

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-0671-AIR-E **TCEQ ID:** RN100542844 **CASE NO.:** 39580
RESPONDENT NAME: ExxonMobil Oil 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: Mobil Chemical Beaumont Chemical Plant BMCP, 2775 Gulf States Road, Beaumont, Jefferson 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 is no record of additional pending enforcement actions regarding this facility location.</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 October 18, 2010. 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. Raymond Marlow, P.G., Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8785; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. John Townsend, Plant Manager, ExxonMobil Oil Corporation, P.O. Box 3868, Beaumont, Texas 77704 Mr. Robert W. Tully, Site Manager, ExxonMobil Oil Corporation, P.O. Box 3868, Beaumont, Texas 77704 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 25, 2010</p> <p>Date of NOV/NOE Relating to this Case: April 22, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failed to demonstrate 98.5% control of volatile organic compounds ("VOCs"). Specifically, during the stack test conducted on December 17, 2009, it was determined that the VOC control removal for Train B, Emission Point Number ("EPN") 537, was 97.74% [Air Permit No. 1295, Special Condition IV-6-A, Federal Operating Permit O-02292, Special Terms and Conditions 10 and General Terms and Conditions, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$19,200</p> <p>Total Deferred: \$3,840 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$7,680</p> <p>Total Paid to General Revenue: \$7,680</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Site 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. By December 31, 2010, replace the catalyst in Train B, EPN 537, of the Emission Reduction System and make any other repairs necessary to demonstrate 98.5% control of VOCs;</p> <p>b. Within 180 days following the catalyst replacement and any repairs made in accordance with Ordering Provision No. 2.a., perform stack sampling; and</p> <p>c. Within 60 days after completion of the stack sampling conducted in accordance with Ordering Provision No. 2.b., submit written certification including detailed supporting documentation such as photographs, receipts, and/or records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b.</p>

Additional ID No(s): JE0062S

Attachment A

Docket Number: 2010-0671-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ExxonMobil Oil Corporation

Penalty Amount: Fifteen Thousand Three Hundred Sixty Dollars
(\$15,360)

SEP Offset Amount: Seven Thousand Six Hundred Eighty Dollars
(\$7,680)

Type of SEP: Pre-Approved

Third-Party Recipient: Texas Air Quality Research Center at Lamar
University – *Flare Speciation and Air Quality
Modeling*

Location of SEP: Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to ***Texas Air Quality Research Center at Lamar University*** for the ***Flare Speciation and Air Quality Modeling*** project to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used for advanced modeling and simulations to identify the VOC species generated and emitted from industrial flares at chemical process facilities under various operating conditions and environmental conditions as well as determine the Combustion Efficiency (CE) and Destruction and Removal Efficiency (DRE). All monies contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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



B. Environmental Benefit

A flare operating under its designed conditions and in compliance with 40 C.F.R. § 60.18 is assumed to achieve a 98% DRE for Volatile Organic Compound (VOC) emissions, i.e. 98% of VOC emissions are assumed to be completely destroyed in the flaring process; however, basic combustion chemistry demonstrates the possibility that intermediate VOC species are formed during the combustion process, and these speciated VOC emissions are not accounted for in the DRE. This SEP will provide a discernible environmental benefit by providing better quantification of actual emissions from flaring operations and provide TCEQ with a more accurate emissions inventory, which may be utilized in SIP documentation. This information is expected to assist in identifying and developing strategies to reduce emissions from industrial sources.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP offset 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 offset amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Texas Air Research Center
Lamar University
Attention: George Talbert, Director
P.O. Box 10613
Beaumont, Texas 77710

3. Records and Reporting

Concurrent with the payment of the SEP offset amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset 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 Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset 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 offset amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned PCW	26-Apr-2010	Screening	28-Apr-2010	EPA Due	21-Jan-2011
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RESPONDENT/FACILITY INFORMATION	
Respondent	ExxonMobil Oil Corporation
Reg. Ent. Ref. No.	RN100542844
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	39580	No. of Violations	1
Docket No.	2010-0671-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Raymond Marlow, P.G.
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit	Minimum: 50	Maximum:	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

Economic Benefit Enhancement* **Subtotal 6**

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 28-Apr-2010

Docket No. 2010-0671-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 2 (September 2002)

Case ID No. 39580

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100542844

Media [Statute] Air

Enf. Coordinator Raymond Marlow, P.G.

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)	5	25%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	11	220%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an Intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
<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) 284%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes Penalty enhancement due to five NOVs with same or similar violations, nine NOVs with dissimilar violations, one Findings Orders and 11 Agreed Orders with a denial of liability. Penalty reduction due to two letters of intended audits and one disclosure of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 284%

Screening Date 28-Apr-2010

Docket No. 2010-0671-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 2 (September 2002)

Case ID No. 39560

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100542844

Media [Statute] Air

Enf. Coordinator Raymond Marlow, P.G.

Violation Number 1

Rule Cite(s)

Air Permit No. 1295, Special Condition IV-6-A and Federal Operating Permit O-02292, Special Terms and Conditions 10 and General Terms and Conditions, 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to demonstrate 98.5% control of volatile organic compounds ("VOC"). Specifically, during the stack test conducted on December 17, 2009, it was determined that the VOC control removal for Train B, Emission Point Number ("EPN") 537, was 97.74%.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 Number of violation days 132

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

Two quarterly events are recommended based on the date of the December 17, 2009 non-compliant stack test to the April 28, 2010 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,680

Violation Final Penalty Total \$19,200

This violation Final Assessed Penalty (adjusted for limits) \$19,200

Economic Benefit Worksheet

Respondent ExxonMobil Oil Corporation
Case ID No. 39580
Reg. Ent. Reference No. RN100542844
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	\$35,000	17-Dec-2009	29-Jun-2011	1.53	\$2,680	n/a	\$2,680
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 demonstrate compliance for Train B (EPN 537). Date Required is the date of the non-compliant stack test. Final Date is the date that corrective action is estimated to be completed.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$35,000	TOTAL	\$2,680
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Compliance History Report

Customer/Respondent/Owner-Operator:	CN600920748 ExxonMobil Oil Corporation	Classification: AVERAGE	Rating: 3.30
Regulated Entity:	RN100542844 MOBIL CHEMICAL BEAUMONT CHEMICAL PLANT BMCP	Classification: AVERAGE	Site Rating: 4.12

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0062S
	AIR OPERATING PERMITS	PERMIT	1173
	AIR OPERATING PERMITS	PERMIT	2201
	AIR OPERATING PERMITS	PERMIT	1354
	AIR OPERATING PERMITS	PERMIT	2292
	AIR OPERATING PERMITS	PERMIT	2293
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0064O
	AIR OPERATING PERMITS	PERMIT	1354
	AIR OPERATING PERMITS	PERMIT	2292
	AIR OPERATING PERMITS	PERMIT	2293
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230089
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30047
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000449694
	WASTEWATER	PERMIT	WQ0002029000
	WASTEWATER	PERMIT	TX0068934
	WASTEWATER	PERMIT	WQ0000462000
	WASTEWATER	PERMIT	TPDES0004227
	WASTEWATER	PERMIT	TX0004227
	AIR NEW SOURCE PERMITS	AFS NUM	4824500009
	AIR NEW SOURCE PERMITS	REGISTRATION	92221
	AIR NEW SOURCE PERMITS	REGISTRATION	91572
	AIR NEW SOURCE PERMITS	PERMIT	7799
	AIR NEW SOURCE PERMITS	REGISTRATION	10248
	AIR NEW SOURCE PERMITS	REGISTRATION	10249
	AIR NEW SOURCE PERMITS	REGISTRATION	10575
	AIR NEW SOURCE PERMITS	REGISTRATION	10728
	AIR NEW SOURCE PERMITS	PERMIT	11238
	AIR NEW SOURCE PERMITS	PERMIT	11791
	AIR NEW SOURCE PERMITS	REGISTRATION	13942
	AIR NEW SOURCE PERMITS	REGISTRATION	14021
	AIR NEW SOURCE PERMITS	REGISTRATION	15160
	AIR NEW SOURCE PERMITS	PERMIT	18838
	AIR NEW SOURCE PERMITS	REGISTRATION	41728
	AIR NEW SOURCE PERMITS	REGISTRATION	44969

AIR NEW SOURCE PERMITS	REGISTRATION	44976
AIR NEW SOURCE PERMITS	REGISTRATION	44975
AIR NEW SOURCE PERMITS	REGISTRATION	44973
AIR NEW SOURCE PERMITS	REGISTRATION	44971
AIR NEW SOURCE PERMITS	REGISTRATION	48054
AIR NEW SOURCE PERMITS	REGISTRATION	48163
AIR NEW SOURCE PERMITS	REGISTRATION	50210
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0062S
AIR NEW SOURCE PERMITS	PERMIT	1295
AIR NEW SOURCE PERMITS	REGISTRATION	10194
AIR NEW SOURCE PERMITS	REGISTRATION	10242
AIR NEW SOURCE PERMITS	REGISTRATION	11641
AIR NEW SOURCE PERMITS	REGISTRATION	11642
AIR NEW SOURCE PERMITS	REGISTRATION	11983
AIR NEW SOURCE PERMITS	REGISTRATION	12105
AIR NEW SOURCE PERMITS	REGISTRATION	12362
AIR NEW SOURCE PERMITS	REGISTRATION	12575
AIR NEW SOURCE PERMITS	REGISTRATION	13789
AIR NEW SOURCE PERMITS	REGISTRATION	14492
AIR NEW SOURCE PERMITS	PERMIT	19366
AIR NEW SOURCE PERMITS	PERMIT	19950
AIR NEW SOURCE PERMITS	REGISTRATION	23327
AIR NEW SOURCE PERMITS	REGISTRATION	24243
AIR NEW SOURCE PERMITS	REGISTRATION	24975
AIR NEW SOURCE PERMITS	REGISTRATION	26126
AIR NEW SOURCE PERMITS	REGISTRATION	26152
AIR NEW SOURCE PERMITS	REGISTRATION	24857
AIR NEW SOURCE PERMITS	REGISTRATION	32200
AIR NEW SOURCE PERMITS	REGISTRATION	32614
AIR NEW SOURCE PERMITS	REGISTRATION	32865
AIR NEW SOURCE PERMITS	REGISTRATION	34347
AIR NEW SOURCE PERMITS	REGISTRATION	34780
AIR NEW SOURCE PERMITS	REGISTRATION	34427
AIR NEW SOURCE PERMITS	REGISTRATION	37362
AIR NEW SOURCE PERMITS	REGISTRATION	40289
AIR NEW SOURCE PERMITS	REGISTRATION	41445
AIR NEW SOURCE PERMITS	REGISTRATION	42983
AIR NEW SOURCE PERMITS	REGISTRATION	43123

AIR NEW SOURCE PERMITS	REGISTRATION	41935
AIR NEW SOURCE PERMITS	REGISTRATION	44863
AIR NEW SOURCE PERMITS	REGISTRATION	44991
AIR NEW SOURCE PERMITS	REGISTRATION	44990
AIR NEW SOURCE PERMITS	REGISTRATION	46421
AIR NEW SOURCE PERMITS	PERMIT	46852
AIR NEW SOURCE PERMITS	REGISTRATION	72115
AIR NEW SOURCE PERMITS	REGISTRATION	53384
AIR NEW SOURCE PERMITS	REGISTRATION	55190
AIR NEW SOURCE PERMITS	REGISTRATION	83294
AIR NEW SOURCE PERMITS	REGISTRATION	76364
AIR NEW SOURCE PERMITS	REGISTRATION	76365
AIR NEW SOURCE PERMITS	REGISTRATION	75511
AIR NEW SOURCE PERMITS	REGISTRATION	76058
AIR NEW SOURCE PERMITS	AFS NUM	4824500087
AIR NEW SOURCE PERMITS	PERMIT	56360
AIR NEW SOURCE PERMITS	REGISTRATION	71524
AIR NEW SOURCE PERMITS	REGISTRATION	71675
AIR NEW SOURCE PERMITS	REGISTRATION	71387
AIR NEW SOURCE PERMITS	REGISTRATION	71388
AIR NEW SOURCE PERMITS	REGISTRATION	50767
AIR NEW SOURCE PERMITS	REGISTRATION	54743
AIR NEW SOURCE PERMITS	REGISTRATION	73014
AIR NEW SOURCE PERMITS	REGISTRATION	72706
AIR NEW SOURCE PERMITS	REGISTRATION	72936
AIR NEW SOURCE PERMITS	REGISTRATION	73733
AIR NEW SOURCE PERMITS	REGISTRATION	72767
AIR NEW SOURCE PERMITS	REGISTRATION	74662
AIR NEW SOURCE PERMITS	REGISTRATION	75162
AIR NEW SOURCE PERMITS	REGISTRATION	75328
AIR NEW SOURCE PERMITS	REGISTRATION	75304
AIR NEW SOURCE PERMITS	REGISTRATION	76710
AIR NEW SOURCE PERMITS	REGISTRATION	76456
AIR NEW SOURCE PERMITS	REGISTRATION	77711
AIR NEW SOURCE PERMITS	REGISTRATION	89622
AIR NEW SOURCE PERMITS	REGISTRATION	78058
AIR NEW SOURCE PERMITS	REGISTRATION	78903
AIR NEW SOURCE PERMITS	REGISTRATION	78554

AIR NEW SOURCE PERMITS	REGISTRATION	78861
AIR NEW SOURCE PERMITS	REGISTRATION	78170
AIR NEW SOURCE PERMITS	REGISTRATION	78284
AIR NEW SOURCE PERMITS	REGISTRATION	83702
AIR NEW SOURCE PERMITS	REGISTRATION	79796
AIR NEW SOURCE PERMITS	REGISTRATION	79510
AIR NEW SOURCE PERMITS	REGISTRATION	80418
AIR NEW SOURCE PERMITS	REGISTRATION	79874
AIR NEW SOURCE PERMITS	REGISTRATION	80937
AIR NEW SOURCE PERMITS	REGISTRATION	80540
AIR NEW SOURCE PERMITS	REGISTRATION	80827
AIR NEW SOURCE PERMITS	REGISTRATION	81318
AIR NEW SOURCE PERMITS	REGISTRATION	81813
AIR NEW SOURCE PERMITS	REGISTRATION	81905
AIR NEW SOURCE PERMITS	REGISTRATION	81541
AIR NEW SOURCE PERMITS	REGISTRATION	82391
AIR NEW SOURCE PERMITS	REGISTRATION	84011
AIR NEW SOURCE PERMITS	REGISTRATION	87842
AIR NEW SOURCE PERMITS	REGISTRATION	86181
AIR NEW SOURCE PERMITS	REGISTRATION	84807
AIR NEW SOURCE PERMITS	REGISTRATION	88053
AIR NEW SOURCE PERMITS	REGISTRATION	91358
AIR NEW SOURCE PERMITS	REGISTRATION	91320
AIR NEW SOURCE PERMITS	REGISTRATION	87749
AIR NEW SOURCE PERMITS	REGISTRATION	87572
AIR NEW SOURCE PERMITS	REGISTRATION	86629
AIR NEW SOURCE PERMITS	REGISTRATION	84781
AIR NEW SOURCE PERMITS	REGISTRATION	88072
AIR NEW SOURCE PERMITS	REGISTRATION	84611
AIR NEW SOURCE PERMITS	REGISTRATION	87570
AIR NEW SOURCE PERMITS	REGISTRATION	86103
AIR NEW SOURCE PERMITS	REGISTRATION	84001
AIR NEW SOURCE PERMITS	EPA ID	PAL15
AIR NEW SOURCE PERMITS	REGISTRATION	82725
AIR NEW SOURCE PERMITS	REGISTRATION	87214
AIR NEW SOURCE PERMITS	REGISTRATION	88017
AIR NEW SOURCE PERMITS	REGISTRATION	84535
AIR NEW SOURCE PERMITS	REGISTRATION	84067
AIR NEW SOURCE PERMITS	REGISTRATION	84315

AIR NEW SOURCE PERMITS	REGISTRATION	82468
AIR NEW SOURCE PERMITS	REGISTRATION	88670
AIR NEW SOURCE PERMITS	REGISTRATION	87219
AIR NEW SOURCE PERMITS	REGISTRATION	85875
AIR NEW SOURCE PERMITS	REGISTRATION	86098
AIR NEW SOURCE PERMITS	REGISTRATION	88356
AIR NEW SOURCE PERMITS	REGISTRATION	90584
AIR NEW SOURCE PERMITS	REGISTRATION	88031
AIR NEW SOURCE PERMITS	REGISTRATION	90458
WATER LICENSING	LICENSE	1230089
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30047
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0062S

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

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: April 26, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 26, 2005 to April 26, 2010

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

Name: Raymond Marlow, P.G. Phone: 409-899-8785

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: 9/1/2009 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: 06/26/2006 ADMINORDER 2006-0007-AIR-E

Classification: Moderate

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

Rqmt Prov: 1 PERMIT

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

Effective Date: 07/14/2006 ADMINORDER 2005-1903-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 7799, Special Condition 1 PERMIT
Description: Failed to comply with permitted and visible emissions limits.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to submit a timely emission event report.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failed to comply with permitted emissions limits.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failed to comply with permitted emissions limits.

Effective Date: 08/28/2006

ADMINORDER 2006-0132-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 7799 PERMIT
Description: Failed to maintain an emission rate below the allowable emission limits specified in Air NSR Permit No. 7799/PSD-TX-860
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to submit a copy of the final record for a reportable emissions event which occurred on November 14, 2005 no later than two weeks after the end of the emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to maintain an emission rate below the allowable emission limits specified in Air NSR Permit No. 7799/PSD-TX-860.

Effective Date: 05/25/2007

ADMINORDER 2006-1743-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 7799 PERMIT
Description: Failure to comply with emissions limits as found in the Maximum Allowable Emissions Rate Table (MAERT) of TCEQ Permit 7799.

Effective Date: 06/29/2007

ADMINORDER 2006-1703-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to comply with the High Pressure Flare maximum allowable emission rates for volatile

organic compounds, carbon monoxide, and nitric oxides on April 9, 2006 due to an emissions event at the USC I Unit.

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

Classification: Moderate

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

Rqmt Prov: 7799, PSD-TX-860, Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

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

Classification: Moderate

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

Rqmt Prov: 7799 Special Condition 1 PERMIT

FOP O-01173 General Terms and Conditions OP

FOP O-01173 Special Condition 20 OP

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

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

Classification: Moderate

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

Rqmt Prov: Effluent Limits PERMIT

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

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

Classification: Moderate

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

Rqmt Prov: 7799/PSD-TX-860, Special Condition 1 PERMIT

Description: Failing to prevent the unauthorized emission of air contaminants.

Classification: Moderate

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

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

Description: Failing to prevent the unauthorized emission of air contaminants.

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: 7799/PSD-TX-860, Special Condition 1 PERMIT

Description: Failing to prevent the unauthorized emission of an air contaminant.

Effective Date: 12/04/2008

ADMINORDER 2008-0781-AIR-E

Classification: Moderate

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

Rqmt Prov: 7799 and PSD-TX-860, Special Condition 1 PERMIT

Description: Failure to comply with the Maximum Allowable Emission Rate Table emissions limits during an emissions event.

Effective Date: 03/12/2009

ADMINORDER 2008-1231-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 7799 and PSD-TX-860, Special Condition 1 PERMIT
O-01173, General Terms and Conditions OP
O-01173, Special Condition 20 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,797.33 pounds ("lbs") of volatile organic compounds ("VOC") from the Low Pressure Flare and 2,423.18 lbs of VOCs from the Ethylene Unit, due to the failure of a contractor to properly set and test the Current Transformer ratio for breaker GB3555, during an avoidable emissions event that began May 14, 2008 and lasted 115 hours and 19 minutes.

Effective Date: 08/31/2009

ADMINORDER 2009-0314-AIR-E

Classification: Minor

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

Rqmt Prov: 18838 and PSD-TX-843 Special Condition 1 PERMIT
Special Conditions 1 and 22 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during an emissions event on August 22, 2008, improper disconnection procedures occurred during unloading operations at the Plant's Aromatics Wharf, resulting in an estimated 619 pounds of toluene emissions over a ten minute period.

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	05/16/2005	(419604)
2	05/17/2005	(379171)
3	05/17/2005	(379173)
4	05/18/2005	(376394)
5	05/18/2005	(376397)
6	05/20/2005	(377601)
7	05/20/2005	(378697)
8	06/07/2005	(393622)
9	06/15/2005	(343658)
10	07/05/2005	(395523)
11	07/21/2005	(440745)
12	08/08/2005	(399209)
13	08/22/2005	(440746)
14	09/06/2005	(440747)

15	09/19/2005	(431106)
16	10/21/2005	(468278)
17	11/28/2005	(468279)
18	12/16/2005	(468280)
19	12/22/2005	(440335)
20	01/12/2006	(468281)
21	01/19/2006	(450582)
22	01/27/2006	(438784)
23	01/27/2006	(452740)
24	02/21/2006	(468276)
25	03/20/2006	(468277)
26	04/13/2006	(458301)
27	04/18/2006	(458326)
28	04/21/2006	(461141)
29	04/21/2006	(461550)
30	04/24/2006	(498092)
31	04/28/2006	(458040)
32	05/01/2006	(460605)
33	05/03/2006	(461386)
34	05/11/2006	(465117)
35	05/22/2006	(498093)
36	06/09/2006	(464823)
37	06/22/2006	(498094)
38	06/22/2006	(498095)
39	07/17/2006	(520112)
40	07/26/2006	(484018)
41	07/26/2006	(484019)
42	07/27/2006	(483687)
43	07/28/2006	(484021)
44	08/10/2006	(497294)
45	08/18/2006	(509390)
46	08/21/2006	(520113)
47	09/11/2006	(489225)
48	09/21/2006	(489166)
49	09/22/2006	(511416)
50	10/24/2006	(544371)
51	11/14/2006	(515867)
52	11/15/2006	(544372)
53	11/18/2006	(515852)
54	11/27/2006	(531085)
55	11/30/2006	(519280)
56	11/30/2006	(519476)
57	12/11/2006	(533458)
58	12/11/2006	(601550)
59	12/12/2006	(515914)
60	01/19/2007	(513430)
61	01/19/2007	(532314)
62	01/22/2007	(575113)
63	02/14/2007	(535407)
64	02/14/2007	(535431)
65	02/14/2007	(537204)
66	02/27/2007	(575107)
67	02/28/2007	(539164)
68	03/19/2007	(575108)
69	03/21/2007	(543226)
70	03/30/2007	(538598)
71	03/30/2007	(538639)
72	04/24/2007	(575109)
73	04/24/2007	(575112)

74	05/04/2007	(543280)
75	05/21/2007	(575110)
76	06/19/2007	(556679)
77	06/22/2007	(575111)
78	07/06/2007	(563442)
79	07/06/2007	(564834)
80	07/20/2007	(601548)
81	07/24/2007	(564898)
82	08/06/2007	(571035)
83	08/06/2007	(571036)
84	08/16/2007	(570339)
85	08/20/2007	(570721)
86	08/22/2007	(601549)
87	08/29/2007	(571493)
88	10/15/2007	(573833)
89	10/15/2007	(573835)
90	10/15/2007	(573836)
91	10/15/2007	(573862)
92	10/17/2007	(619454)
93	10/17/2007	(619455)
94	10/24/2007	(573702)
95	11/01/2007	(593551)
96	11/06/2007	(598961)
97	11/12/2007	(598319)
98	11/15/2007	(619456)
99	11/20/2007	(596165)
100	11/20/2007	(596220)
101	11/20/2007	(596223)
102	11/26/2007	(596817)
103	12/27/2007	(600710)
104	01/09/2008	(671966)
105	01/14/2008	(611160)
106	01/23/2008	(671965)
107	01/23/2008	(671967)
108	01/30/2008	(616600)
109	02/20/2008	(671963)
110	02/25/2008	(636532)
111	02/26/2008	(671964)
112	02/27/2008	(637150)
113	02/29/2008	(614580)
114	02/29/2008	(614800)
115	02/29/2008	(618536)
116	04/08/2008	(641496)
117	04/09/2008	(641396)
118	04/24/2008	(641272)
119	04/29/2008	(639047)
120	04/29/2008	(639051)
121	04/29/2008	(639053)
122	04/29/2008	(639054)
123	04/29/2008	(639063)
124	05/05/2008	(637371)
125	05/08/2008	(654390)
126	05/14/2008	(646375)
127	05/21/2008	(639976)
128	05/22/2008	(689883)
129	05/30/2008	(680544)
130	06/30/2008	(710658)
131	07/08/2008	(685566)
132	07/10/2008	(679904)

133	07/17/2008	(679912)
134	07/18/2008	(710659)
135	07/30/2008	(684455)
136	07/30/2008	(684462)
137	07/31/2008	(684037)
138	07/31/2008	(684459)
139	08/20/2008	(710660)
140	08/25/2008	(685145)
141	08/27/2008	(700966)
142	09/04/2008	(689152)
143	10/08/2008	(699998)
144	10/29/2008	(710661)
145	11/24/2008	(727427)
146	11/24/2008	(727428)
147	12/19/2008	(727429)
148	01/26/2009	(750187)
149	02/03/2009	(723099)
150	02/03/2009	(723109)
151	02/03/2009	(723183)
152	02/03/2009	(723186)
153	02/17/2009	(750185)
154	02/18/2009	(722915)
155	02/23/2009	(735783)
156	02/23/2009	(735787)
157	02/27/2009	(707353)
158	03/23/2009	(750186)
159	04/15/2009	(737172)
160	05/14/2009	(743500)
161	05/22/2009	(768296)
162	06/03/2009	(743535)
163	06/04/2009	(745987)
164	06/19/2009	(745946)
165	06/19/2009	(745949)
166	06/19/2009	(745951)
167	07/08/2009	(747777)
168	07/08/2009	(747783)
169	07/08/2009	(747790)
170	07/16/2009	(749872)
171	07/20/2009	(762824)
172	08/28/2009	(760791)
173	09/10/2009	(763138)
174	09/28/2009	(777636)
175	10/26/2009	(780014)
176	11/05/2009	(778327)
177	11/18/2009	(782004)
178	12/17/2009	(784608)
179	12/17/2009	(784609)
180	12/17/2009	(784610)
181	12/23/2009	(784451)
182	01/27/2010	(783108)
183	01/27/2010	(785498)
184	01/27/2010	(785535)
185	02/19/2010	(789706)
186	03/22/2010	(794770)
187	04/21/2010	(794614)
188	04/21/2010	(799036)
189	04/21/2010	(799039)
190	04/21/2010	(799044)

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

Date: 05/18/2005 (376394)
Self Report? NO **Classification:** Moderate
Citation: 1295, Special Conditions I-1 and IV-5 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to maintain the MAERT and concentration emission limit for ammonia (NH3) at the ERU Train B Stack (EPN 537).

Date: 09/30/2006 (544371)
Self Report? YES **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

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

Date: 04/02/2007 (538639)
Self Report? NO **Classification:** Minor
Citation: 1295 Special Condition II-7 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP 2292 SC 10 OP
Description: Failure to properly operate and maintain the Abator oxygen analyzer.

Self Report? NO **Classification:** Minor
Citation: 1295 Special Condition IV-5 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP 2292 Special Condition 10 OP

Description: Failure to maintain the NOx concentration above 175 parts per million as required.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02292 Special Condition 17A OP
FOP O-02293 Special Condition 18A OP

Description: Failure to comply with the FOP condition to comply with the Stratospheric Ozone Requirements as required by 40 CFR 82.156.

Self Report? NO **Classification:** Moderate
Citation: 19950 Special Condition 10(A) PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP 2293 Special Condition 10 OP

Description: Failure to perform daily audible, visual, and olfactory observations in the Boron Trifluoride area.

Self Report? NO **Classification:** Moderate
Citation: 19366 Special Condition 7(B) PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP 1354 Special Condition 11 OP

Description: Failure to calibrate the fugitive emissions monitor in accordance with the manufacturer's recommendations.

Date: 04/30/2007 (575110)
Self Report? YES **Classification:** Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/30/2007 (534674)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to comply with TCEQ Permit No. 18897, General Conditions, which is in violation of 30 TAC §116.715(c)(9). Specifically, Western failed to identify all emission points involved in the emissions event, as required by 30 TAC §101.201(b)(1).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to comply with TCEQ Permit No. 18897, General Conditions, which is in violation of 30 TAC §116.715(c)(9). Specifically, Western failed to provide the compound descriptive type of all individually listed compounds or mixtures of air contaminants from all emission points involved in the emissions event, as required by 30 TAC §101.201(b)(1)(G).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)

Description: 5C THC Chapter 382, SubChapter D 382.085(b)
Failure to comply with TCEQ Permit No. 18897, Special Condition No.1, which is in violation of 30 TAC §116.715(c)(7). Specifically, Western exceeded the Sulfur Dioxide (SO2) emission limit of 227 pounds per hour (lbs/hr).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Description: Failure to comply with Federal Operating Permit No.O-01264, Special Condition No.19. Specifically, Western failed to meet the conditions of TCEQ Permit No.18897, as required by 30 TAC §122.143(4).

Date: 08/17/2007 (570339)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01173 General Terms and Conditions OP
FOP O-02201 General Terms and Conditions OP

Description: Failure to submit the semi-annual deviation reports within 30 days of the reporting period for FOPs O-02201 and O-01173.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart H 63.167
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02201 General Terms and Conditions OP
FOP O-02201 Special Condition 1A OP
FOP O-02201 Special Condition 26 OP
Permit 18838 Special Condition 14E PERMIT
Permit 18838 Special Condition 6 PERMIT

Description: Failure to replace two plugs on open ended lines in VOC service.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart H 63.181(a)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02201 Special Condition 1A OP
FOP O-02201 Special Condition 26 OP
Permit 18838 Special Condition 6 PERMIT

Description: Failure to properly document criteria to determine leaks from dual sealed pumps

based on design or operational experience.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart H 63.168
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01173 Special Condition 1A OP
FOP O-01173 Special Condition 20 OP
FOP O-02201 Special Condition 1A OP
FOP O-02201 Special Condition 28 OP
Permit 18838 Special Condition 14F PERMIT
Permit 18838 Special Condition 6 PERMIT
Permit 7799 Special Condition 18F PERMIT

Description: Failure to conduct quarterly monitoring of components in VOC service at several units during the deviation reporting periods for FOPs O-02201 and O-01173.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter K 106.262(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02201 General Terms and Conditions OP

Description: Failure to properly notify the TCEQ of Permits By Rule claimed by the company within 10 days.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter E 115.426(1)(B)
30 TAC Chapter 115, SubChapter E 115.426(1)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01173 General Terms and Conditions OP
FOP O-01173 Special Condition 1A OP

Description: Failure to maintain records in sufficient detail to demonstrate compliance with the 3 pounds of VOC per hour limit.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01173 General Terms and Conditions OP
FOP O-01173 Special Condition 1A OP

Description: Failure to monitor 107 connectors within 30 days of being placed in VOC service.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(1)(A)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01173 General Terms and Conditions OP
FOP O-01173 Special Condition 1A OP

Description: **Failure to make a first attempt at repair within 5 days and repair within 15 days for one component.**

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(B)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02201 General Terms and Conditions OP

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

Date: 08/31/2007 (575112)

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 01/15/2008 (611160)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02292, General Terms and Conditions OP
O-02292, Special Condition 10 OP
Permit 1295, Special Condition I-12 PERMIT
Description: Failure to submit a permit alteration request identifying pressure drops for the catalyst unit baghouses by June 30, 2007, as required by Permit 1295, Special Condition I-12.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01354, General Terms and Conditions OP
O-01354, Special Condition 11 OP
Permit 19366, Special Condition 6A PERMIT
Description: Failure to sample the carbon adsorber at least quarterly to determine whether breakthrough of volatile organic compounds was occurring, as required by Special Condition 6A of permit 19366.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01354, General Terms and Conditions OP
O-01354, Special Condition 11 OP
Permit 19366, Special Condition 6C PERMIT
Description: Failure to replace the carbon canister within two years of the date the canister was placed in service, as required by Special Condition 6C of Permit 19366.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-01354, General Terms and Conditions OP
Description: Failure to report a deviation (failure to replace the carbon canister within two years of the date the canister was placed in service) during the semi-annual reporting period of April 18, 2006, through October 17, 2006).

Date: 05/31/2008 (710658)

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/11/2008 (679904)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.27(b)
5C THSC Chapter 382 382.085(b)
Description: Failure to return the emissions/inspection fees basis form within 60 days of the date of receipt from the agency.

Self Report? NO Classification: Minor
Citation: 18838, PSD-TX-843, Special Condition 15F PERMIT
18838, PSD-TX-843, Special Condition 6 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
5C THSC Chapter 382 382.085(b)
O-02201, General Terms and Conditions OP
O-02201, Special Condition 13 OP

O-02201, Special Condition 1A OP
O-02201, Special Condition 26 OP

Description: Failure to monitor 2 valves and 38 flanges during the first quarter of 2007.
Self Report? NO Classification: Minor
Citation: 18838, PSD-TX-843, Special Condition 15E PERMIT
18838, PSD-TX-843, Special Condition 6 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
O-02201, General Terms and Conditions OP
O-02201, Special Condition 13 OP
O-02201, Special Condition 1A OP
O-02201, Special Condition 26 OP

Description: Failure to operate, on two separate occasions, a line in volatile organic compound service equipped with a cap, blind flange, or plug.
Self Report? NO Classification: Minor
Citation: 18838, PSD-TX-843, Special Condition 15H PERMIT
18838, PSD-TX-843, Special Condition 6 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)
5C THSC Chapter 382 382.085(b)
O-02201, General Terms and Conditions OP
O-02201, Special Condition 13 OP
O-02201, Special Condition 1A OP
O-02201, Special Condition 26 OP

Description: Failure to repair 1 connector within 15 days of discovery of a leak.
Self Report? NO Classification: Minor
Citation: 18838, PSD-TX-843, Special Condition 6 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)
5C THSC Chapter 382 382.085(b)
O-02201, General Terms and Conditions OP
O-02201, Special Condition 13 OP
O-02201, Special Condition 1A OP
O-02201, Special Condition 26 OP

Description: Failure to make a first attempt at repair on three leaking valves and four connectors in the Paraxylene Unit no later than five calendar days after the leak was found.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.27(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to return the emissions/inspection fees basis form within 60 days of the date of receipt from the agency.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
5C THSC Chapter 382 382.085(b)

Description: Failure to monitor two valves and two flanges within 30 days of being placed into service.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(a)
5C THSC Chapter 382 382.085(b)
O-01173, General Terms and Conditions OP
O-01173, Special Condition 17 OP
O-01173, Special Condition 1A OP

Description: **Failure to make a first attempt at repair on three leaking valves no later than five calendar days after the leak was found.**

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
7799, PSD-TX-860, Special Condition 12B PERMIT
O-01173, General Terms and Conditions OP
O-01173, Special Condition 1A OP
O-01173, Special Condition 20 OP

Description: Failure to conduct the fourth quarter, 2007, Cylinder Gas Audit at the EH47 boiler carbon monoxide continuous emissions monitor.

Date: 12/31/2008 (750187)

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: 02/18/2009 (722915)

Self Report? NO Classification: Minor

Citation: 1295 Special Condition I-12 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
O-02292, General Terms and Conditions OP
O-02292, Special Condition 10 OP

Description: Failure to record the differential pressure across each baghouse at the Catalyst Unit at least once per day.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02293, General Terms and Conditions OP
O-02293, Special Condition 12 OP

Description: Failure to submit a Form PI-7 by March 31, 2006, summarizing all uses of Permit by Rule 106.261 in 2005.

Date: 02/28/2009 (750186)

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

F. Environmental audits.

Notice of Intent Date: 04/18/2008

Disclosure Date: 04/27/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)

Rqmt Prov: PERMIT Permit 18838
PERMIT Permit 7799

Description: Failure to identify 26 valves; 63 connectors; and 2 relief valves.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b)(3)(II)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027(b)(3)(I)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)

Rqmt Prov: PERMIT Permit 18838
PERMIT Permit 7799

Description: Failure to complete quarterly monitoring for 26 new valves, 2 new PRVs, 63 connectors, 131 valves, and 613 connectors.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)

Description: Failure to monitor 63 connectors within 30 days of being placed in VOC service.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(i)(2)

Description: Failure to meet the 3% difficult to monitor limit in a unit.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(7)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(7)(II)

Rqmt Prov: PERMIT Permit 18838
PERMIT Permit 7799

Description: Failure to provide adequate explanation for some difficult to monitor components in accordance with HON requirements.

Notice of Intent Date: 07/21/2009

No DOV Associated

- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§
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§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2010-0671-AIR-E**

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical plant at 2775 Gulf States Road in Beaumont, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 27, 2010.
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 Nineteen Thousand Two Hundred Dollars (\$19,200) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Six Hundred Eighty Dollars (\$7,680) of the administrative penalty and Three Thousand Eight Hundred Forty Dollars (\$3,840) 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 Six Hundred Eighty Dollars (\$7,680) 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 failed to demonstrate 98.5% control of volatile organic compounds ("VOCs"), in violation of Air Permit No. 1295, Special Condition IV-6-A and Federal Operating Permit O-02292, Special Terms and Conditions 10 and General Terms and Conditions, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 25, 2010. Specifically, during the stack test conducted on December 17, 2009, it was determined that the VOC control removal for Train B, Emission Point Number ("EPN") 537, was 97.74%.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative

penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ExxonMobil Oil Corporation, Docket No. 2010-0671-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, Seven Thousand Six Hundred Eighty Dollars (\$7,680) 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 agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. By December 31, 2010, replace the catalyst in Train B, EPN 537, of the Emission Reduction System and make any other repairs necessary to demonstrate 98.5% control of VOCs;
 - b. Within 180 days following the catalyst replacement and any repairs made in accordance with Ordering Provision No. 3.a., perform stack sampling, in accordance with Air Permit No. 1295, Special Condition IV-6-A; and
 - c. Within 60 days after completion of the stack sampling conducted in accordance with Ordering Provision No. 3.b., submit a written certification as described below, including detailed supporting documentation such as photographs, receipts, and/or records to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szoln
For the Executive Director

10/7/2010
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.

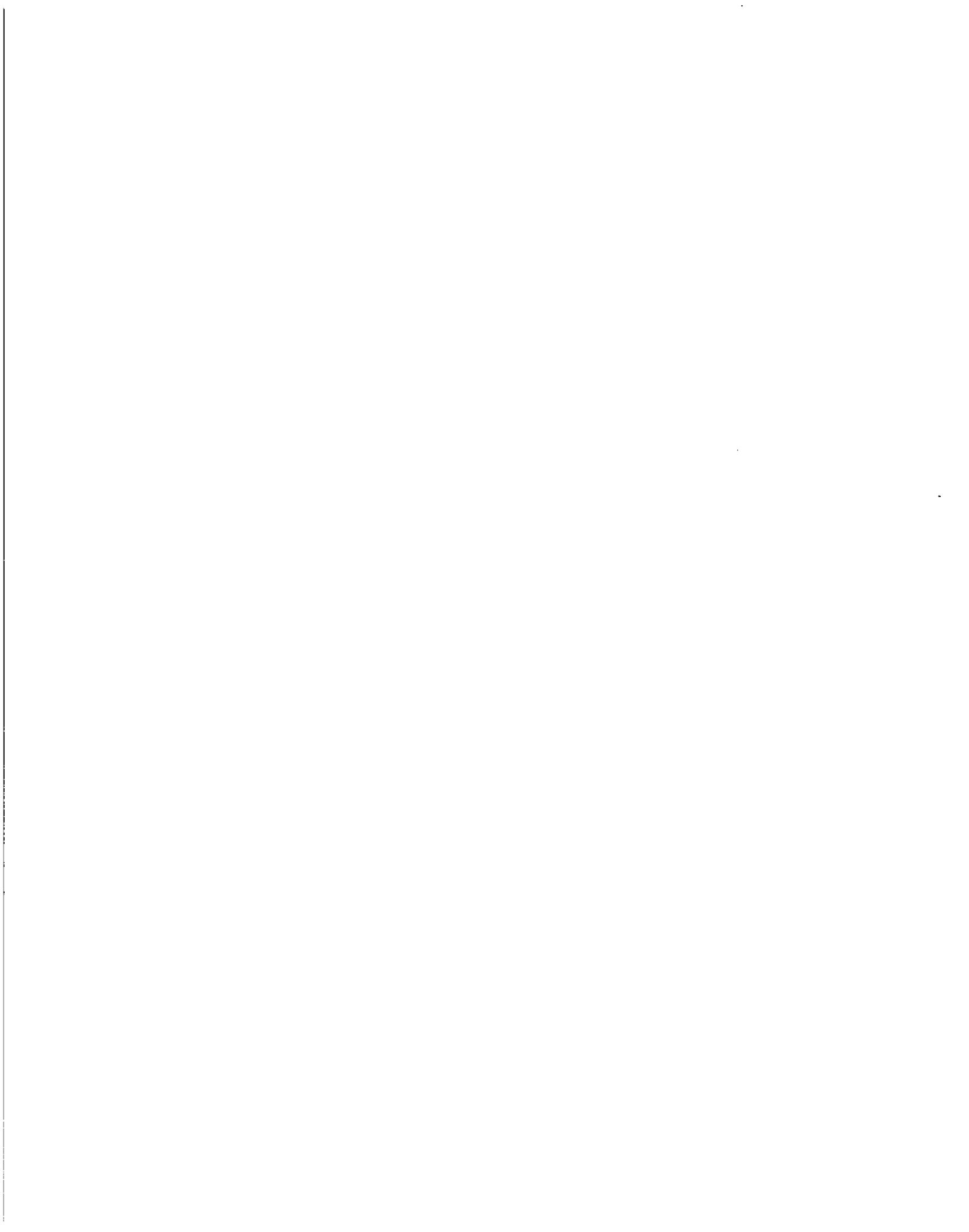
[Signature]
Signature

August 5, 2010
Date

Robert W. Tully
Name (Printed or typed)
Authorized Representative of
ExxonMobil Oil Corporation

SITE MANAGER
Title

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



Attachment A

Docket Number: 2010-0671-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ExxonMobil Oil Corporation

Penalty Amount: Fifteen Thousand Three Hundred Sixty Dollars
(\$15,360)

SEP Offset Amount: Seven Thousand Six Hundred Eighty Dollars
(\$7,680)

Type of SEP: Pre-Approved

Third-Party Recipient: Texas Air Quality Research Center at Lamar
University – *Flare Speciation and Air Quality
Modeling*

Location of SEP: Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Texas Air Quality Research Center at Lamar University** for the *Flare Speciation and Air Quality Modeling* project to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used for advanced modeling and simulations to identify the VOC species generated and emitted from industrial flares at chemical process facilities under various operating conditions and environmental conditions as well as determine the Combustion Efficiency (CE) and Destruction and Removal Efficiency (DRE). All monies contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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

B. Environmental Benefit

A flare operating under its designed conditions and in compliance with 40 C.F.R. § 60.18 is assumed to achieve a 98% DRE for Volatile Organic Compound (VOC) emissions, i.e. 98% of VOC emissions are assumed to be completely destroyed in the flaring process; however, basic combustion chemistry demonstrates the possibility that intermediate VOC species are formed during the combustion process, and these speciated VOC emissions are not accounted for in the DRE. This SEP will provide a discernible environmental benefit by providing better quantification of actual emissions from flaring operations and provide TCEQ with a more accurate emissions inventory, which may be utilized in SIP documentation. This information is expected to assist in identifying and developing strategies to reduce emissions from industrial sources.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP offset 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 offset amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Texas Air Research Center
Lamar University
Attention: George Talbert, Director
P.O. Box 10613
Beaumont, Texas 77710

3. Records and Reporting

Concurrent with the payment of the SEP offset amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset 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 Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset 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 offset amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

