

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2009-1952-AIR-E **TCEQ ID:** RN102212925 **CASE NO.:** 38796
RESPONDENT NAME: Exxon Mobil Corporation

ORDER TYPE:		
<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	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Exxon Mobil Chemical Baytown Olefins Plant, 3525 Decker Drive, Baytown, Harris County</p> <p>TYPE OF OPERATION: Petrochemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are four additional pending enforcement actions regarding this facility location, Docket Nos. 2008-0734-AIR-E, 2009-0388-AIR-E, 2009-1524-AIR-E, and 2010-0134-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 12, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Ms. Laurie Baves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Michael P. Zamora, Plant Manager, Exxon Mobil Corporation, P.O. Box 3950, Baytown, Texas 77522-3950 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 22, 2009</p> <p>Date of NOV/NOE Relating to this Case: November 10, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions. Specifically, unauthorized emissions of 10,255.74 pounds ("lbs") of carbon monoxide ("CO"), 1,755.82 lbs of nitrogen oxides ("NOx"), and 10,144.12 lbs of volatile organic compounds ("VOCs") were released from the Primary Flare, BPN FLARE1, and 16,749.01 lbs of CO, 2,590.70 lbs of NOx, and 16,323.52 lbs of VOCs were released from the Secondary Flare, BPN FLARE2 in the Cold Ends Unit during an emissions event (Incident No. 122984) that began on April 19, 2009 and lasted 22 hours. Since this event could have been avoided by better troubleshooting operations in the control room, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit No. 3452 and PSD-TX-302M2, Special Condition 1].</p>	<p>Total Assessed: \$10,000</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$5,000</p> <p>Total Paid to General Revenue: \$5,000</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: Human health and the environment have been exposed to pollutants which exceed levels that are protective.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that by August 28, 2009, the Respondent updated the process gas compressor (LC-02) shutdown procedure to verify an actual trip before closing the trip throttle valve.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Additional ID No(s): HG0228H

Attachment A
Docket Number: 2009-1952-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Exxon Mobil Corporation
Payable Penalty Amount:	Ten Thousand Dollars (\$10,000)
SEP Amount:	Five Thousand Dollars (\$5,000)
Type of SEP:	Pre-approved
Third-Party Recipient:	Barbers Hill Independent School District-Alternative Fueled Vehicle and Equipment Program
Location of SEP:	Harris County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to *Barbers Hill Independent School District* for the Alternative Fueled Vehicle and Equipment Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

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

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	16-Nov-2009	Screening	2-Dec-2009	EPA Due	N/A
	PCW	3-Feb-2010				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	38796	No. of Violations	1
Docket No.	2009-1952-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Trina Grieco
		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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement Subtotals 2, 3, & 7

Notes: Penalty enhancement due to 24 NOVs issued for same or similar violations, two NOVs issued for unrelated violations, eight Agreed Orders issued with a denial of liability, and four Agreed Orders issued without a denial of liability.

Culpability Enhancement Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5

Economic Benefit Subtotal 6

Total EB Amounts	<input type="text" value="\$9"/>	0.0% Enhancement*
Approx. Cost of Compliance	<input type="text" value="\$500"/>	

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 2-Dec-2009

Docket No. 2009-1952-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 38796

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102212925

Media [Statute] Air

Enf. Coordinator Trina Grieco

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)	8	160%
	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 judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 384%

>> 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 24 NOVs issued for same or similar violations, two NOVs issued for unrelated violations, eight Agreed Orders issued with a denial of liability, and four Agreed Orders issued without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 384%

Screening Date 2-Dec-2009

Docket No. 2009-1952-AIR-E

PCW

Respondent Exxon Mobil Corporation

Case ID No. 38796

PCW Revision October 20, 2008

Reg. Ent. Reference No. RN102212925

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Tex. Health & Safety Code § 382.085(b), and Flexible Permit No. 3452 and PSD-TX-302M2, Special Condition 1

Violation Description Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 10,255.74 lbs of carbon monoxide ("CO"), 1,755.82 lbs of nitrogen oxides ("NOx"), and 10,144.12 lbs of volatile organic compounds ("VOCs") were released from the Primary Flare, EPN FLARE1, and 16,749.01 lbs of CO, 2,590.70 lbs of NOx, and 16,323.52 lbs of VOCs were released from the Secondary Flare, EPN FLARE2 in the Cold Ends Unit during an emissions event (Incident No. 122984) that began on April 19, 2009 and lasted 22 hours. Since this event could have been avoided by better troubleshooting operations in the control room, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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 in the Houston-Galveston-Brazoria non-attainment area has been exposed to significant amounts of contaminants that exceeded protective levels as a result of the violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x	daily	x
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$10,000

One daily event is recommended for the day on which the release occurred.

Good Faith Efforts to Comply

	25.0% Reduction	
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

\$2,500

Notes The Respondent completed corrective actions by August 28, 2009 (prior to the November 10, 2009 NOE).

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Estimated EB Amount \$9

Statutory Limit Test

Violation Final Penalty Total \$45,900

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 38796
Reg. Ent. Reference No. RN102212925
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description 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)	\$500	19-Apr-2009	28-Aug-2009	0.36	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to update the process gas compressor (LC-02) shutdown procedure to verify an actual trip before closing the trip throttle valve. The date required is the date the release occurred and the final date is the date 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

\$500

TOTAL

\$9

Compliance History Report

Customer/Respondent/Owner-Operator: CN600123939 Exxon Mobil Corporation Classification: AVERAGE Rating: 2.73
 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	78811
	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: December 02, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 02, 2004 to December 02, 2009

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

Name: Trina Grieco Phone: (210) 403-4006

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 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 111.11(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 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC 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 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 avoidable emissions event that began June 25, 2007 and lasted 12 hours and 11 minutes.

Effective Date: 10/04/2009

ADMINORDER 2009-0217-AIR-E

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,120.81 lbs VOCs, 696.67 lbs of CO and 97.9 lbs of NOx from the Isoprene/Benzene/Naphthalene Unit during an

avoidable emissions event (Incident No. 109491) that began June 15, 2008 and lasted 22 hours. A block valve on the UP-206 Pump was opened to vent vapors and alleviate cavitation in the pump at start-up. After venting, the valve was left open leading to the release of emissions.

Classification: Moderate

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

Rqmt Prov: Flex 3452/Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 13,719.47 lbs of VOCs, including 5,825.36 lbs of hazardous air pollutants, from Feed Tank ZTK-05 during an avoidable emissions event (Incident No. 112334) that began August 8, 2008 and lasted 23 hours and six minutes. During the transfer from an old software system to a new software system, the alarm set points for the High Level alarm on the tank were altered. The alarms failed to go off, causing the tank to ov

Effective Date: 10/31/2009

ADMINORDER 2009-0654-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,456

pounds of volatile organic compounds from the Isoprene/Benzene/Naptha ("IBN") Unit during an avoidable emissions event that began November 12, 2008 and lasted two hours. The release was due to an internal leak in an overhead pipe that developed due to corrosion.

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	12/13/2004	(271258)
2	12/13/2004	(287868)
3	12/13/2004	(289555)
4	12/13/2004	(289556)
5	12/13/2004	(289563)
6	12/20/2004	(360125)
7	12/21/2004	(339334)
8	01/14/2005	(386366)
9	02/14/2005	(386364)
10	03/18/2005	(386365)
11	03/21/2005	(341471)
12	03/25/2005	(374513)
13	04/18/2005	(424253)
14	04/22/2005	(377892)
15	05/10/2005	(339150)
16	05/17/2005	(424254)
17	05/19/2005	(373581)
18	05/20/2005	(373582)
19	05/25/2005	(349417)
20	06/17/2005	(424255)
21	07/14/2005	(392795)
22	07/14/2005	(392796)
23	07/14/2005	(392797)
24	07/14/2005	(396285)
25	07/19/2005	(445026)
26	07/26/2005	(400606)
27	08/05/2005	(403334)
28	08/10/2005	(445027)
29	08/15/2005	(404700)

30	08/24/2005	(397056)
31	08/29/2005	(405282)
32	09/20/2005	(445028)
33	10/24/2005	(445029)
34	11/28/2005	(476046)
35	12/06/2005	(376780)
36	12/20/2005	(476047)
37	01/19/2006	(439145)
38	01/23/2006	(476048)
39	02/03/2006	(437332)
40	02/07/2006	(433592)
41	02/10/2006	(438263)
42	02/21/2006	(476045)
43	02/28/2006	(457054)
44	03/20/2006	(503241)
45	03/28/2006	(452535)
46	04/21/2006	(503242)
47	05/22/2006	(503243)
48	05/24/2006	(463814)
49	05/24/2006	(464433)
50	05/30/2006	(479910)
51	05/30/2006	(479920)
52	05/30/2006	(479928)
53	05/30/2006	(479932)
54	05/30/2006	(479940)
55	05/30/2006	(479945)
56	05/31/2006	(341397)
57	05/31/2006	(464208)
58	06/20/2006	(503244)
59	07/17/2006	(481459)
60	07/17/2006	(503245)
61	07/28/2006	(465223)
62	08/07/2006	(488663)
63	08/17/2006	(525611)
64	08/24/2006	(480881)
65	08/29/2006	(480887)
66	08/29/2006	(480895)
67	08/31/2006	(510492)
68	09/19/2006	(525612)
69	09/22/2006	(513668)
70	10/18/2006	(550249)
71	10/23/2006	(509809)
72	11/15/2006	(515850)
73	11/16/2006	(519233)
74	11/21/2006	(550250)
75	12/07/2006	(514158)
76	12/11/2006	(373579)
77	12/14/2006	(531122)
78	12/15/2006	(550251)
79	12/20/2006	(516286)
80	01/22/2007	(550252)
81	02/14/2007	(536779)
82	02/16/2007	(585541)
83	02/22/2007	(514944)
84	02/22/2007	(515162)
85	03/13/2007	(585542)
86	03/26/2007	(543744)
87	03/27/2007	(461893)
88	04/16/2007	(461341)

89 04/16/2007 (462392)
90 04/18/2007 (585543)
91 04/27/2007 (542037)
92 05/01/2007 (543836)
93 05/02/2007 (558005)
94 05/10/2007 (558255)
95 05/15/2007 (558509)
96 05/15/2007 (585544)
97 05/23/2007 (560720)
98 05/30/2007 (558671)
99 06/14/2007 (585545)
100 07/18/2007 (585546)
101 07/20/2007 (560856)
102 07/20/2007 (560875)
103 07/20/2007 (560879)
104 07/20/2007 (560887)
105 07/24/2007 (566555)
106 07/30/2007 (570076)
107 08/16/2007 (608536)
108 08/20/2007 (568625)
109 08/21/2007 (572965)
110 08/22/2007 (570798)
111 08/30/2007 (512669)
112 09/17/2007 (608537)
113 09/20/2007 (574110)
114 09/20/2007 (593382)
115 10/02/2007 (564017)
116 10/02/2007 (564077)
117 10/02/2007 (564092)
118 10/16/2007 (597921)
119 10/16/2007 (598051)
120 10/16/2007 (623742)
121 10/25/2007 (555099)
122 11/16/2007 (623743)
123 11/30/2007 (599111)
124 12/03/2007 (599440)
125 12/07/2007 (567958)
126 12/20/2007 (612594)
127 12/20/2007 (623744)
128 01/22/2008 (674968)
129 01/25/2008 (615804)
130 01/25/2008 (615948)
131 02/15/2008 (612736)
132 02/19/2008 (674966)
133 03/17/2008 (674967)
134 03/18/2008 (613434)
135 04/04/2008 (638133)
136 04/15/2008 (693308)
137 04/18/2008 (618510)
138 05/08/2008 (653506)
139 05/15/2008 (693309)
140 05/16/2008 (640773)
141 06/10/2008 (682221)
142 06/16/2008 (693310)
143 07/17/2008 (684567)
144 07/21/2008 (686008)
145 07/22/2008 (714552)
146 07/25/2008 (686750)
147 08/15/2008 (714553)

148	08/21/2008	(636743)
149	09/24/2008	(714554)
150	10/16/2008	(730521)
151	10/30/2008	(699719)
152	11/03/2008	(702159)
153	11/10/2008	(702009)
154	11/18/2008	(730522)
155	12/16/2008	(708040)
156	12/18/2008	(708038)
157	12/18/2008	(730523)
158	01/09/2009	(723177)
159	01/20/2009	(753724)
160	01/30/2009	(723574)
161	02/04/2009	(724659)
162	02/16/2009	(558232)
163	02/16/2009	(709278)
164	02/16/2009	(709330)
165	02/17/2009	(771137)
166	02/26/2009	(724231)
167	02/26/2009	(724251)
168	02/26/2009	(724808)
169	03/18/2009	(753723)
170	04/02/2009	(725714)
171	04/02/2009	(725717)
172	04/02/2009	(735587)
173	04/10/2009	(739889)
174	04/20/2009	(771138)
175	04/23/2009	(743523)
176	04/24/2009	(725715)
177	04/24/2009	(735600)
178	04/28/2009	(737427)
179	04/28/2009	(737512)
180	04/30/2009	(740031)
181	05/11/2009	(739888)
182	05/14/2009	(742022)
183	05/15/2009	(771139)
184	06/08/2009	(747629)
185	06/09/2009	(746773)
186	06/11/2009	(741349)
187	06/12/2009	(746853)
188	06/26/2009	(744375)
189	06/26/2009	(745023)
190	06/29/2009	(760095)
191	07/03/2009	(747978)
192	07/09/2009	(761188)
193	07/17/2009	(747833)
194	07/31/2009	(741199)
195	07/31/2009	(741203)
196	08/25/2009	(737232)
197	08/25/2009	(766718)
198	09/23/2009	(776016)
199	09/29/2009	(776831)
200	09/30/2009	(776851)
201	10/13/2009	(777675)
202	10/23/2009	(778916)
203	11/10/2009	(747028)
204	11/10/2009	(778069)
205	11/20/2009	(778611)

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

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,

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.

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.

Date: 02/06/2006 (437332) CN600123939
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) CN600123939
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) CN600123939
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) 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.

Date: 07/28/2006 (465223)

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

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

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

Date: 08/25/2006 (480887)

Self Report? NO Classification: Moderate

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

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

Date: 08/25/2006 (480895)

Self Report? NO Classification: Moderate

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

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

Date: 11/16/2006 (519233)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Air Permit No. 3452, SC No. 1 PA

Description: Failure to prevent an avoidable emissions event.

Date: 05/01/2007 (543836)

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

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

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

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

Date: 07/31/2007 (608536) CN600123939
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/03/2007 (599440) 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.

Date: 06/10/2008 (682224)
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) 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.

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)

CN600123939

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**

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§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1952-AIR-E

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 presented this agreement to the Commission.

The Respondent 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, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement 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 the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a petrochemical manufacturing 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. During an investigation on June 22, 2009, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 10,255.74 lbs of carbon monoxide ("CO"), 1,755.82 lbs of nitrogen oxides ("NOx"), and 10,144.12 lbs of volatile organic compounds ("VOCs") were released from the Primary Flare, EPN FLARE1, and 16,749.01 lbs of CO, 2,590.70 lbs of NOx, and 16,323.52 lbs of VOCs were released from the Secondary Flare, EPN FLARE2 in the Cold Ends Unit during an emissions event (Incident No. 122984) that began on April 19, 2009 and lasted 22 hours.
4. The Respondent received notice of the violations on November 12, 2009.
5. The Executive Director recognizes that by August 28, 2009, the Respondent updated the process gas compressor (LC-02) shutdown procedure to verify an actual trip before closing the trip throttle valve.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit No. 3452 and PSD-TX-302M2, Special Condition 1. Since this event could have been avoided by better troubleshooting operations in the control room, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code 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 Ten Thousand Dollars (\$10,000) 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. The Respondent has paid Five Thousand Dollars (\$5,000) of the administrative penalty. Five Thousand Dollars (\$5,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Ten Thousand Dollars (\$10,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent'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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Exxon Mobil Corporation, Docket No. 2009-1952-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Five Thousand Dollars (\$5,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. 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 the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdella
For the Executive Director

3/26/2010
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Exxon Mobil Corporation. I am authorized to agree to the attached Agreed Order on behalf of Exxon Mobil Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Exxon Mobil Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

2/3/10
Date

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

Plant Manager
Title

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

Attachment A
Docket Number: 2009-1952-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Exxon Mobil Corporation
Payable Penalty Amount:	Ten Thousand Dollars (\$10,000)
SEP Amount:	Five Thousand Dollars (\$5,000)
Type of SEP:	Pre-approved
Third-Party Recipient:	Barbers Hill Independent School District-Alternative Fueled Vehicle and Equipment Program
Location of SEP:	Harris County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to *Barbers Hill Independent School District* for the Alternative Fueled Vehicle and Equipment Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

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

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

