and One Thousand Five Hundred Sixty Dollars (\$1,560) 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 One Hundred Twenty Dollars (\$3,120) 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 recognizes that, by July 31, 2009, the Respondent implemented additional corrosion inspections at different angles and with a closer proximity along piping in the Butadiene Unit.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions during an event that occurred on January 12, 2009, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Flexible Permit No. 3452/PSD-TX-302M2, Special Condition 1, as documented during an investigation conducted on March 18, 2009. Specifically, the Respondent released 617 pounds ("lbs") of unauthorized volatile organic compounds emissions, 22 lbs of unauthorized carbon monoxide emissions, and 1 lb of nitrogen oxides from piping (Emission Point No. ("EPN") PN-5006) and the primary flare (EPN Flare 1) in the Butadiene Unit over a two hour and thirty minute period (Incident No. 118816). The event occurred when a pinhole leak resulted from external corrosion caused by cooling water drift on product transfer piping. Since the emissions event occurred due to the lack of good maintenance practices, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.



### 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. 2009-0986-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 One Hundred Twenty Dollars (\$3,120) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John Szalini  
For the Executive Director

\_\_\_\_\_  
Date 11/13/2009

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

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

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

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

Michael P. Zamora  
Signature

9/28/09  
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: 2009-0986-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Exxon Mobil Corporation

**Payable Penalty Amount:** Six Thousand Two Hundred Forty Dollars (\$6,240)

**SEP Amount:** Three Thousand One Hundred Twenty Dollars (\$3,120)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Barbers Hill Independent School District-Alternative Fueled Vehicle and Equipment Program

**Location of SEP:** Harris County

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

**1. Project Description**

A. Project

The Respondent will contribute to Barbers Hill Independent School District's ("Barbers Hill ISD") Alternative Fueled Vehicle and Equipment Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between Barbers Hill ISD and the Texas Commission on Environmental Quality*. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP Funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

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 air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

C. Minimum Expenditure

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:

John Johnson  
Carl Griffith & Associates, Inc.  
2901 Turtle Creek Drive, Suite 101  
Port Arthur, Texas 77642

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

