

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO. 2008-0734-AIR-E TCEQ ID RN102212925 CASE NO. 35824**  
**RESPONDENT NAME: EXXON MOBIL CORPORATION**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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 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

**SITE WHERE VIOLATION(S) OCCURRED:** 3525 Decker Drive, Baytown, Harris County

**TYPE OF OPERATION:** Petroleum refinery

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There are three additional pending enforcement actions regarding this facility location (2009-0388-AIR-E; 2009-1524-AIR-E; 2009-1952-AIR-E).

**INTERESTED PARTIES:** No one other than the ED and the Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired February 15, 2010. No comments were received.

**CONTACTS AND MAILING LIST:**  
**TCEQ Attorney:** Mr. Barham A. Richard, Litigation Division, MC 175, (512) 239-0107  
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  
**TCEQ Enforcement Coordinator:** Ms. Kimberly Morales, Air Enforcement Section, MC R-12, (713) 422-8938  
**TCEQ Regional Contact:** Ms. Linda Vasse, Houston Regional Office, MC R-12, (713) 767-3637  
**Respondent:** Mr. George Rizzo, ExxonMobil Corporation, Counsel, 800 Bell Street, Suite 1805F, Houston, Texas 77002  
**Respondent's Attorney:** Mr. George J. Rizzo, Attorney, P.O. Box 2180, Houston, Texas 77252-2180

<b>VIOLATION SUMMARY CHART:</b>		
<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> April 3 through April 14, 2008</p> <p><b>Date of NOE Relating to this Case:</b> April 13, 2008</p> <p><b>Background Facts:</b> The EDPRP was filed on July 17, 2009. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on December 2, 2009.</p> <p><b>Current Compliance Status:</b> There are no outstanding technical requirements.</p> <p><b>AIR:</b> Failed to prevent unauthorized emissions. Specifically, the Respondent released 70,336 pounds ("lbs") of volatile organic compounds, 55,312 lbs of carbon monoxide, 8,345 lbs of nitrogen oxide, 1,800 lbs of sulfur, 294 lbs of acetylene and 21 lbs of hydrogen sulfide from the Cold Ends Unit during an avoidable emissions event that began January 3, 2008 and lasted 51 hours and two minutes. [TEX. HEALTH &amp; SAFETY CODE § 382.085(b), 30 TEX. ADMIN. CODE § 116.715(a), and Flexible Permit No. 3452, Special Condition No. 1].</p>	<p><b>Total Assessed:</b> \$30,000</p> <p><b>Total Deferred:</b> \$15,000  <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input checked="" type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid to General Revenue:</b> \$15,000</p> <p>The Respondent paid \$15,000 of the administrative penalty. The remaining amount of \$15,000 shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</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>Findings Order Justification:</b> Unauthorized emissions which are an excessive emissions event.</p> <p><b>Excessive Emissions Event Determination Factors:</b>  <b>January 3, 2008 (Incident No. 101998):</b>            30 TEX. ADMIN. CODE § 116.715(a) – During an emission event lasting 51 hours and 2 minutes, Respondent released 70,336 lbs of VOCs, 55,312 lbs of CO, 8,345 lbs of NOx, 1,800 lbs of sulfur, 294 lbs of acetylene, and 21 lbs of hydrogen sulfide. The emissions event was avoidable and determined to be excessive.</p>	<p><b>Corrective Action Taken:</b></p> <p>The Executive Director recognizes that the Respondent submitted a Corrective Action Plan ("CAP") on June 18, 2008, for the excessive emissions event that occurred on January 3, 2008 (Incident No. 101998). All corrective actions documented in the CAP were completed in January 2008.</p> <p><b>Ordering Provision:</b></p> <p>The Respondent shall implement and complete a SEP as defined in Attachment A (Houston Regional Air Monitoring – supplement existing operation of 8 ambient air monitoring stations).</p>

Attachment A  
Docket Number: 2008-0734-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

<b>Respondent:</b>	<b>Exxon Mobil Corporation</b>
<b>Penalty Amount:</b>	Thirty Thousand Dollars (\$30,000)
<b>SEP Offset Amount:</b>	Fifteen Thousand Dollars (\$15,000)
<b>Type of SEP:</b>	Pre-approved concept
<b>Third-Party Recipient:</b>	<b>Houston Regional Monitoring Corporation</b> – <i>HRMC Houston Area Air Monitoring</i>
<b>Location of SEP:</b>	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 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 **Houston Regional Monitoring Corporation** for the *HRMC Houston Area Air Monitoring* in Harris County as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants. Specifically, SEP Funds will be used to operate, maintain, and potentially expand portions of the existing ambient air quality monitoring network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP Funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that 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

This SEP will provide a discernible environmental benefit by providing data from the network which may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends

for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. The SEP will provide collection of near real-time volatile organic compound (“VOC”), nitrogen oxides (“NOx”), ozone (“O<sub>3</sub>”), and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, and to assess potential ambient community exposure to a limited number of air pollutants. Data from these monitors may also be publicly accessible through the TCEQ website and may be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. The public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness and indirectly benefit by providing data useful in addressing Houston’s ozone non-attainment status.

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:

Houston Regional Monitoring Corporation  
c/o Christopher B. Amandes, Esquire  
Vinson & Elkins LLP First City Tower  
1001 Fannin Street, Suite 2500  
Houston, Texas 77002-6760

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ 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:

Litigation Division  
Attention: SEP Coordinator, MC 175  
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 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 Offset Amount 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**

<b>DATES</b>	<b>Assigned</b>	23-Apr-2008	<b>Screening</b>	1-May-2008	<b>EPA Due</b>	13-Jan-2009
	<b>PCW</b>	20-May-2009				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35824	<b>No. of Violations</b>	1
<b>Docket No.</b>	2008-0734-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Kimberly Morales
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$30,000</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>309.0%</b> Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$92,700</b>
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Notes: Penalty enhancement due to 26 NOVs with same or similar violations, two NOVs with unrelated violations, five 1660 orders and three Findings Orders.

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

<b>Good Faith Effort to Comply</b>	<b>25.0%</b> Reduction	<b>Subtotal 5</b>	<b>\$7,500</b>
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent completed corrective actions by January 31, 2008.

<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$27  
Approx. Cost of Compliance: \$7,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$115,200</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$115,200**

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$30,000</b>
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<b>DEFERRAL</b>	<b>0.0%</b> Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$30,000</b>
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**Screening Date** 1-May-2008

**Docket No.** 2008-0734-AIR-E

**PCW**

**Respondent** Exxon Mobil Corporation

Policy Revision 2 (September 2002)

**Case ID No.** 35824

PCW Revision October 30, 2008

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

**Media [Statute]** Air

**Enf. Coordinator** Kimberly Morales

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	26	130%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 309%

#### >> 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 26 NOVs with same or similar violations, two NOVs with unrelated violations, five 1660 orders and three Findings Orders.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 309%

Screening Date 1-May-2008

Docket No. 2008-0734-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 35824

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102212925

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b) and Flexible Permit No. 3452, Special Condition No. 1

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 70,336 pounds ("lbs") of volatile organic compounds, 55,312 lbs of carbon monoxide, 8,345 lbs of nitrogen oxide, 1,800 lbs of sulfur, 294 lbs of acetylene and 21 lbs of hydrogen sulfide from the Cold Ends Unit during an avoidable emissions event that began January 3, 2008 and lasted 51 hours and two minutes. Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	x			100%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment has been exposed to a significant amount of pollutants that exceed levels protective of human health or environmental receptors.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 3 3 Number of violation days

<i>mark only one with an x</i>	daily	x
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$30,000

Three daily events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$115,200

This violation Final Assessed Penalty (adjusted for limits) \$30,000

## Economic Benefit Worksheet

**Respondent** Exxon Mobil Corporation

**Case ID No.** 35824

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

**Media** Air

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$7,000	3-Jan-2008	31-Jan-2008	0.08	\$27	n/a	\$27

**Notes for DELAYED costs** Estimated cost to replace the seal oil system pneumatic controllers on Process Gas Compressors LC01 and LC02. The date required is the date of the emissions event. The final date is the date that corrective actions were completed.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$7,000

**TOTAL** \$27

# Compliance History Report

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

ID Number(s):	WASTEWATER	PERMIT	WQ0002184000
	WASTEWATER	PERMIT	TX0077887000
	WASTEWATER	PERMIT	TX0077887
	AIR NEW SOURCE PERMITS	PERMIT	3452
	AIR NEW SOURCE PERMITS	PERMIT	29094
	AIR NEW SOURCE PERMITS	PERMIT	34420
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0228H
	AIR NEW SOURCE PERMITS	PERMIT	52330
	AIR NEW SOURCE PERMITS	REGISTRATION	54793
	AIR NEW SOURCE PERMITS	PERMIT	54383
	AIR NEW SOURCE PERMITS	PERMIT	53401
	AIR NEW SOURCE PERMITS	AFS NUM	4820100257
	AIR NEW SOURCE PERMITS	REGISTRATION	56790
	AIR NEW SOURCE PERMITS	PERMIT	P731M2
	AIR NEW SOURCE PERMITS	PERMIT	55105
	AIR NEW SOURCE PERMITS	REGISTRATION	71717
	AIR NEW SOURCE PERMITS	PERMIT	55660
	AIR NEW SOURCE PERMITS	REGISTRATION	74541
	AIR NEW SOURCE PERMITS	REGISTRATION	73880
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX302M1
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX731M2
	AIR NEW SOURCE PERMITS	REGISTRATION	78611
	AIR NEW SOURCE PERMITS	REGISTRATION	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: May 19, 2009  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: May 19, 2004 to May 19, 2009  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: Kimberly Morales Phone: (713) 422-8938

## 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 judgments, and consent decrees of the state of Texas and the federal government.
- 1 Effective Date: 07/22/2006 ADMINORDER 2005-2070-AIR-E  
 Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failed to submit initial notification within 24 hours after discovery of emissions event that occurred from August 17, 2004 to December 2, 2004.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: 3452, Special Condition 1 PERMIT

Description: Failed to prevent the unauthorized emissions of 16,272 lbs of ethylene, 6,395 lbs of propylene and 91,264 lbs of carbon monoxide from the main burner vent valve during an emissions event that occurred from August 17, 2004 to December 2, 2004, lasting 2,568 hours.

2

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.

3

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.

4

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.

5

Effective Date: 09/21/2007

ADMINORDER 2007-0034-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Rqmt Prov: TCEQ Flexible Air Permit No. 3452, SC1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 66,236 pounds ("lbs") of volatile organic compounds ("VOC"), 37,907 lbs of carbon monoxide ("CO") and 5,314 lbs of nitrogen oxides were released from the Base Operating Unit during an emissions event that began on December 24, 2004 and lasted 77 hours.

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions. Specifically, 408.14 lbs of CO, 56.25 lbs of nitrogen oxide and 1,113.61 lbs of VOCs were released from the Butadiene Unit during an emissions event that began on August 4, 2006 and lasted seven hours.

6

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.

7

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

8

Effective Date: 04/05/2009

ADMINORDER 2008-1477-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(a)(1)(i)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01553, Special Condition 14 OP  
Permit 3452 and PSD-TX-302M2, SC 5 PA

Description: Failed to limit the flow-weighted annual average benzene waste concentration for unit ID No. PRO-LT06 to 10 ppmv from January 1 through December 31, 2006.

High Priority Violation - General Criteria - c(1)(B)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(3)(ii)(B)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01553, Special Condition 14 OP  
Permit 3452 and PSD-TX-302M2, SC 5 PA

Description: Failed to limit uncontrolled benzene concentration for unit ID No. PRO-LT06 to 2 Mg/yr from January 1 through December 31, 2006.

High Priority Violation - General Criteria - c(1)(B)

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 06/17/2004 (314727)
- 2 06/18/2004 (271703)
- 3 06/18/2004 (271704)
- 4 06/30/2004 (271595)
- 5 07/14/2004 (360120)
- 6 08/13/2004 (277844)
- 7 08/13/2004 (278593)
- 8 08/16/2004 (277785)
- 9 08/16/2004 (277845)
- 10 08/16/2004 (278248)
- 11 08/20/2004 (360121)
- 12 08/31/2004 (278199)
- 13 09/01/2004 (277846)
- 14 09/01/2004 (278352)
- 15 09/01/2004 (288665)
- 16 09/01/2004 (288722)
- 17 09/01/2004 (288748)
- 18 09/02/2004 (279829)
- 19 09/02/2004 (279860)

20	09/03/2004	(279795)
21	09/03/2004	(279817)
22	09/03/2004	(280037)
23	09/03/2004	(280111)
24	09/03/2004	(280123)
25	09/03/2004	(280144)
26	09/21/2004	(360122)
27	09/30/2004	(280282)
28	09/30/2004	(287843)
29	09/30/2004	(287848)
30	09/30/2004	(287862)
31	09/30/2004	(287902)
32	09/30/2004	(288587)
33	09/30/2004	(289552)
34	09/30/2004	(289553)
35	09/30/2004	(289557)
36	09/30/2004	(289561)
37	09/30/2004	(289566)
38	09/30/2004	(289677)
39	09/30/2004	(289679)
40	10/19/2004	(360123)
41	10/26/2004	(292713)
42	10/31/2004	(287875)
43	10/31/2004	(289550)
44	10/31/2004	(289551)
45	10/31/2004	(289554)
46	11/08/2004	(339363)
47	11/08/2004	(339632)
48	11/08/2004	(339636)
49	11/09/2004	(339460)
50	11/16/2004	(360124)
51	11/29/2004	(339359)
52	11/29/2004	(339626)
53	12/13/2004	(271258)
54	12/13/2004	(287868)
55	12/13/2004	(289555)
56	12/13/2004	(289556)
57	12/13/2004	(289563)
58	12/20/2004	(360125)
59	12/21/2004	(339334)
60	01/14/2005	(386366)
61	02/14/2005	(386364)
62	03/18/2005	(386365)
63	03/21/2005	(341471)
64	03/25/2005	(374513)
65	04/18/2005	(424253)
66	04/22/2005	(377892)
67	05/10/2005	(339150)
68	05/17/2005	(424254)
69	05/19/2005	(373581)
70	05/20/2005	(373582)
71	05/25/2005	(349417)
72	06/17/2005	(424255)
73	07/14/2005	(392795)
74	07/14/2005	(392796)
75	07/14/2005	(392797)
76	07/14/2005	(396285)
77	07/19/2005	(445026)
78	07/26/2005	(400606)

79	08/05/2005	(403334)
80	08/10/2005	(445027)
81	08/15/2005	(404700)
82	08/24/2005	(397056)
83	08/29/2005	(405282)
84	09/20/2005	(445028)
85	10/24/2005	(445029)
86	11/28/2005	(476046)
87	12/06/2005	(376780)
88	12/20/2005	(476047)
89	01/19/2006	(439145)
90	01/23/2006	(476048)
91	02/03/2006	(437332)
92	02/07/2006	(433592)
93	02/10/2006	(438263)
94	02/21/2006	(476045)
95	02/28/2006	(457054)
96	03/20/2006	(503241)
97	03/28/2006	(452535)
98	04/21/2006	(503242)
99	05/22/2006	(503243)
100	05/24/2006	(463814)
101	05/24/2006	(464433)
102	05/30/2006	(479910)
103	05/30/2006	(479920)
104	05/30/2006	(479928)
105	05/30/2006	(479932)
106	05/30/2006	(479940)
107	05/30/2006	(479945)
108	05/31/2006	(341397)
109	05/31/2006	(464208)
110	06/20/2006	(503244)
111	07/17/2006	(481459)
112	07/17/2006	(503245)
113	07/28/2006	(465223)
114	08/07/2006	(488663)
115	08/17/2006	(525611)
116	08/24/2006	(480881)
117	08/29/2006	(480887)
118	08/29/2006	(480895)
119	08/31/2006	(510492)
120	09/19/2006	(525612)
121	09/22/2006	(513668)
122	10/18/2006	(550249)
123	10/23/2006	(509809)
124	11/15/2006	(515850)
125	11/16/2006	(519233)
126	11/21/2006	(550250)
127	12/07/2006	(514158)
128	12/11/2006	(373579)
129	12/14/2006	(531122)
130	12/15/2006	(550251)
131	12/20/2006	(516286)
132	01/22/2007	(550252)
133	02/14/2007	(536779)
134	02/16/2007	(585541)
135	02/22/2007	(514944)
136	02/22/2007	(515162)
137	03/13/2007	(585542)

138	03/26/2007	(543744)
139	03/27/2007	(461893)
140	04/16/2007	(461341)
141	04/16/2007	(462392)
142	04/18/2007	(585543)
143	04/27/2007	(542037)
144	05/01/2007	(543836)
145	05/02/2007	(558005)
146	05/10/2007	(558255)
147	05/15/2007	(558509)
148	05/15/2007	(585544)
149	05/23/2007	(560720)
150	05/30/2007	(558671)
151	06/14/2007	(585545)
152	07/18/2007	(585546)
153	07/20/2007	(560856)
154	07/20/2007	(560875)
155	07/20/2007	(560879)
156	07/20/2007	(560887)
157	07/24/2007	(566555)
158	07/30/2007	(570076)
159	08/16/2007	(608536)
160	08/20/2007	(568625)
161	08/21/2007	(572965)
162	08/22/2007	(570798)
163	08/30/2007	(512669)
164	09/17/2007	(608537)
165	09/20/2007	(574110)
166	09/20/2007	(593382)
167	10/02/2007	(564017)
168	10/02/2007	(564077)
169	10/02/2007	(564092)
170	10/16/2007	(597921)
171	10/16/2007	(598051)
172	10/16/2007	(623742)
173	10/25/2007	(555099)
174	11/16/2007	(623743)
175	11/30/2007	(599111)
176	12/03/2007	(599440)
177	12/07/2007	(567958)
178	12/20/2007	(612594)
179	12/20/2007	(623744)
180	01/22/2008	(674968)
181	01/25/2008	(615804)
182	01/25/2008	(615948)
183	02/15/2008	(612736)
184	02/19/2008	(674966)
185	03/17/2008	(674967)
186	03/18/2008	(613434)
187	04/04/2008	(638133)
188	04/15/2008	(693308)
189	04/18/2008	(618510)
190	05/08/2008	(653506)
191	05/15/2008	(693309)
192	05/16/2008	(640773)
193	06/10/2008	(682221)
194	06/16/2008	(693310)
195	07/17/2008	(684567)
196	07/21/2008	(686008)

197 07/22/2008 (714552)  
 198 07/25/2008 (686750)  
 199 08/15/2008 (714553)  
 200 08/21/2008 (636743)  
 201 09/24/2008 (714554)  
 202 10/16/2008 (730521)  
 203 10/30/2008 (699719)  
 204 11/03/2008 (702159)  
 205 11/10/2008 (702009)  
 206 11/18/2008 (730522)  
 207 12/16/2008 (708040)  
 208 12/18/2008 (708038)  
 209 12/18/2008 (730523)  
 210 01/09/2009 (723177)  
 211 01/30/2009 (723574)  
 212 02/04/2009 (724659)  
 213 02/16/2009 (558232)  
 214 02/16/2009 (709278)  
 215 02/16/2009 (709330)  
 216 02/26/2009 (724231)  
 217 02/26/2009 (724251)  
 218 02/26/2009 (724808)  
 219 04/02/2009 (725714)  
 220 04/02/2009 (725717)  
 221 04/02/2009 (735587)  
 222 04/10/2009 (739889)  
 223 04/23/2009 (743523)  
 224 04/24/2009 (725715)  
 225 04/24/2009 (735600)  
 226 04/28/2009 (737427)  
 227 04/28/2009 (737512)  
 228 04/30/2009 (740031)  
 229 05/11/2009 (739888)  
 230 05/14/2009 (742022)

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

- 1 Date: 05/10/2005 (339150) CN600123939  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: ExxonMobil BOP had an avoidable emissions event during Incident 49018
- 2 Date: 05/20/2005 (373582) CN600123939  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: BOP had an avoidable emissions event during Incident 51478. Incident was not reported on time. Incident was not excessive.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
 Description: BOP had a late report during incident 51478. Not excessive.
- 3 Date: 07/14/2005 (396285) CN600123939  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
 Description: Failure to identify the preconstruction authorization number governing the facility involved in the emissions event.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Flexible Permit No. 3452, S.C. No. 1 PERMIT  
 Description: Unauthorized emissions as a consequence of failure to comply with the reporting requirements.

- 4 Date: 02/06/2006 (437332)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 TCEQ Permit #3452, Special Condition-1 PERMIT  
 Description: Failure to prevent unauthorized emissions.
- 5 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.
- 6 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).
- 7 Date: 05/31/2006 (464208) CN600123939  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 9910 and PSD-TX-731M3, SC 7B PERMIT  
 O-1153, Special Condition 14 OP  
 Description: Failed to prevent the exceedence of the annual firing rate limit, which occurred from February 1, 2005 through February 28, 2005.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failed to prevent the incorrect calibration of the analyzer resulting in excess ammonia being injected into the system causing a exceedence in the 24-hour rolling average concentration, which occurred from March 21, 2005, 6:00 a.m.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 3452 and PSD-TX-302M2, SC 13A PERMIT  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 O-1553, Special Condition 14 OP  
 Description: Failed to monitor a flange (LDAR tag #13300.1) in HRVOC service for two quarters (April 1, 2005 through October 2, 2005).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 O-1553, General Terms and Conditions OP  
 Description: Failed to include non-reportable emissions events and start-up activities that occurred during the certification period as deviations in the deviation reports dated July 15, 2005 and January 13, 2006.
- 8 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.
- 9 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.
- 10 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.
- 11 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.
- 12 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.
- 13 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.
- 14 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.
- 15 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.
- 16 Date: 07/31/2007 (608536) CN600123939  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
 17 Date: 12/03/2007 (599440) CN600123939  
 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.

18 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.

19 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.

20 Date: 08/21/2008 (636743) CN600123939  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 OP O-01553, Special Condition 14 OP  
 Permit Nos. 3452 and PSD-TX-302M2, SC 17 PA  
 Description: Failure of ammonia CEMS RATA,  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.219(b)(1)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to send NOx CEMS RATA completion letter on required time frame.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
 5C THSC Chapter 382 382.085(b)  
 OP O-01553, Special Condition 14 OP  
 Permit 3452 and PSD-TX-302M2, SC 9 PA  
 Description: Failure to maintain flare pilot continuously.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter G 117.8140(b)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to perform required quarterly engine testing.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to sample cooling tower water.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 5C THSC Chapter 382 382.085(b)  
 Permit 3452 and PSD-TX-3032M2, SC 9 PA  
 Description: Failure to meet flare required heating value.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to limit ammonia concentration during decoking.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to create a final record of all reportable and non-reportable emissions events.

- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.206(c)(1)(A)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to limit carbon monoxide rolling 24-hour limit during decoking.
- 21 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.
- 22 Date: 02/26/2009 (724808)  
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 failed to supply sufficient detailed information to demonstrate that the emissions event was reasonably unavoidable.
- 23 Date: 04/02/2009 (725717)  
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 an emissions event (Incident No. 115908) that occurred on October 27, 2008, and could have been avoided by better maintenance practices. A loose electrical cable terminator caused process swings and flaring of a large process stream.
- 24 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.
- 25 Date: 04/02/2009 (725714)  
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 the unauthorized emissions during an emissions event (Inc. 115825) on October 24 - 25, 2008. The unauthorized emissions included 936 lbs of CO, 194 lbs of nitrogen oxides, 741 lbs of propylene, 540 lbs of propane, and 120 lbs of VOC.
- 26 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.
- 27 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.

28

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. 2008-0734-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Exxon Mobil Corporation ("Exxon") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Exxon, represented by Mr. George J. Rizzo, presented this agreement to the Commission.

Exxon understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Exxon agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Exxon.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **FINDINGS OF FACT**

1. Exxon owns and operates a petroleum refinery located at 3525 Decker Drive, 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. During an investigation conducted on April 3, 2008 through April 14, 2008, a TCEQ Houston Regional Office investigator documented that Exxon failed to prevent unauthorized emissions. Specifically, Exxon released 70,336 pounds ("lbs") of volatile organic

compounds, 55,312 lbs of carbon monoxide, 8,345 lbs of nitrogen oxide, 1,800 lbs of sulfur, 294 lbs of acetylene and 21 lbs of hydrogen sulfide from the Cold Ends Unit during an avoidable emissions event that began January 3, 2008 and lasted 51 hours and two minutes. This event was determined to be an excessive emissions event.

4. Exxon received notice of the violation on or about April 18, 2008.
5. The Executive Director recognizes that on June 18, 2008, Exxon Mobil submitted a Corrective Action Plan (“CAP”) for the excessive emissions event that occurred on January 3, 2008 (Incident No. 101998). All corrective actions documented in the CAP were completed in January 2008.

### **CONCLUSIONS OF LAW**

1. As evidenced by Findings of Fact Nos. 1 and 2, Exxon is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, Exxon failed to prevent unauthorized emissions, in violation of TEX. HEALTH & SAFETY CODE § 382.085(b), 30 TEX. ADMIN. CODE § 116.715(a), and Flexible Permit No. 3452, Special Condition No. 1. Since these emissions were determined to be excessive, Exxon is prevented from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Exxon for violations of state statutes within the Commission’s jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of thirty thousand dollars (\$30,000.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, fifteen thousand dollars (\$15,000.00) of the administrative penalty shall be conditionally offset by Exxon’s completion of a Supplemental Environmental Project (SEP) as defined in Attachment A, incorporated herein by reference. Exxon’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. Exxon paid fifteen thousand dollars (\$15,000.00) of the administrative penalty.

### **ORDERING PROVISIONS**

1. Exxon is assessed an administrative penalty in the amount of thirty thousand dollars (\$30,000.00) as set forth in Conclusion of Law No. 4, above. The payment of this administrative penalty and Exxon’s compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this

action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Exxon has paid fifteen thousand dollars (\$15,000.00) of the administrative penalty and fifteen thousand (\$15,000.00) shall be conditionally offset by Exxon's completion of a Supplemental Environmental Project ("SEP").

2. Exxon shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Conclusion of Law No. 4, fifteen thousand Dollars (\$15,000.00) of the assessed administrative penalty shall be offset with the condition that Exxon implement the SEP defined in Attachment A, incorporated herein by reference. Exxon'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. Administrative penalty payments for any portion of the administrative penalty not offset by a Supplemental Environmental Project or for any portion of the Supplemental Environmental Project deemed by the Executive Director as not complete shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Exxon Mobil Corporation; Docket No. 2008-0734; Enforcement ID No. 35824" to:

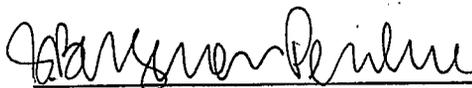
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
4. The provisions of this Agreed Order shall apply to and be binding upon Exxon. Exxon is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant referenced in this Agreed Order.
5. If Exxon 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, Exxon's failure to comply is not a violation of this Agreed Order. Exxon shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Exxon shall notify the Executive Director within seven days after Exxon 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 Exxon shall be made in writing to the Executive Director. Extensions are not effective until Exxon receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas (“OAG”) for further enforcement proceedings without notice to Exxon if the Executive Director determines that Exxon has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. This Agreed Order, issued by the Commission, shall not be admissible against Exxon 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.
10. 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.
11. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of this Agreed Order to Exxon, or three days after the date on which the Commission mails notice of this Agreed Order to Exxon, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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



\_\_\_\_\_  
For the Executive Director

2/3/2010

\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Exxon Mobil Corporation, 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 in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on Exxon Mobil Corporation's compliance history;
- Greater scrutiny of any permit applications submitted by Exxon Mobil Corporation;
- 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 against Exxon Mobil Corporation;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Exxon Mobil Corporation; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution

  
\_\_\_\_\_  
Signature

Michael P Zamora  
\_\_\_\_\_  
Name (Printed or typed)  
Exxon Mobil Corporation

12/2/08  
\_\_\_\_\_  
Date

Plant Manager  
\_\_\_\_\_  
Title

**Attachment A**  
**Docket Number: 2008-0734-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Exxon Mobil Corporation</b>
<b>Penalty Amount:</b>	Thirty Thousand Dollars (\$30,000)
<b>SEP Offset Amount:</b>	Fifteen Thousand Dollars (\$15,000)
<b>Type of SEP:</b>	Pre-approved concept
<b>Third-Party Recipient:</b>	<b>Houston Regional Monitoring Corporation</b> – <i>HRMC Houston Area Air Monitoring</i>
<b>Location of SEP:</b>	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 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 **Houston Regional Monitoring Corporation** for the *HRMC Houston Area Air Monitoring* in Harris County as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants. Specifically, SEP Funds will be used to operate, maintain, and potentially expand portions of the existing ambient air quality monitoring network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP Funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that 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

This SEP will provide a discernible environmental benefit by providing data from the network which may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends

for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. The SEP will provide collection of near real-time volatile organic compound (“VOC”), nitrogen oxides (“NOx”), ozone (“O<sub>3</sub>”), and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, and to assess potential ambient community exposure to a limited number of air pollutants. Data from these monitors may also be publicly accessible through the TCEQ website and may be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. The public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness and indirectly benefit by providing data useful in addressing Houston’s ozone non-attainment status.

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:

Houston Regional Monitoring Corporation  
c/o Christopher B. Amandes, Esquire  
Vinson & Elkins LLP First City Tower  
1001 Fannin Street, Suite 2500  
Houston, Texas 77002-6760

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ 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:

Litigation Division  
Attention: SEP Coordinator, MC 175  
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 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 Offset Amount 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.