

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2009-0388-AIR-E TCEQ ID: RN102212925; CASE NO.: 37325**  
**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 HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

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

**TYPE OF OPERATION:** petroleum manufacturing plant

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There are three additional enforcement actions pending against this facility location – 2010-0134-AIR-E; 2010-0427-AIR-E ; and 2010-0976-AIR-E.

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

**COMMENTS RECEIVED:** The *Texas Register* comment period expired August 23, 2010. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914  
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

**SEP Coordinator:** Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223

**TCEQ Enforcement Coordinator:** Ms. Trina Grieco, Air Enforcement Section, MC R-13, (210) 403-4006

**TCEQ Regional Contact:** Mr. Manuel Bautista, Air Section Manager, Houston Region Office, MC R-12, (713) 767-3678  
Mr. Jason Harris, Air Section Manager, Houston Region Office, MC R-12 (713) 767-3609

**Respondent:** Ms. Sherry Scott, Exxon Mobil Corporation, Counsel, P.O. Box 2180, 800 Bell Street, 1805-F, Houston, Texas 77252

**Respondent's Attorney:** Mr. Matthew Paulson, Baker Botts, L.L.P., 98 San Jacinto Boulevard, Suite 1500, Austin, Texas 78701

<b>VIOLATION SUMMARY CHART:</b>		
<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> January 21, 2009</p> <p><b>Date of NOE Relating to this Case:</b> February 26, 2009</p> <p><b>Background Facts:</b> The EDPRP was filed on July 16, 2009. Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on June 22, 2010.</p> <p><b>Current Compliance Status:</b> No outstanding Technical Requirements.</p> <p><b>AIR:</b> Failed to prevent unauthorized emissions, which exceeded the maximum limit of 1,200 pounds per one-hour block of highly reactive volatile organic compounds ("HRVOCs") per Plant in Harris County; and failed to maintain a flame on the Secondary Flare (emission point number ("EPN") FLARE2). Specifically, unauthorized emissions of 7,175 pounds of volatile organic compounds ("VOCs"), including 6,738.62 pounds of HRVOCs, 144 pounds of carbon monoxide ("CO"), and 29 pounds of nitrogen oxides ("NOx") were released through the Primary Flare (EPN FLARE1) and the Secondary Flare (EPN FLARE2) in the Cold Ends Unit during an emissions event (Incident No. 113471) that occurred on September 3, 2008 and lasted 28 minutes. The TCEQ determined that this event could have been avoided through better inspection and maintenance procedures [30 TEX. ADMIN. CODE §§ 101.20(3), 115.722(c)(1), and 116.715(a); Flexible Permit No. 3452, Special Conditions 1 and 9; 40 C.F.R. § 60.18(c)(2); and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$10,000</p> <p><b>Total Deferred:</b> \$5,000  <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input checked="" type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid to General Revenue:</b> \$5,000</p> <p>Respondent paid \$5,000 of the administrative penalty. The remaining amount of \$5,000 shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</p> <p><b>Site Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that Respondent implemented the following corrective measures at the Plant:</p> <ol style="list-style-type: none"> <li>By September 30, 2008, removed the steam trap internals on the two normally idle steam lines; and</li> <li>On February 10, 2009, repaired the steam control valve.</li> </ol> <p><b>Ordering Provision:</b></p> <p>Respondent shall implement and complete a SEP (<i>Houston Regional Monitoring Corp.</i>).</p>

**Attachment A**  
**Docket Number: 2009-0388-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Exxon Mobil Corporation</b>
<b>Penalty Amount:</b>	Ten Thousand Dollars (\$10,000)
<b>SEP Offset Amount:</b>	Five Thousand Dollars (\$5,000)
<b>Type of SEP:</b>	Pre-approved
<b>Third-Party Recipient:</b>	<b>Houston Regional Monitoring Corporation – HRMC Houston Area Air Monitoring</b>
<b>Location of SEP:</b>	Harris County

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

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Houston Regional Monitoring Corporation** for the *HRMC Houston Area Air Monitoring* to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing data from the network which may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. The SEP will provide collection of near real-time volatile organic compound (“VOC”), nitrogen oxides (“NO<sub>x</sub>”), ozone (“O<sub>3</sub>”), and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, and to assess potential ambient community exposure to a limited number of air pollutants. Data from these monitors may also be publicly accessible through the TCEQ website and may be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. The public will directly benefit by having access to the data and the forecasting

and notification tools which can be used for public awareness and indirectly benefit by providing data useful in addressing Houston's ozone non-attainment status.

C. Minimum Expenditure

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

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall make the check payable to "Houston Regional Monitoring Corporation" and mail a copy of the Agreed Order with the contribution check to:

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

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

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

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

**5. Publicity**

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

**6. Clean Texas Program**

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

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

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	3-Mar-2009			
	<b>PCW</b>	18-Jun-2010	<b>Screening</b>	18-Mar-2009	<b>EPA Due</b>

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

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	37325	<b>No. of Violations</b>	1		
<b>Docket No.</b>	2009-0388-AIR-E	<b>Order Type</b>	1660		
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Kimberly Morales		
		<b>EC's Team</b>	Enforcement Team 5		
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000		

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$5,000</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	259.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$12,950</b>
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Notes: Penalty enhancement due to 20 NOVs issued for same or similar violations, two NOVs issued for dissimilar violations, four agreed orders containing a denial of liability, and three agreed orders without a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$1,250</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$44  
 Approx. Cost of Compliance: \$2,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$16,700</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$16,700**

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$10,000</b>
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$10,000</b>
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**Screening Date** 18-Mar-2009

**Docket No.** 2009-0388-AIR-E

**PCW**

**Respondent** Exxon Mobil Corporation

Policy Revision 2 (September 2002)

**Case ID No.** 37325

PCW Revision October 30, 2008

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

**Media [Statute]** Air

**Enf. Coordinator** Kimberly Morales

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	20	100%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 259%

#### >> 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 20 NOVs issued for same or similar violations, two NOVs issued for dissimilar violations, four agreed orders containing a denial of liability, and three agreed orders without a denial of liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 259%

**Screening Date** 18-Mar-2009 **Docket No.** 2009-0388-AIR-E **PCW**  
**Respondent** Exxon Mobil Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 37325 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN102212925  
**Media [Statute]** Air  
**Enf. Coordinator** Kimberly Morales

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 115.722(c)(1), and 116.715(a), Flexible Permit No. 3452, Special Conditions 1 and 9, 40 Code of Federal Regulations § 60.18(c)(2), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to prevent unauthorized emissions, which exceeded the maximum limit of 1,200 pounds per one-hour block of highly reactive ("HR") volatile organic compounds ("VOCs") per Plant in Harris County; and failed to maintain a flame on the Secondary Flare. Specifically, unauthorized emissions of 7,175 pounds of VOCs, including 6,738.62 pounds of HRVOCs, 144 pounds of carbon monoxide, and 29 pounds of nitrogen oxides were released through the Primary Flare, emission point number ("EPN") FLARE1, and the Secondary Flare, EPN FLARE2, in the Cold Ends Unit during an emissions event (Incident No. 113471) that occurred on September 3, 2008 and lasted 28 minutes. Since this event could have been avoided by having better inspection and maintenance procedures in place for the wiring on the field suction pressure indicators and with operator training to detect leaking steam valves (which caused steam condensate to enter the Secondary Flare and extinguish the flame), 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**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		50%
	Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes** Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of contaminants, including 3.37 tons of HRVOCs, that did not exceed protective levels as a result of the violation.

**Adjustment** \$5,000

\$5,000

**Violation Events**

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

*mark only one with an x*

**Violation Base Penalty** \$5,000

One monthly event is recommended for the day the event that occurred on September 3, 2008.

**Good Faith Efforts to Comply** 25.0% Reduction \$1,250

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

**Notes** The Respondent completed corrective actions on February 10, 2009, prior to the February 26, 2009 NOE.

**Violation Subtotal** \$3,750

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$44 **Violation Final Penalty Total** \$16,700

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

## Economic Benefit Worksheet

**Respondent** Exxon Mobil Corporation  
**Case ID No.** 37325  
**Reg. Ent. Reference No.** RN102212925  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$2,000	3-Sep-2008	10-Feb-2009	0.44	\$44	n/a	\$44
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove the steam trap internals on the two normally idle steam lines and repair the steam control valve. The date required is the date of the event. 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

\$2,000

**TOTAL**

\$44

# Compliance History Report

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

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	87598
	AIR NEW SOURCE PERMITS	REGISTRATION	85189
	AIR NEW SOURCE PERMITS	EPA ID	P713
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980625966
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31404
	AIR OPERATING PERMITS	PERMIT	1553
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0228H

Location: 3525 DECKER DR, BAYTOWN, TX, 77520  
 TCEQ Region: REGION 12 - HOUSTON  
 Date Compliance History Prepared: March 12, 2009  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: March 12, 2004 to March 12, 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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

### Components (Multimedia) for the Site :

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

1 **Effective Date: 07/22/2006** **ADMINORDER 2005-2070-AIR-E**  
 Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failed to submit initial notification within 24 hours after discovery of emissions event that occurred from August 17, 2004 to December 2, 2004.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: 3452, Special Condition 1 PERMIT  
 Description: Failed to prevent the unauthorized emissions of 16,272 lbs of ethylene, 6,395 lbs of propylene and 91,264 lbs of carbon monoxide from the main burner vent valve during an emissions event that occurred from August 17, 2004 to December 2, 2004, lasting 2,568 hours.

2

**Effective Date: 04/13/2007**

**ADMINORDER 2006-1519-AIR-E**

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

3

**Effective Date: 07/13/2007**

**ADMINORDER 2006-0736-AIR-E**

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Air Permit #3452, SC1 PERMIT

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

Classification: Minor

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

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

4

**Effective Date: 08/10/2007**

**ADMINORDER 2006-2046-AIR-E**

Classification: Moderate

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

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

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

5

**Effective Date: 09/21/2007**

**ADMINORDER 2007-0034-AIR-E**

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Air Permit No. 3452, SC1 PERMIT

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

Classification: Moderate

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

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

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

6

**Effective Date: 10/04/2007**

**ADMINORDER 2007-0290-AIR-E**

Classification: Moderate

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

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

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

7

**Effective Date: 11/17/2008**

**ADMINORDER 2008-0681-AIR-E**

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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	04/19/2004	(314723)
2	05/18/2004	(314725)
3	06/17/2004	(314727)
4	06/18/2004	(271703)
5	06/18/2004	(271704)
6	06/30/2004	(271595)
7	07/14/2004	(360120)
8	08/13/2004	(277844)
9	08/13/2004	(278593)
10	08/16/2004	(277785)
11	08/16/2004	(277845)
12	08/16/2004	(278248)
13	08/20/2004	(360121)
14	08/31/2004	(278199)
15	09/01/2004	(277846)
16	09/01/2004	(278352)
17	09/01/2004	(288665)
18	09/01/2004	(288722)
19	09/01/2004	(288748)
20	09/02/2004	(279829)
21	09/02/2004	(279860)
22	09/03/2004	(279795)
23	09/03/2004	(279817)
24	09/03/2004	(280037)
25	09/03/2004	(280111)
26	09/03/2004	(280123)
27	09/03/2004	(280144)
28	09/21/2004	(360122)
29	09/30/2004	(280282)
30	09/30/2004	(287843)
31	09/30/2004	(287848)
32	09/30/2004	(287862)
33	09/30/2004	(287902)
34	09/30/2004	(288587)
35	09/30/2004	(289552)
36	09/30/2004	(289553)
37	09/30/2004	(289557)
38	09/30/2004	(289561)
39	09/30/2004	(289566)
40	09/30/2004	(289677)
41	09/30/2004	(289679)
42	10/19/2004	(360123)
43	10/26/2004	(292713)
44	10/31/2004	(287875)
45	10/31/2004	(289550)
46	10/31/2004	(289551)
47	10/31/2004	(289554)
48	11/08/2004	(339363)
49	11/08/2004	(339632)
50	11/08/2004	(339636)
51	11/09/2004	(339460)
52	11/16/2004	(360124)
53	11/29/2004	(339359)
54	11/29/2004	(339626)
55	12/13/2004	(271258)
56	12/13/2004	(287868)
57	12/13/2004	(289555)
58	12/13/2004	(289556)
59	12/13/2004	(289563)
60	12/20/2004	(360125)
61	12/21/2004	(339334)
62	01/14/2005	(386366)
63	02/14/2005	(386364)
64	03/18/2005	(386365)
65	03/21/2005	(341471)
66	03/25/2005	(374513)
67	04/18/2005	(424253)
68	04/22/2005	(377892)
69	05/10/2005	(339150)
70	05/17/2005	(424254)
71	05/19/2005	(373581)
72	05/20/2005	(373582)

73	05/25/2005	(349417)
74	06/17/2005	(424255)
75	07/14/2005	(392795)
76	07/14/2005	(392796)
77	07/14/2005	(392797)
78	07/14/2005	(396285)
79	07/19/2005	(445026)
80	07/26/2005	(400606)
81	08/05/2005	(403334)
82	08/10/2005	(445027)
83	08/15/2005	(404700)
84	08/24/2005	(397056)
85	08/29/2005	(405282)
86	09/20/2005	(445028)
87	10/24/2005	(445029)
88	11/28/2005	(476046)
89	12/06/2005	(376780)
90	12/20/2005	(476047)
91	01/19/2006	(439145)
92	01/23/2006	(476048)
93	02/03/2006	(437332)
94	02/07/2006	(433592)
95	02/10/2006	(438263)
96	02/21/2006	(476045)
97	02/28/2006	(457054)
98	03/20/2006	(503241)
99	03/28/2006	(452535)
100	04/21/2006	(503242)
101	05/22/2006	(503243)
102	05/24/2006	(463814)
103	05/24/2006	(464433)
104	05/30/2006	(479910)
105	05/30/2006	(479920)
106	05/30/2006	(479928)
107	05/30/2006	(479932)
108	05/30/2006	(479940)
109	05/30/2006	(479945)
110	05/31/2006	(341397)
111	05/31/2006	(464208)
112	06/20/2006	(503244)
113	07/17/2006	(481459)
114	07/17/2006	(503245)
115	07/28/2006	(465223)
116	08/07/2006	(488663)
117	08/17/2006	(525611)
118	08/24/2006	(480881)
119	08/29/2006	(480887)
120	08/29/2006	(480895)
121	08/31/2006	(510492)
122	09/19/2006	(525612)
123	09/22/2006	(513668)
124	10/18/2006	(550249)
125	10/23/2006	(509809)
126	11/15/2006	(515850)
127	11/16/2006	(519233)
128	11/21/2006	(550250)
129	12/07/2006	(514158)
130	12/11/2006	(373579)
131	12/14/2006	(531122)
132	12/15/2006	(550251)
133	12/20/2006	(516286)
134	01/22/2007	(550252)
135	02/14/2007	(536779)
136	02/16/2007	(585541)
137	02/22/2007	(514944)
138	02/22/2007	(515162)
139	03/13/2007	(585542)
140	03/26/2007	(543744)
141	03/27/2007	(461893)
142	04/16/2007	(461341)
143	04/16/2007	(462392)
144	04/18/2007	(585543)
145	04/27/2007	(542037)
146	05/01/2007	(543836)
147	05/02/2007	(558005)
148	05/10/2007	(558255)
149	05/15/2007	(558509)

150	05/15/2007	(585544)
151	05/23/2007	(560720)
152	05/30/2007	(558671)
153	06/14/2007	(585545)
154	07/18/2007	(585546)
155	07/20/2007	(560856)
156	07/20/2007	(560875)
157	07/20/2007	(560879)
158	07/20/2007	(560887)
159	07/24/2007	(566555)
160	07/30/2007	(570076)
161	08/16/2007	(608536)
162	08/20/2007	(568625)
163	08/21/2007	(572965)
164	08/22/2007	(570798)
165	08/30/2007	(512669)
166	09/17/2007	(608537)
167	09/20/2007	(574110)
168	09/20/2007	(593382)
169	10/02/2007	(564017)
170	10/02/2007	(564077)
171	10/02/2007	(564092)
172	10/16/2007	(597921)
173	10/16/2007	(598051)
174	10/16/2007	(623742)
175	10/25/2007	(555099)
176	11/16/2007	(623743)
177	11/30/2007	(599111)
178	12/03/2007	(599440)
179	12/07/2007	(567958)
180	12/20/2007	(612594)
181	12/20/2007	(623744)
182	01/22/2008	(674968)
183	01/25/2008	(615804)
184	01/25/2008	(615948)
185	02/15/2008	(612736)
186	02/19/2008	(674966)
187	03/17/2008	(674967)
188	03/18/2008	(613434)
189	04/04/2008	(638133)
190	04/15/2008	(693308)
191	04/18/2008	(618510)
192	05/08/2008	(653506)
193	05/15/2008	(693309)
194	05/16/2008	(640773)
195	06/10/2008	(682221)
196	06/16/2008	(693310)
197	07/17/2008	(684567)
198	07/21/2008	(686008)
199	07/22/2008	(714552)
200	07/25/2008	(686750)
201	08/15/2008	(714553)
202	08/21/2008	(636743)
203	09/24/2008	(714554)
204	10/16/2008	(730521)
205	10/30/2008	(699719)
206	11/03/2008	(702159)
207	11/10/2008	(702009)
208	11/18/2008	(730522)
209	12/16/2008	(708040)
210	12/18/2008	(708038)
211	12/18/2008	(730523)
212	01/09/2009	(723177)
213	01/30/2009	(723574)
214	02/04/2009	(724659)
215	02/16/2009	(558232)
216	02/16/2009	(709278)
217	02/16/2009	(709330)
218	02/26/2009	(724231)
219	02/26/2009	(724251)
220	02/26/2009	(724808)



- 3452 and PSD-TX-302M2, SC 13A PERMIT  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-1553, Special Condition 14 OP
- Description: Failed to monitor a flange (LDAR tag #13300.1) in HRVOC service for two quarters (April 1, 2005 through October 2, 2005).
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-1553, General Terms and Conditions OP
- Description: Failed to include non-reportable emissions events and start-up activities that occurred during the certification period as deviations in the deviation reports dated July 15, 2005 and January 13, 2006.
- 8 **Date: 07/28/2006 (465223)**
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
- Description: Exxon/Mobil failed to identify TCEQ Air Permit No. 3452 as the governing authorization for the facilities involved in emissions event (Incident No. 70899).
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
No. 3452, Special Condition No. 1 PERMIT
- Description: Exxon/Mobil failed to maintain the NT-02 bottom's balance lines.
- 9 **Date: 08/25/2006 (480887)**
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
No. 3452, Special Condition No. 1 PERMIT
- Description: ExxonMobil failed to maintain the liquid hydrocarbons levels in the MD-16, the Cold Blowdown Drum.
- 10 **Date: 08/25/2006 (480895)**
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
No. 3452, Special Condition No. 1 PERMIT
- Description: ExxonMobil Chemical Baytown failed to maintain the protective relay to the XVCM-02 compressor motor which resulted in the release of 1,621 pounds of unauthorized volatile organic compounds (VOC) to the atmosphere.
- 11 **Date: 11/16/2006 (519233)**
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
TCEQ Air Permit No. 3452, SC No. 1 PA
- Description: Failure to prevent an avoidable emissions event.
- 12 **Date: 05/01/2007 (543836)**
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
No. 3452, Special Condition No. 1 PERMIT  
No. 3452, Special Condition No. 9 PERMIT
- Description: An ExxonMobil technician inadvertently 'snuffed out' all the pilot flames to the flare.
- 13 **Date: 05/15/2007 (558509)**
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
No. 3452, Special Condition No. 1 PERMIT
- Description: ExxonMobil failed to prevent the MAPD catalyst converter from malfunctioned resulting in the release of 863.54 lbs. of unauthorized air contaminants.
- 14 **Date: 05/31/2007 (558671)**
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
No. 3452 PERMIT
- Description: A pilot operated safety valve (RV-EP-8000-1) was relieving at less than 750psig, instead its' set pressure of 1950 psig.

- 15 **Date: 07/24/2007 (566555)**  
 Self Report? NO Classification: Moderate  
 Citation: No. 3452, Special Condition No. 1 PERMIT  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382, SubChapter D 382.085(b)  
 Description: Exxon/Mobil Chemical Baytown Olefins Plant failed to prevent a methanator trip.
- 16 **Date: 07/31/2007 (608536)**  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter
- 17 **Date: 12/03/2007 (599440)**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to maintain compliance with the permitted effluent limitations.
- 18 **Date: 06/10/2008 (682221)**  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Description: Failed to prevent unauthorized emissions.
- 19 **Date: 07/21/2008 (686008)**  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Description: Failed to prevent unauthorized emissions.
- 20 **Date: 08/21/2008 (636743)**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 OP O-01553, Special Condition 14 OP  
 Permit Nos. 3452 and PSD-TX-302M2, SC 17 PA  
 Description: Failure of ammonia CEMS RATA,  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.219(b)(1)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to send NOx CEMS RATA completion letter on required time frame.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
 5C THSC Chapter 382 382.085(b)  
 OP O-01553, Special Condition 14 OP  
 Permit 3452 and PSD-TX-302M2, SC 9 PA  
 Description: Failure to maintain flare pilot continuously.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter G 117.8140(b)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to perform required quarterly engine testing.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to sample cooling tower water.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 5C THSC Chapter 382 382.085(b)  
 Permit 3452 and PSD-TX-3032M2, SC 9 PA  
 Description: Failure to meet flare required heating value.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to limit ammonia concentration during decoking.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to create a final record of all reportable and non-reportable emissions events.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.206(c)(1)(A)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to limit carbon monoxide rolling 24-hour limit during decoking.

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

22 **Date: 02/26/2009 (724808)**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: The RE failed to supply sufficient detailed information to demonstrate that the emissions event was reasonably unavoidable.

- 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. 2009-0388-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered this agreement of the parties (the “Agreed Order”), resolving an enforcement action regarding Exxon Mobil Corporation (“Respondent”) under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Matthew Paulson of the law firm Baker Botts L.L.P., appear before the Commission and together stipulate that:

1. Respondent owns and operates a petrochemical manufacturing plant located at 3525 Decker Drive, Baytown, Harris County, Texas (the “Plant”). The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II (“Allegations”), nor of any statute or rule.
5. An administrative penalty in the amount of ten thousand dollars (\$10,000.00) is assessed by the Commission in settlement of the violations alleged in Section II. Pursuant to TEX. WATER CODE § 7.067, five thousand dollars (\$5,000.00) of the administrative penalty shall be conditionally offset by Respondent’s completion of a Supplemental Environmental Project (SEP) as defined in Attachment A, incorporated herein by reference. 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. Respondent paid five thousand dollars (\$5,000.00) of the administrative penalty.
6. 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.
  7. The Executive Director of the TCEQ and Respondent agree on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
  8. The Executive Director recognizes that Respondent implemented the following corrective measures at the Plant in response to this enforcement action:
    - a. By September 30, 2008, removed the steam trap internals on the two normally idle steam lines ; and
    - b. On February 10, 2009, repaired the steam control valve.
  9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas (“OAG”) for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
  10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

1. During an investigation conducted on January 21, 2009, a TCEQ Houston Regional Office investigator documented that Respondent violated 30 TEX. ADMIN. CODE §§ 101.20(3), 115.722(c)(1), and 116.715(a); Flexible Permit No. 3452, Special Conditions 1 and 9; 40 C.F.R. § 60.18(c)(2); and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to prevent unauthorized emissions which exceeded the maximum limit of 1,200 pounds per one-hour block of highly reactive volatile organic compounds (“HRVOCs”) per Plant in Harris County; and by failing to maintain a flame on the Secondary Flare (emission point number (“EPN”) FLARE2). Specifically, unauthorized emissions of 7,175 pounds of volatile organic compounds (“VOCs”), including 6,738.62 pounds of HRVOCs, 144 pounds of carbon monoxide (“CO”), and 29 pounds of nitrogen oxides (“NOx”) were released through the Primary Flare (EPN FLARE1) and the Secondary Flare (EPN FLARE2) in the Cold Ends Unit during an emissions event (Incident No. 113471) that occurred on September 3, 2008

and lasted 28 minutes. The TCEQ determined that this event could have been avoided through better inspection and maintenance procedures.

2. Respondent received notice of the violations on or about March 3, 2009.

### **III. DENIALS**

Respondent generally denies each Allegation in Section II.

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5, above, for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and 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 considering or requiring corrective action or penalties for violations which are not raised here.
2. Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067 and as set forth in Section I, Paragraph 5, above. Five thousand dollars (\$5,000.00) of the assessed administrative penalty shall be offset with the condition that Respondent implement and complete the SEP pursuant to the terms of the SEP as defined in Attachment A, incorporated herein by reference. Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement. Administrative penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Exxon Mobil Corporation, Docket No. 2009-0388-AIR-E" to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon Respondent. 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 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, Respondent's failure to comply is not a violation of this Agreed

Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to 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

*Barbara Pennington*      7/21/2010  
For the Executive Director      Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, 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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

*Michael P Zamora*      6/22/10  
Signature      Date

Michael P Zamora      Plant Manager  
Name (Printed or typed)      Title  
Authorized representative of  
Exxon Mobil Corporation

**Attachment A**  
**Docket Number: 2009-0388-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Exxon Mobil Corporation

**Penalty Amount:** Ten Thousand Dollars (\$10,000)

**SEP Offset Amount:** Five Thousand Dollars (\$5,000)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** **Houston Regional Monitoring Corporation** – *HRMC Houston Area Air Monitoring*

**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 Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Houston Regional Monitoring Corporation** for the *HRMC Houston Area Air Monitoring* to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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

B. Environmental Benefit

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

and notification tools which can be used for public awareness and indirectly benefit by providing data useful in addressing Houston's ozone non-attainment status.

C. Minimum Expenditure

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

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall make the check payable to "Houston Regional Monitoring Corporation" and mail a copy of the Agreed Order with the contribution check to:

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

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

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

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

**5. Publicity**

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

**6. Clean Texas Program**

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

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

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