

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2009-1524-AIR-E **TCEQ ID:** RN102212925 **CASE NO.:** 38392  
**RESPONDENT NAME:** Exxon Mobil Corporation

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Exxon Mobil Chemical Baytown Olefins Plant, 3525 Decker Drive, Baytown, Harris County</p> <p><b>TYPE OF OPERATION:</b> Chemical plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are four additional pending enforcement actions regarding this facility location, Docket Nos. 2009-1952-AIR-E, 2008-0734-AIR-E, 2009-0388-AIR-E, and 2010-0134-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 29, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. John Muennink, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Jeff Kovacs, Environmental Supervisor, Exxon Mobil Corporation, P.O. Box 4004, Baytown, Texas 77522  Mr. Michael P. Zamora, Plant Manager, Exxon Mobil Corporation, P.O. Box 4004, Baytown, Texas 77522  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> July 7 through 21, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> August 25, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>Failure to limit the 24 hour rolling average for carbon monoxide ("CO") to 400 and 584 parts per million by volume ("ppmv") and to limit the 24 hour rolling average for ammonia nitrogen ("NH3") to 10 ppmv. Specifically, the Respondent exceeded limits for CO on February 28, 2008 for 18 hours, April 16 through 30, 2008 for 70 hours, August 31, 2008 through September 1, 2008 for 26 hours, November 26 through 27, 2008 for nine hours and December 12 through 17, 2008 for 23 hours. The Respondent exceeded limits for NH3 on August 10 through 15, 2008 for 19 hours [30 TEX. ADMIN. CODE § 117.310(c), (c)(1)(A) and (c)(2)(B) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$31,425</p> <p><b>Total Deferred:</b> \$6,285  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$25,140</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent reviewed shutdown procedures, re-ranged the analyzer, removed the feed from the furnace and made adjustments to CO and NH3 concentration limits by July 21, 2009.</p>

Additional ID No(s): HG0228H



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	14-Sep-2009	Screening	18-Sep-2009	EPA Due	
	PCW	16-Sep-2009				

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

<b>CASE INFORMATION</b>			
Enf./Case ID No.	38392	No. of Violations	1
Docket No.	2009-1524-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Muennink
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** *Subtotal 1* **\$7,500**

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

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

**Compliance History** **344.0%** Enhancement *Subtotals 2, 3, & 7* **\$25,800**

Notes: Enhancement due to 24 NOVs with same or similar violations, two NOVs with unrelated violations, six 1660 Agreed Orders and four Findings Orders.

**Culpability** **No** **0.0%** Enhancement *Subtotal 4* **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** *Subtotal 5* **\$1,875**

**Economic Benefit** **0.0%** Enhancement *Subtotal 6* **\$0**

Total EB Amounts **\$366**  
 Approx. Cost of Compliance **\$5,250**  
*\*Capped at the Total EB \$ Amount*

**SUM OF SUBTOTALS 1-7** *Final Subtotal* **\$31,425**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** Adjustment **\$0**

*Reduces or enhances the Final Subtotal by the indicated percentage.*

Notes:

*Final Penalty Amount* **\$31,425**

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* **\$31,425**

**DEFERRAL** **20.0%** Reduction *Adjustment* **-\$6,285**

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

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$25,140**

Screening Date 18-Sep-2009

Docket No. 2009-1524-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 38392

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102212925

Media [Statute] Air

Enf. Coordinator John Muennink

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	24	120%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	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	4	100%
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 judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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) 344%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement due to 24 NOVs with same or similar violations, two NOVs with unrelated violations, six 1660 Agreed Orders and four Findings Orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 344%

<b>Screening Date</b> 18-Sep-2009	<b>Docket No.</b> 2009-1524-AIR-E	<b>PCW</b>		
<b>Respondent</b> Exxon Mobil Corporation	<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 38392	<small>PCW Revision October 30, 2008</small>			
<b>Reg. Ent. Reference No.</b> RN102212925				
<b>Media [Statute]</b> Air				
<b>Enf. Coordinator</b> John Muennink				
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 117.310(c), (c)(1)(A) and (c)(2)(B) and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to limit the 24 hour rolling average for carbon monoxide ("CO") to 400 and 584 parts per million by volume ("ppmv") and to limit the 24 hour rolling average for ammonia ("NH3") to 10 ppmv. Specifically, the Respondent exceeded limits for CO on February 28, 2008 for 18 hours, April 16 through 30, 2008 for 70 hours, August 31, 2008 through September 1, 2008 for 26 hours, November 26 through 27, 2008 for nine hours and December 12 through 17, 2008 for 23 hours. The Respondent exceeded limits for NH3 on August 10 through 15, 2008 for 19 hours.			
<b>Base Penalty</b>	\$10,000			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual			x
	Potential			
				<b>Percent</b> 25%
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
				<b>Percent</b> 0%
<b>Matrix Notes</b>	Human health or the environment has been exposed to an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.			
<b>Adjustment</b>			\$7,500	
			\$2,500	
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	3	32	<b>Number of violation days</b>
	<small>mark only one with an x</small>	daily		
		weekly		
		monthly		
		quarterly	x	
		semiannual		
		annual		
	single event			
				<b>Violation Base Penalty</b> \$7,500
Three quarterly events are recommended based on the three quarters that the exceedances occurred.				
<b>Good Faith Efforts to Comply</b>		<b>25.0% Reduction</b>		\$1,875
		Before NOV	NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary	x		
	N/A		(mark with x)	
<b>Notes</b>	The Respondent completed corrective measures by July 21, 2009, before the NOE date of August 25, 2009.			
<b>Violation Subtotal</b>			\$5,625	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
	<b>Estimated EB Amount</b>	\$366		<b>Violation Final Penalty Total</b> \$31,425
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$31,425	

## Economic Benefit Worksheet

**Respondent** Exxon Mobil Corporation  
**Case ID No.** 38392  
**Reg. Ent. Reference No.** RN102212925  
**Media** Air  
**Violation No.** 1

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$250	28-Feb-2008	21-Jul-2009	1.39	\$17	n/a	\$17
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	28-Feb-2008	21-Jul-2009	1.39	\$349	n/a	\$349

**Notes for DELAYED costs** Estimated expense to review shutdown procedures, re-range the analyzer, remove the feed from the furnace and make adjustments to CO and NH3 concentration limits. The Date Required is the date of the first occurrence of the violation. The Final Date is the date that corrective measures 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**

<b>Approx. Cost of Compliance</b>	\$5,250	<b>TOTAL</b>	\$366
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# Compliance History Report

Customer/Respondent/Owner-Operator: CN600123939 Exxon Mobil Corporation Classification: AVERAGE Rating: 2.80  
 Regulated Entity: RN102212925 EXXON MOBIL CHEMICAL BAYTOWN OLEFINS PLANT Classification: AVERAGE Site Rating: 4.91

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	89698
	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
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0228H

Location: 3525 DECKER DR, BAYTOWN, TX, 77520

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 17, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 17, 2004 to September 17, 2009

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

Name: John Muennink

Phone: (361) 825-3423

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/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
7. 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.

Effective Date: 07/22/2006

ADMINORDER 2005-2070-AIR-E

Classification: Minor

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

Description: Failed to submit initial notification within 24 hours after discovery of emissions event that occurred from August 17, 2004 to December 2, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: 3452, Special Condition 1 PERMIT

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

Effective Date: 04/13/2007

ADMINORDER 2006-1519-AIR-E

Classification: Moderate

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

Description: Failed to prevent the unauthorized release of 2,238.72 lbs of VOCs from the Isoprene Benzene Naphtha Unit during an emissions event that began on May 4, 2006 and lasted 10 hours and 15 minutes.

Classification: Moderate

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

Description: Failed to prevent the unauthorized release of 543.6 lbs of carbon monoxide, 137.6 lbs of nitrogen oxide and 2,459 lbs of VOCs during an emissions event that began on March 15, 2006 in the Cold Ends Unit and lasted four hours and 10 minutes.

Effective Date: 07/13/2007

ADMINORDER 2006-0736-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Rqmt Prov: TCEQ Flexible Air Permit #3452, SC1 PERMIT

Description: Failed to prevent an avoidable emissions event in the Utilities Train No. 4 Unit on May 28, 2004 that lasted 100 hours, releasing 8,400 pounds ("lbs") of the highly reactive volatile organic compound (HRVOC) propylene and 6,200 lbs of the HRVOC ethylene.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)

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

Description: Failed to submit the initial notification for the May 28, 2004 emissions event in a timely manner.

Effective Date: 08/10/2007

ADMINORDER 2006-2046-AIR-E

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions. Specifically, 901 pounds of 1,3 butadiene were released from the RC-01 Compressor during an emissions event that began on June 16, 2006 and lasted 59 minutes.

Effective Date: 09/21/2007

ADMINORDER 2007-0034-AIR-E

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Effective Date: 10/04/2007

ADMINORDER 2007-0290-AIR-E

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions. Specifically, 2,333.87 lbs of VOCs, including 1,791 lbs of 1-3 butadiene, were released from the Butadiene Unit during an avoidable emissions event that began October 6, 2006 and lasted 5 hours.

Effective Date: 11/17/2008

ADMINORDER 2008-0681-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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)

Effective Date: 06/15/2009

ADMINORDER 2008-1726-AIR-E

Classification: Moderate

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 3452, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/23/2009

ADMINORDER 2007-1985-AIR-E

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions from propylene product pump TP-05A of Plant No. 3 during an avoidable emissions event that began on December 10, 2005 and lasted 3 hours and 11 minutes releasing 13,903.95 lbs of the HRVOC propylene, 144.78 lbs of other VOCs, 636 lbs of CO, and 88 lbs of NOx.

Classification: Moderate

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

Description: Failed to submit initial notification within 24 hours of discovery of the December 10, 2005 emissions event at Plant No. 3. Specifically, the report was due by December 11, 2005 at 13:04, but was not submitted until December 11, 2005 at 14:17.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382, SubChapter A 382.085(b)

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

Description: Failed to prevent unauthorized emissions from the Cold Ends Unit of Plant No. 3 during an emissions event that began January 1, 2006 and lasted 360 hours and 30 minutes releasing 19,740.9 lbs of the HAP 1,3-butadiene, 82,441 lbs of the HRVOC propylene, 62,637 lbs of other VOC, 32,213 lbs of CO and 15,434 lbs of NOx. The event resulted in 100% opacity averaged over a six-minute period during the event. This event was determined to be an excessive emissions event.

Classification: Moderate

Citation: 30 TAG 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 from the Butadiene Unit, Debutanizer Tower, Primary Flare (Flare No. 1) of Plant No. 3 during an avoidable emissions event that began June 3, 2007 and lasted 3 hours and 53 minutes, releasing 228 lbs of the HAP 1-3 butadiene, 245.2 lbs of VOC, including 18 lbs of the HRVOC cis-2-butene, 159 lbs of the HRVOC isobutylene and 21 lbs of the HRVOC trans-2-butene, 139 lbs of CO and 15 lbs of NOx.

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions from the Cold Ends Unit of Plant No. 3 during an avoidable emissions event that began June 25, 2007 and lasted 12 hours and 11 minutes.

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	09/21/2004	(360122)
2	09/30/2004	(280282)
3	09/30/2004	(287843)
4	09/30/2004	(287848)
5	09/30/2004	(287862)
6	09/30/2004	(287902)
7	09/30/2004	(288587)
8	09/30/2004	(289552)
9	09/30/2004	(289553)
10	09/30/2004	(289557)
11	09/30/2004	(289561)
12	09/30/2004	(289566)
13	09/30/2004	(289677)
14	09/30/2004	(289679)
15	10/19/2004	(360123)
16	10/26/2004	(292713)
17	10/31/2004	(287875)
18	10/31/2004	(289550)
19	10/31/2004	(289551)
20	10/31/2004	(289554)
21	11/08/2004	(339363)
22	11/08/2004	(339632)
23	11/08/2004	(339636)
24	11/09/2004	(339460)
25	11/16/2004	(360124)
26	11/29/2004	(339359)
27	11/29/2004	(339626)
28	12/13/2004	(271258)
29	12/13/2004	(287868)
30	12/13/2004	(289555)
31	12/13/2004	(289556)
32	12/13/2004	(289563)
33	12/20/2004	(360125)
34	12/21/2004	(339334)
35	01/14/2005	(386366)
36	02/14/2005	(386364)
37	03/18/2005	(386365)
38	03/21/2005	(341471)
39	03/25/2005	(374513)

40	04/18/2005	(424253)
41	04/22/2005	(377892)
42	05/10/2005	(339150)
43	05/17/2005	(424254)
44	05/19/2005	(373581)
45	05/20/2005	(373582)
46	05/25/2005	(349417)
47	06/17/2005	(424255)
48	07/14/2005	(392795)
49	07/14/2005	(392796)
50	07/14/2005	(392797)
51	07/14/2005	(396285)
52	07/19/2005	(445026)
53	07/26/2005	(400606)
54	08/05/2005	(403334)
55	08/10/2005	(445027)
56	08/15/2005	(404700)
57	08/24/2005	(397056)
58	08/29/2005	(405282)
59	09/20/2005	(445028)
60	10/24/2005	(445029)
61	11/28/2005	(476046)
62	12/06/2005	(376780)
63	12/20/2005	(476047)
64	01/19/2006	(439145)
65	01/23/2006	(476048)
66	02/03/2006	(437332)
67	02/07/2006	(433592)
68	02/10/2006	(438263)
69	02/21/2006	(476045)
70	02/28/2006	(457054)
71	03/20/2006	(503241)
72	03/28/2006	(452535)
73	04/21/2006	(503242)
74	05/22/2006	(503243)
75	05/24/2006	(463814)
76	05/24/2006	(464433)
77	05/30/2006	(479910)
78	05/30/2006	(479920)
79	05/30/2006	(479928)
80	05/30/2006	(479932)
81	05/30/2006	(479940)
82	05/30/2006	(479945)
83	05/31/2006	(341397)
84	05/31/2006	(464208)
85	06/20/2006	(503244)
86	07/17/2006	(481459)
87	07/17/2006	(503245)
88	07/28/2006	(465223)
89	08/07/2006	(488663)
90	08/17/2006	(525611)
91	08/24/2006	(480881)
92	08/29/2006	(480887)
93	08/29/2006	(480895)
94	08/31/2006	(510492)
95	09/19/2006	(525612)
96	09/22/2006	(513668)
97	10/18/2006	(550249)
98	10/23/2006	(509809)

99	11/15/2006	(515850)
100	11/16/2006	(519233)
101	11/21/2006	(550250)
102	12/07/2006	(514158)
103	12/11/2006	(373579)
104	12/14/2006	(531122)
105	12/15/2006	(550251)
106	12/20/2006	(516286)
107	01/22/2007	(550252)
108	02/14/2007	(536779)
109	02/16/2007	(585541)
110	02/22/2007	(514944)
111	02/22/2007	(515162)
112	03/13/2007	(585542)
113	03/26/2007	(543744)
114	03/27/2007	(461893)
115	04/16/2007	(461341)
116	04/16/2007	(462392)
117	04/18/2007	(585543)
118	04/27/2007	(542037)
119	05/01/2007	(543836)
120	05/02/2007	(558005)
121	05/10/2007	(558255)
122	05/15/2007	(558509)
123	05/15/2007	(585544)
124	05/23/2007	(560720)
125	05/30/2007	(558671)
126	06/14/2007	(585545)
127	07/18/2007	(585546)
128	07/20/2007	(560856)
129	07/20/2007	(560875)
130	07/20/2007	(560879)
131	07/20/2007	(560887)
132	07/24/2007	(566555)
133	07/30/2007	(570076)
134	08/16/2007	(608536)
135	08/20/2007	(568625)
136	08/21/2007	(572965)
137	08/22/2007	(570798)
138	08/30/2007	(512669)
139	09/17/2007	(608537)
140	09/20/2007	(574110)
141	09/20/2007	(593382)
142	10/02/2007	(564017)
143	10/02/2007	(564077)
144	10/02/2007	(564092)
145	10/16/2007	(597921)
146	10/16/2007	(598051)
147	10/16/2007	(623742)
148	10/25/2007	(555099)
149	11/16/2007	(623743)
150	11/30/2007	(599111)
151	12/03/2007	(599440)
152	12/07/2007	(567958)
153	12/20/2007	(612594)
154	12/20/2007	(623744)
155	01/22/2008	(674968)
156	01/25/2008	(615804)
157	01/25/2008	(615948)

158	02/15/2008	(612736)
159	02/19/2008	(674966)
160	03/17/2008	(674967)
161	03/18/2008	(613434)
162	04/04/2008	(638133)
163	04/15/2008	(693308)
164	04/18/2008	(618510)
165	05/08/2008	(653506)
166	05/15/2008	(693309)
167	05/16/2008	(640773)
168	06/10/2008	(682221)
169	06/16/2008	(693310)
170	07/17/2008	(684567)
171	07/21/2008	(686008)
172	07/22/2008	(714552)
173	07/25/2008	(686750)
174	08/15/2008	(714553)
175	08/21/2008	(636743)
176	09/24/2008	(714554)
177	10/16/2008	(730521)
178	10/30/2008	(699719)
179	11/03/2008	(702159)
180	11/10/2008	(702009)
181	11/18/2008	(730522)
182	12/16/2008	(708040)
183	12/18/2008	(708038)
184	12/18/2008	(730523)
185	01/09/2009	(723177)
186	01/20/2009	(753724)
187	01/30/2009	(723574)
188	02/04/2009	(724659)
189	02/16/2009	(558232)
190	02/16/2009	(709278)
191	02/16/2009	(709330)
192	02/17/2009	(771137)
193	02/26/2009	(724231)
194	02/26/2009	(724251)
195	02/26/2009	(724808)
196	03/18/2009	(753723)
197	04/02/2009	(725714)
198	04/02/2009	(725717)
199	04/02/2009	(735587)
200	04/10/2009	(739889)
201	04/20/2009	(771138)
202	04/23/2009	(743523)
203	04/24/2009	(725715)
204	04/24/2009	(735600)
205	04/28/2009	(737427)
206	04/28/2009	(737512)
207	04/30/2009	(740031)
208	05/11/2009	(739888)
209	05/14/2009	(742022)
210	05/15/2009	(771139)
211	06/08/2009	(747629)
212	06/09/2009	(746773)
213	06/11/2009	(741349)
214	06/12/2009	(746853)
215	06/26/2009	(744375)
216	06/26/2009	(745023)

217 06/29/2009 (760095)  
 218 07/03/2009 (747978)  
 219 07/09/2009 (761188)  
 220 07/17/2009 (747833)  
 221 07/31/2009 (741199)  
 222 07/31/2009 (741203)  
 223 08/25/2009 (737232)  
 224 08/25/2009 (766718)

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

Date: 05/10/2005 (339150)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: ExxonMobil BOP had an avoidable emissions event during Incident 49018,

Date: 05/20/2005 (373582)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: BOP had an avoidable emissions event during Incident 51478. Incident was not reported on time. Incident was not excessive.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
 Description: BOP had a late report during incident 51478. Not excessive.

Date: 07/14/2005 (396285)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
 Description: Failure to identify the preconstruction authorization number governing the facility involved in the emissions event.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Flexible Permit No. 3452, S.C. No. 1 PERMIT  
 Description: Unauthorized emissions as a consequence of failure to comply with the reporting requirements.

Date: 02/06/2006 (437332)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 TCEQ Permit #3452, Special Condition-1 PERMIT  
 Description: Failure to prevent unauthorized emissions.

Date: 02/06/2006 (433592)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 TCEQ Permit #3452, Special Condition 1 PERMIT  
 Description: Failure to prevent unauthorized emissions.

Date: 05/23/2006 (463814)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 No. 3452, Special Condition No. 1 PERMIT

Description: Exxon/Mobil failed to maintain the RC-01 Butadiene Compressor.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description: Exxon/Mobil failed to identify TCEQ Air Permit No. 3452 governing the facilities involved in emissions event (Incident No. 69812).

Date: 05/31/2006 (464208)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
9910 and PSD-TX-731M3, SC 7B PERMIT  
O-1153, Special Condition 14 OP

Description: Failed to prevent the exceedence of the annual firing rate limit, which occurred from February 1, 2005 through February 28, 2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent the incorrect calibration of the analyzer resulting in excess ammonia being injected into the system causing a exceedence in the 24-hour rolling average concentration, which occurred from March 21, 2005, 6:00 a.m.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3452 and PSD-TX-302M2, SC 13A PERMIT  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-1553, Special Condition 14 OP

Description: Failed to monitor a flange (LDAR tag #13300.1) in HRVOC service for two quarters (April 1, 2005 through October 2, 2005).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-1553, General Terms and Conditions OP

Description: Failed to include non-reportable emissions events and start-up activities that occurred during the certification period as deviations in the deviation reports dated July 15, 2005 and January 13, 2006.

Date: 07/28/2006 (465223)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description: Exxon/Mobil failed to identify TCEQ Air Permit No. 3452 as the governing authorization for the facilities involved in emissions event (Incident No. 70899).

Self Report? NO Classification: Moderate

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

Description: Exxon/Mobil failed to maintain the NT-02 bottom's balance lines.

Date: 08/25/2006 (480887)

Self Report? NO Classification: Moderate

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

Description: ExxonMobil failed to maintain the liquid hydrocarbons levels in the MD-16, the Cold Blowdown Drum.

Date: 08/25/2006 (480895)

Self Report? NO Classification: Moderate

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

Description: ExxonMobil Chemical Baytown failed to maintain the protective relay to the XVCM-02 compressor motor which resulted in the release of 1,621 pounds of unauthorized volatile organic compounds (VOC) to the atmosphere.

Date: 11/16/2006 (519233)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
TCEQ Air Permit No. 3452, SC No. 1 PA  
Description: Failure to prevent an avoidable emissions event.

Date: 05/01/2007 (543836)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
No. 3452, Special Condition No. 1 PERMIT  
No. 3452, Special Condition No. 9 PERMIT  
Description: An ExxonMobil technician inadvertently 'snuffed out' all the pilot flames to the flare.

Date: 05/15/2007 (558509)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
No. 3452, Special Condition No. 1 PERMIT  
Description: ExxonMobil failed to prevent the MAPD catalyst converter from malfunctioned resulting in the release of 863.54 lbs. of unauthorized air contaminants.

Date: 05/31/2007 (558671)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
No. 3452 PERMIT  
Description: A pilot operated safety valve (RV-EP-8000-1) was relieving at less than 750psig, instead its' set pressure of 1950 psig.

Date: 07/24/2007 (566555)  
Self Report? NO Classification: Moderate  
Citation: No. 3452, Special Condition No. 1 PERMIT  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Exxon/Mobil Chemical Baytown Olefins Plant failed to prevent a methanator trip.

Date: 07/31/2007 (608536)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 12/03/2007 (599440)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to maintain compliance with the permitted effluent limitations.

Date: 06/10/2008 (682221)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions.

Date: 07/21/2008 (686008)  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Date: 08/21/2008 (636743)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
OP O-01553, Special Condition 14 OP  
Permit Nos. 3452 and PSD-TX-302M2, SC 17 PA

Description: Failure of ammonia CEMS RATA,

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(b)(1)  
5C THSC Chapter 382 382.085(b)

Description: Failure to send NOx CEMS RATA completion letter on required time frame.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)  
OP O-01553, Special Condition 14 OP  
Permit 3452 and PSD-TX-302M2, SC 9 PA

Description: Failure to maintain flare pilot continuously.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter G 117.8140(b)  
5C THSC Chapter 382 382.085(b)

Description: Failure to perform required quarterly engine testing.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
5C THSC Chapter 382 382.085(b)

Description: Failure to sample cooling tower water.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
Permit 3452 and PSD-TX-3032M2, SC 9 PA

Description: Failure to meet flare required heating value.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)  
5C THSC Chapter 382 382.085(b)

Description: Failure to limit ammonia concentration during decoking.

Self Report? NO Classification: Minor

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

Description: Failure to create a final record of all reportable and non-reportable emissions events.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(c)(1)(A)  
5C THSC Chapter 382 382.085(b)

Description: Failure to limit carbon monoxide rolling 24-hour limit during decoking.

Date: 02/26/2009 (724251)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT

Description: The RE did not provide sufficient detailed information to demonstrate that the emissions event could not reasonably have been avoided.

Date: 04/02/2009 (735587)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT

Description: Failure to present an affirmative defense for the unauthorized emissions that resulted from the emissions event (Incident No. 117320). Specifically, failed to provide the cause(s) of the liquid entrainment into the Medium Pressure Vent, resulting in formation of a hydrate plug.

Date: 04/24/2009 (735600)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)  
5C THSC Chapter 382 382.085(b)

Description: The RE failed to prevent the excessive opacity levels in the flue gas from Cracking Furnace DF-01 when a tube in the confection section experienced creep failure.

Date: 04/28/2009 (737427)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event. Exxon BOP failed to prevent the feed surge to the depropanizer.

Date: 05/14/2009 (742022)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT

Description: Exxon Mobil failed to depressure the Import/Export Pipeline to a recovery device and depressured it to the flare.

Date: 08/25/2009 (737232)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(l)(1)  
5C THSC Chapter 382 382.085(b)

Description: Failure to continuously operate highly reactive volatile organic compound (HRVOC) Flare, ID#PRIMFL.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3452 and PSD-TX-302M2, SC 12E PA  
40 CFR Chapter 1, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)  
5C THSC Chapter 382 382.085(b)  
O-01553, Special Condition 14 OP  
Special Condition 5 PA

Description: Failure to cap open- ended lines containing volatile organic compounds (VOC), and hazardous air pollutants (HAPs). CATEGORY C 10

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(II)  
5C THSC Chapter 382 382.085(b)  
Special Condition 14 OP  
Special Condition 9 PA

Description: Failure to maintain flare net heating value.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8140(a)  
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct required engine test. (Category B1)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)(2)(C)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain fuel usage record.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PA  
 Special Condition 14 OP  
 Special Condition 7A PA

Description: Failure to prevent unauthorized volatile organic compound (VOC) and highly reactive volatile organic compound emissions.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1063(c)(1)(i)(A)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 14 OP  
 Special Condition 15D PA  
 Special Condition 4 PA

Description: Failure to conduct annual inspection on tanks ZTK05, ZTK06 and ZTK07. (Category B1)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(A)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to close a degreaser lid.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(B)(i)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 3A OP

Description: Failure to maintain certified opacity reader on site.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 14 OP  
 Special Condition 17B PA  
 Special Condition 17G PA  
 Special Condition 5F OP

Description: Failure to perform continuous emission monitoring systems (CEMS) automatic calibration validation.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
EXXON MOBIL CORPORATION  
RN102212925

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2009-1524-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical plant at 3525 Decker Drive in Baytown, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 30, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-One Thousand Four Hundred Twenty-Five Dollars (\$31,425) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Five Thousand One Hundred Forty Dollars (\$25,140) of the administrative penalty and Six Thousand Two Hundred Eighty-Five Dollars

(\$6,285) 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.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent reviewed shutdown procedures, re-ranged the analyzer, removed the feed from the furnace and made adjustments to carbon monoxide ("CO") and ammonia ("NH3") concentration limits by July 21, 2009.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to limit the 24 hour rolling average for CO to 400 and 584 parts per million by volume ("ppmv") and to limit the 24 hour rolling average for NH3 to 10 ppmv, in violation of 30 TEX. ADMIN. CODE § 117.310(c), (c)(1)(A) and (c)(2)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 7 through 21, 2009. Specifically, the Respondent exceeded limits for CO on February 28, 2008 for 18 hours, April 16 through 30, 2008 for 70 hours, August 31, 2008 through September 1, 2008 for 26 hours, November 26 through 27, 2008 for nine hours and December 12 through 17, 2008 for 23 hours. The Respondent exceeded limits for NH3 on August 10 through 15, 2008 for 19 hours.

## III. DENIALS

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

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Exxon Mobil Corporation, Docket No. 2009-1524-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 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.
3. 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.
4. 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.
5. 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 Srollier  
For the Executive Director

2/25/2010  
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.

Michael P Zamora  
Signature

12/9/09  
Date

Michael P Zamora  
Name (Printed or typed)  
Authorized Representative of  
Exxon Mobil Corporation

Plant Manager  
Title

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