

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO. 2009-1343-AIR-E RN102574803 CASE NO. 38179**  
**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:** 5000 Bayway Drive, Baytown, Harris county

**TYPE OF OPERATION:** Petrochemical manufacturing plant

**SMALL BUSINESS:**  Yes  No  N/A

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There are two additional enforcement actions pending against this facility location (2010-0027-AIR-E; 2010-0840-AIR-E).

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

**COMMENTS RECEIVED:** The *Texas Register* comment period expired August 9, 2010. No comments were received.

**CONTACTS AND MAILING LIST:**

- TCEQ Attorney:** Mrs. Anna Treadwell, Litigation Division, MC 175, (512) 239-0974  
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400
- TCEQ Enforcement Coordinator:** Mr. James Nolan, Enforcement Section, MC 149, (512) 239-6634
- TCEQ SEP Coordinator:** Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223
- TCEQ Regional Contact:** Mr. Jason Harris, Houston Regional Office, MC R-12, (713) 767-3637
- Respondent:** Ms. Sasha Easley, Exxon Mobil Corporation, 5000 Bayway Drive, Baytown, Texas 77520
- Respondent's Attorney:** Not represented by counsel on this enforcement matter

<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>Date of Investigation Relating to this Case:</b> December 1-3, 2008</p> <p><b>Date of NOE Relating to this Case:</b> July 24, 2009</p> <p><b>Background Facts:</b> Settlement was achieved and the agreed order was signed on May 26, 2010.</p> <p><b>Current Compliance Status:</b> No outstanding Technical Requirements.</p> <p><b>AIR:</b> Failed to maintain all air pollution emission capture and abatement equipment in good working order and operating properly during normal Plant operations [30 TEX. ADMIN. CODE §§ 116.715(c)(9) and 122.143(4); Federal Operating Permit No. O-01278, General Terms and Conditions; New Source Review Permit No. 20211, Special Condition No. 3; and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)]</p>	<p><b>Total Assessed:</b> \$3,700</p> <p><b>Total Deferred:</b> \$1,850  <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> \$1,850</p> <p>Respondent paid \$1,850 of the administrative penalty. The remaining amount of \$1,850 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 repaired the internal floating roof on Tank 3109.</p> <p><b>Ordering Provisions:</b></p> <p>Respondent shall implement and complete a SEP (<i>Harris County – Ambient and Meteorological Air Monitoring</i>)</p>

**Attachment A**  
**Docket Number: 2009-1343-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Exxon Mobil Corporation</b>
<b>Penalty Amount:</b>	Three thousand seven hundred dollars (\$3,700)
<b>SEP Offset Amount:</b>	One thousand eight hundred fifty dollars (\$1,850)
<b>Type of SEP:</b>	Pre-approved
<b>Third-Party Recipient:</b>	<b>Harris County</b> – <i>Ambient and Meteorological Air Monitoring</i>
<b>Location of SEP:</b>	Harris County

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

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Harris County** for the *Ambient and Meteorological Air Monitoring* to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. The Third-Party Recipient shall use SEP Funds to monitor air quality in Harris County using two monitoring methods: (1) Ambient Air Pollutants Monitoring or (2) Meteorological Monitoring, as described in detail below.

- (1) Ambient Air Pollutants Monitoring:  
The Third-Party Recipient or its contractor shall use SEP Funds to:
  - a) supplement or enhance operation of the existing air monitoring network;
  - b) perform periodic maintenance on the air monitoring equipment;
  - c) site and install new air monitoring stations; and
  - d) install upgrades to or retrofit existing air monitoring stations in Harris County.

Specifically, Third-Party Recipient shall use SEP Funds to operate, maintain, and potentially expand portions of its existing ambient air quality monitoring network in the Harris County area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP Funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided. Specific sites and parameters monitored are listed below in Table I . Future sites and parameters may be added (as identified through specific work plans and upon approval by TCEQ), depending on availability of SEP Funds. SEP Funds may be used to purchase equipment, hardware, software, and licenses to enable the monitoring of ambient air pollutants. SEP Funds may also be used for maintenance of the air monitoring equipment and for the contracting of air monitoring services. No portion of the SEP Funds will be used for administrative costs or salaries of the Third-Party Recipient’s personnel.

One site has been targeted for monitoring activities with first available SEP Funds: Photochemical Assessment Monitoring (PAMS) station near C167 monitoring station at Galena Park, Texas. Hourly

measurements will be reported for 63 individual volatile organic compounds (VOCs) listed in Table 2 below that participate in the formation of ground level ozone and several of which are designated by EPA as Hazardous Air Pollutants (HAPs). The speciated VOC measurements will be made using a gas chromatograph with flame ionization detector (GC-FLD) capable of automated (continuous) operation, which results in at least one sampling and analysis cycle per hour.

The VOCs measured by the monitoring stations will be dependent on the representative ambient conditions of the area at each monitoring site. The VOCs measured by the monitoring stations will be selected by the Third-Party Recipient from the list of VOCs in Table 2 below and must be acceptable to TCEQ.

For additional sites or parameters proposed to be added to this project, the Third-Party Recipient shall propose each addition in a work plan submitted to TCEQ. The work plan will list the specific location, parameters to be monitored, measurement frequency, deliverables, estimated cost, data quality requirements, and time period. The work plan must be approved by TCEQ prior to expenditure of SEP funds received. The four tasks listed below each fund a specific monitoring site in the urban industrial area of the Houston ship channel.

The site(s) will be selected by the Third-Party Recipient and must be acceptable to TCEQ. Site selection criteria will be based in part on factors to better identify specific pollution point sources as well as non-specific anthropogenic and biogenic pollution sources. The measurement techniques may consist of, but are not limited to:

1. PAMs - hourly (AutoGC) for speciated ozone precursor VOCs as listed in Table 2, below;
2. Total non-methane organic compounds (TNMOC) analyzer for event-triggered canister sampling for VOCs as listed in Table 2, be low;
3. Fast GC (15 minutes) analyzer for select Hazardous Air Pollutants (HAPs) such as benzene;
4. Canister samples - Gas chromatograph with mass spectrometer (GC-MS) and/or flame ionization detector (FID) analysis for selected HAPs and ozone precursor VOCs. Sampling frequency may vary dependent on the goals of the project and contingent upon available SEP Funds.

The data from this program will be collected, validated and quality assured using methodologies consistent with EPA guidance or recommended TCEQ standards. Data from each continuous monitor will be uploaded either hourly or in 5 minute average concentrations via a web-based portal directly to the TCEQ air quality information database which TCEQ may make available to the public via the TCEQ public web site. The Third-Party Recipient or its contractor will collect and report data back to the TCEQ in a format acceptable to the agency. The Third-Party Recipient is responsible for all hardware, software, and services associated with ingesting the continuous monitoring data into TCEQ's data acquisition system and may use SEP Funds for this purpose.

Prior to the use of SEP Funds, the Third-Party Recipient shall obtain TCEQ approval concerning the location of the sampling systems and specific pollutants to be monitored. The Third-Party Recipient or its contractor must generate a Quality Assurance Project Plan (QAPP) following EPA Requirements for Quality Assurance Project Plans (EPA *QAIR-5*), which must be approved by TCEQ prior to implementation. The QAPP shall include sampling site locations, target compounds, measurement quality objectives, and quality assurance checks.

The Third-Party Recipient shall ensure that analysis of all data collected from these sites complies with the Third-Party Recipient's or its contractor's Standard Operating Procedures (SOPs) for the analysis and measurement of VOCs in ambient air. The Third-Party Recipient must also ensure that any laboratory data generated by this project is from a TCEQ-accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories (e.g., 30 TEX. ADMIN. CODE, ch. 25, relating to Environmental Testing Laboratory Accreditation and Certification, as amended). SEP Funds will be used to purchase equipment, hardware, software, and licenses to enable the monitoring of ambient air pollutants. SEP Funds may also be used for maintenance of the air monitoring equipment. SEP Funds may also be used, subject to special conditions, for the contracting of air monitoring services. No portion of the SEP Funds will be used for administrative costs or salaries of The Third-Party Recipient's personnel.

**Table 1 Harris County SEP Ambient Air Network Monitoring Locations and Parameters**

Shaded areas represent monitoring that will continue to be 100% funded from other (non-SEP) sources.

Location	*Met	Criteria Pollutants								Non-Criteria Pollutants		
		Oxides of Nitrogen			Particulate Matter							
	MET data	CO	NO <sub>2</sub>	N O <sub>x</sub>	Ozone (O <sub>3</sub> )	PM <sub>2.5</sub>	PM <sub>10</sub>	SO <sub>2</sub>	Lead	(H <sub>2</sub> S)	PAMS VOC	**Other VOC
Galena Park at or near CAM #167	✓										✓	

Galena Park Monitoring Station will monitor speciated VOCs on a semi-continuous basis (at least one measurement per hour with a minimum of 75% data return) with a minimum detection limit no higher than 0.5 ppbv.

\*MET data includes: wind speed, wind direction, temperature, wind gust, wind vector, wind standard deviation, and net radiation

\*\* VOC list attached below

**Table 2 Harris County SEP Photochemical Assessment Monitoring Station "PAMS" Target Species**

	AIRS code	Hydrocarbon
1.	43206	Acetylene
2.	43203	Ethylene

Exxon Mobil Corporation  
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3.	43202	Ethane
4.	43205	Propylene
5.	43204	Propane
6.	43214	I-butane
7.	43280	1-Butene
8.	43270	Isobutene
9.	43212	n-Butane
10.	43216	trans-2-Butene
11.	43217	cis-2-Butene
12.	43282	3-Methyl-1-Butene
13.	43221	Isopentane
14.	43224	1-Pentene
15.	43220	n-Pentane
16.	43243	Isoprene
17.	43226	trans-2-Pentene
18.	43227	cis-2-Pentene
19.	43228	2-Methyl-2-Butene
20.	43244	2,2-Dimethylbutane
21.	43283	Cyclopentene
22.	43234	4-Methyl-1-Pentene
23.	43242	Cyclopentane
24.	43284	2,3-Dimethylbutane
25.	43285	2-Methylpentane
26.	43230	3-Methylpentane
27.	43246	2-Methyl-1-Pentene
28.	43231	n-Hexane
29.	43289	trans-2-Hexene
30.	43290	cis-2-Hexene
31.	43262	Methylcyclopentane
32.	43247	2,4-Dimethylpentane
33.	45201	Benzene
34.	43248	Cyclohexane
35.	43263	2-Methylhexane
36.	43291	2,3-Dimethylpentane
37.	43249	3-Methylhexane
38.	43250	2,2,4-Trimethylpentane
39.	43232	n-Heptane
40.	43261	Methylcyclohexane
41.	43252	2,3,4-Trimethylpentane
42.	45202	Toluene
43.	43960	2-Methylheptane
44.	43253	3-Methylheptane
45.	43233	n-Octane
46.	45203	Ethylbenzene
47.	45109	m/p-Xylene
48.	45220	Styrene
49.	45204	o-Xylene

50. 43235 n-Nonane
51. 45210 Isopropylbenzene
52. 45209 n-Propylbenzene
53. 45207 1,3,5-Trimethylbenzene
54. 45208 1,2,4-Trimethylbenzene
55. 45211 o-Ethyltoluene
56. 45212 m-Ethyltoluene
57. 45213 p-Ethyltoluene
58. 45218 m-Diethylbenzene
59. 45219 p-Diethylbenzene
60. 45225 1,2,3-Trimethylbenzene
61. 43238 n-Decane
62. 43954 n-Undecane
63. 43000 Sum PAMS Target Species

(2) Meteorological Monitoring:

The Third-Party Recipient is currently installing ozone monitors in selected public buildings, such as libraries, in Harris County to improve the current ozone monitoring system for the area. The Performing Party shall use SEP Funds to install meteorological monitoring equipment to the existing ozone monitoring equipment at the same public buildings. These systems will contribute data to the TCEQ's ozone monitoring system which will assist in tracking ozone plumes. The tracking of ozone plumes assists efforts to understand the production and movement of ozone. SEP Funds will be used for the purchase and maintenance of the meteorological monitoring equipment.

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

Data from this monitoring network 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 TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate air quality in the Houston area.

Implementation of this SEP will allow continuation of ambient air monitoring in this region to collect near real-time VOC, ozone, and/or 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 HAPs. Data from the monitors will be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the NAAQS 8-hr ozone standard and it provides a key source of information that is essential to furthering overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time-critical information to investigate

emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will also be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. Thus, 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 by providing data useful in addressing Houston's ozone non-attainment status. The Meteorological Monitoring program will provide data relating to wind direction, ambient temperature, and ultraviolet ray intensity for use in understanding ozone production and travel. This real-time data will be accessible for air quality regulators and the public via the TCEQ's ambient air quality database.

**C. Minimum Expenditure**

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

**2. Performance Schedule**

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

Harris County  
c/o LaTrice Babbitt  
107 N. Munger  
Pasadena, Texas 77506

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

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

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

**5. Publicity**

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

**6. Clean Texas Program**

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

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

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	27-Jul-2009			
	<b>PCW</b>	25-Feb-2010	<b>Screening</b>	11-Aug-2009	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Exxon Mobil Corporation
<b>Reg. Ent. Ref. No.</b>	RN102574803
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	38179	<b>No. of Violations</b>	1
<b>Docket No.</b>	2009-1343-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>	James Nolan
		<b>EC's Team</b>	Enforcement Team 4
<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>	\$2,500
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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>	48.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$1,200
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Notes: Penalty enhancement due to four previous non-similar NOVs and two previous 1660-style agreed orders.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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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>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$28  
 Approx. Cost of Compliance: \$5,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$3,700
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$3,700

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$3,700
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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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>	\$3,700
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**Screening Date** 11-Aug-2009

**Docket No.** 2009-1343-AIR-E

**PCW**

**Respondent** Exxon Mobil Corporation

Policy Revision 2 (September 2002)

**Case ID No.** 38179

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN102574803

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action ( <i>number of NOV's meeting criteria</i> )	0	0%
	Other written NOV's	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	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	0	0%
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)** 48%

>> **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 four previous non-similar NOV's and two previous 1660-style agreed orders.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 48%

**Screening Date** 11-Aug-2009 **Docket No.** 2009-1343-AIR-E **PCW**  
**Respondent** Exxon Mobil Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 38179 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN102574803  
**Media [Statute]** Air  
**Enf. Coordinator** James Nolan

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.715(c)(9) and 122.143(4), Federal Operating Permit No. O 01278, General Terms and Conditions, New Source Review Permit No. 20211 Special Condition No. 3, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to maintain all air pollution emission capture and abatement equipment in good working order and operating properly during normal facility operations. Specifically, an inspection of Tank 3109 conducted on December 12, 2007 determined a 400 square foot portion of the internal floating roof was damaged.

**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				25%
	Potential		x		

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events 1 608 Number of violation days

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

**Violation Base Penalty** \$2,500

One single event is recommended.

**Good Faith Efforts to Comply**

0.0% Reduction \$0

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

Notes

On January 23, 2008, repairs were completed and Tank 3109 was returned to service.

**Violation Subtotal** \$2,500

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

Estimated EB Amount \$28

Violation Final Penalty Total \$3,700

**This violation Final Assessed Penalty (adjusted for limits)** \$3,700

## Economic Benefit Worksheet

**Respondent** Exxon Mobil Corporation  
**Case ID No.** 38179  
**Reg. Ent. Reference No.** RN102574803  
**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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$5,000	13-Dec-2007	23-Jan-2008	0.11	\$28	n/a	\$28

Notes for DELAYED costs

Estimated cost to maintain all air pollution emission capture and abatement equipment in good working order and operating properly during normal facility operations. The date required is the date the first report was due. The final date is the date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$5,000

**TOTAL**

\$28

# Compliance History Report

Customer/Respondent/Owner-Operator:

CN601549660 Exxon Mobil Corporation

Classification: AVERAGE

Rating: 2.62

Regulated Entity:

RN102574803 EXXONMOBIL CHEMICAL BAYTOWN  
CHEMICAL PLANT

Classification: AVERAGE

Site Rating: 0.92

ID Number(s):

AIR NEW SOURCE PERMITS	PERMIT	22764
AIR NEW SOURCE PERMITS	PERMIT	22765
AIR NEW SOURCE PERMITS	PERMIT	22766
AIR NEW SOURCE PERMITS	PERMIT	23260
AIR NEW SOURCE PERMITS	PERMIT	23448
AIR NEW SOURCE PERMITS	PERMIT	23981
AIR NEW SOURCE PERMITS	PERMIT	23989
AIR NEW SOURCE PERMITS	PERMIT	25944
AIR NEW SOURCE PERMITS	PERMIT	25071
AIR NEW SOURCE PERMITS	PERMIT	25267
AIR NEW SOURCE PERMITS	PERMIT	27246
AIR NEW SOURCE PERMITS	PERMIT	28441
AIR NEW SOURCE PERMITS	PERMIT	26135
AIR NEW SOURCE PERMITS	REGISTRATION	71881
AIR NEW SOURCE PERMITS	PERMIT	31317
AIR NEW SOURCE PERMITS	PERMIT	31854
AIR NEW SOURCE PERMITS	PERMIT	32622
AIR NEW SOURCE PERMITS	PERMIT	32592
AIR NEW SOURCE PERMITS	PERMIT	33518
AIR NEW SOURCE PERMITS	PERMIT	34349
AIR NEW SOURCE PERMITS	PERMIT	34522
AIR NEW SOURCE PERMITS	PERMIT	34663
AIR NEW SOURCE PERMITS	PERMIT	34849
AIR NEW SOURCE PERMITS	PERMIT	35507
AIR NEW SOURCE PERMITS	PERMIT	36476
AIR NEW SOURCE PERMITS	PERMIT	36635
AIR NEW SOURCE PERMITS	PERMIT	36806
AIR NEW SOURCE PERMITS	PERMIT	38816
AIR NEW SOURCE PERMITS	PERMIT	39070
AIR NEW SOURCE PERMITS	PERMIT	39020
AIR NEW SOURCE PERMITS	PERMIT	38991
AIR NEW SOURCE PERMITS	PERMIT	38990
AIR NEW SOURCE PERMITS	PERMIT	39222
AIR NEW SOURCE PERMITS	PERMIT	39364
AIR NEW SOURCE PERMITS	PERMIT	39822
AIR NEW SOURCE PERMITS	PERMIT	39479
AIR NEW SOURCE PERMITS	PERMIT	39823
AIR NEW SOURCE PERMITS	PERMIT	39338
AIR NEW SOURCE PERMITS	PERMIT	40139
AIR NEW SOURCE PERMITS	PERMIT	40429
AIR NEW SOURCE PERMITS	PERMIT	40627
AIR NEW SOURCE PERMITS	PERMIT	41621
AIR NEW SOURCE PERMITS	PERMIT	41725
AIR NEW SOURCE PERMITS	PERMIT	43012
AIR NEW SOURCE PERMITS	PERMIT	43700
AIR NEW SOURCE PERMITS	PERMIT	43767
AIR NEW SOURCE PERMITS	PERMIT	43766
AIR NEW SOURCE PERMITS	PERMIT	44053
AIR NEW SOURCE PERMITS	PERMIT	44074
AIR NEW SOURCE PERMITS	PERMIT	44619
AIR NEW SOURCE PERMITS	PERMIT	45380
AIR NEW SOURCE PERMITS	PERMIT	45876
AIR NEW SOURCE PERMITS	PERMIT	46112
AIR NEW SOURCE PERMITS	PERMIT	46479
AIR NEW SOURCE PERMITS	PERMIT	46575
AIR NEW SOURCE PERMITS	PERMIT	48743
AIR NEW SOURCE PERMITS	PERMIT	48824
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0229F
AIR NEW SOURCE PERMITS	PERMIT	4600
AIR NEW SOURCE PERMITS	PERMIT	5259
AIR NEW SOURCE PERMITS	PERMIT	5792
AIR NEW SOURCE PERMITS	PERMIT	7743
AIR NEW SOURCE PERMITS	PERMIT	8388
AIR NEW SOURCE PERMITS	PERMIT	8586
AIR NEW SOURCE PERMITS	PERMIT	8942
AIR NEW SOURCE PERMITS	PERMIT	9571
AIR NEW SOURCE PERMITS	PERMIT	9674
AIR NEW SOURCE PERMITS	PERMIT	11241
AIR NEW SOURCE PERMITS	PERMIT	11551
AIR NEW SOURCE PERMITS	PERMIT	13009
AIR NEW SOURCE PERMITS	PERMIT	13015
AIR NEW SOURCE PERMITS	PERMIT	14744

AIR NEW SOURCE PERMITS	PERMIT	14948
AIR NEW SOURCE PERMITS	PERMIT	14949
AIR NEW SOURCE PERMITS	PERMIT	15786
AIR NEW SOURCE PERMITS	PERMIT	17513
AIR NEW SOURCE PERMITS	PERMIT	20211
AIR NEW SOURCE PERMITS	PERMIT	22750
AIR NEW SOURCE PERMITS	PERMIT	51963
AIR NEW SOURCE PERMITS	PERMIT	53913
AIR NEW SOURCE PERMITS	PERMIT	53831
AIR NEW SOURCE PERMITS	PERMIT	53782
AIR NEW SOURCE PERMITS	PERMIT	54172
AIR NEW SOURCE PERMITS	REGISTRATION	55061L001
AIR NEW SOURCE PERMITS	REGISTRATION	75776
AIR NEW SOURCE PERMITS	REGISTRATION	76179
AIR NEW SOURCE PERMITS	REGISTRATION	76270
AIR NEW SOURCE PERMITS	REGISTRATION	55626
AIR NEW SOURCE PERMITS	REGISTRATION	75416
AIR NEW SOURCE PERMITS	REGISTRATION	76317
AIR NEW SOURCE PERMITS	REGISTRATION	55900
AIR NEW SOURCE PERMITS	REGISTRATION	75671
AIR NEW SOURCE PERMITS	PERMIT	56378
AIR NEW SOURCE PERMITS	AFS NUM	4820100014
AIR NEW SOURCE PERMITS	REGISTRATION	70245
AIR NEW SOURCE PERMITS	REGISTRATION	70244
AIR NEW SOURCE PERMITS	REGISTRATION	70359
AIR NEW SOURCE PERMITS	REGISTRATION	70174
AIR NEW SOURCE PERMITS	REGISTRATION	71466
AIR NEW SOURCE PERMITS	PERMIT	50943
AIR NEW SOURCE PERMITS	REGISTRATION	72234
AIR NEW SOURCE PERMITS	PERMIT	50641
AIR NEW SOURCE PERMITS	PERMIT	52582
AIR NEW SOURCE PERMITS	PERMIT	52815
AIR NEW SOURCE PERMITS	PERMIT	53222
AIR NEW SOURCE PERMITS	PERMIT	71653
AIR NEW SOURCE PERMITS	PERMIT	52572
AIR NEW SOURCE PERMITS	PERMIT	52417
AIR NEW SOURCE PERMITS	PERMIT	71513
AIR NEW SOURCE PERMITS	REGISTRATION	72845
AIR NEW SOURCE PERMITS	PERMIT	51028
AIR NEW SOURCE PERMITS	PERMIT	54715
AIR NEW SOURCE PERMITS	REGISTRATION	72451
AIR NEW SOURCE PERMITS	PERMIT	73021
AIR NEW SOURCE PERMITS	REGISTRATION	72553
AIR NEW SOURCE PERMITS	REGISTRATION	73031
AIR NEW SOURCE PERMITS	PERMIT	52624
AIR NEW SOURCE PERMITS	PERMIT	50951
AIR NEW SOURCE PERMITS	PERMIT	50952
AIR NEW SOURCE PERMITS	REGISTRATION	72514
AIR NEW SOURCE PERMITS	REGISTRATION	74086
AIR NEW SOURCE PERMITS	REGISTRATION	74542
AIR NEW SOURCE PERMITS	REGISTRATION	75147
AIR NEW SOURCE PERMITS	REGISTRATION	75248
AIR NEW SOURCE PERMITS	REGISTRATION	76515
AIR NEW SOURCE PERMITS	EPA ID	PSDTX996
AIR NEW SOURCE PERMITS	EPA ID	PSDTX996M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX997
AIR NEW SOURCE PERMITS	REGISTRATION	77577
AIR NEW SOURCE PERMITS	REGISTRATION	78052
AIR NEW SOURCE PERMITS	REGISTRATION	77847
AIR NEW SOURCE PERMITS	REGISTRATION	78572
AIR NEW SOURCE PERMITS	REGISTRATION	78883
AIR NEW SOURCE PERMITS	REGISTRATION	79205
AIR NEW SOURCE PERMITS	REGISTRATION	79626
AIR NEW SOURCE PERMITS	REGISTRATION	80253
AIR NEW SOURCE PERMITS	REGISTRATION	80371
AIR NEW SOURCE PERMITS	REGISTRATION	80172
AIR NEW SOURCE PERMITS	REGISTRATION	79993
AIR NEW SOURCE PERMITS	REGISTRATION	79994
AIR NEW SOURCE PERMITS	REGISTRATION	80411
AIR NEW SOURCE PERMITS	REGISTRATION	80920
AIR NEW SOURCE PERMITS	REGISTRATION	80935
AIR NEW SOURCE PERMITS	REGISTRATION	80715
AIR NEW SOURCE PERMITS	REGISTRATION	81059
AIR NEW SOURCE PERMITS	REGISTRATION	80783
AIR NEW SOURCE PERMITS	REGISTRATION	81081
AIR NEW SOURCE PERMITS	REGISTRATION	81590
AIR NEW SOURCE PERMITS	REGISTRATION	81497
AIR NEW SOURCE PERMITS	REGISTRATION	81575

AIR NEW SOURCE PERMITS	REGISTRATION	81907
AIR NEW SOURCE PERMITS	REGISTRATION	81908
AIR NEW SOURCE PERMITS	REGISTRATION	81939
AIR NEW SOURCE PERMITS	REGISTRATION	82149
AIR NEW SOURCE PERMITS	REGISTRATION	82320
AIR NEW SOURCE PERMITS	REGISTRATION	82312
AIR NEW SOURCE PERMITS	REGISTRATION	82415
AIR NEW SOURCE PERMITS	REGISTRATION	85739
AIR NEW SOURCE PERMITS	REGISTRATION	85623
AIR NEW SOURCE PERMITS	REGISTRATION	84579
AIR NEW SOURCE PERMITS	REGISTRATION	87386
AIR NEW SOURCE PERMITS	REGISTRATION	84383
AIR NEW SOURCE PERMITS	REGISTRATION	84706
AIR NEW SOURCE PERMITS	REGISTRATION	85794
AIR NEW SOURCE PERMITS	REGISTRATION	82504
AIR NEW SOURCE PERMITS	REGISTRATION	83400
AIR NEW SOURCE PERMITS	REGISTRATION	85646
AIR NEW SOURCE PERMITS	REGISTRATION	82657
AIR NEW SOURCE PERMITS	REGISTRATION	85129
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1121
AIR NEW SOURCE PERMITS	REGISTRATION	86433
AIR NEW SOURCE PERMITS	REGISTRATION	87597
AIR NEW SOURCE PERMITS	REGISTRATION	87877
AIR NEW SOURCE PERMITS	REGISTRATION	86556
AIR NEW SOURCE PERMITS	EPA ID	PAL16
AIR NEW SOURCE PERMITS	REGISTRATION	83906
AIR NEW SOURCE PERMITS	REGISTRATION	82983
AIR NEW SOURCE PERMITS	REGISTRATION	82762
AIR NEW SOURCE PERMITS	REGISTRATION	85512
AIR NEW SOURCE PERMITS	REGISTRATION	85744
AIR OPERATING PERMITS	PERMIT	2269
AIR OPERATING PERMITS	PERMIT	1278
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0229F
AIR OPERATING PERMITS	PERMIT	2270
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980809909
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	33880
WASTEWATER	PERMIT	WQ0001215000
WASTEWATER	PERMIT	TX0007013000
WASTEWATER	PERMIT	TX0007013
STORMWATER	PERMIT	TXR05N668
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	33880

Location: 5000 BAYWAY DR, BAYTOWN, TX, 77520  
TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: August 11, 2009  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: August 11, 2004 to August 11, 2009  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: James Nolan Phone: (512) 239-6634

**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? Yes
3. If Yes, who is the current owner/operator? Mobil Chemical Company Inc.  
Exxon Mobil Corporation  
Exxon Baytown Chemical Plant
4. If Yes, who was/were the prior owner(s)/operator(s)? Exxon Mobil Corporation
5. When did the change(s) in owner or operator occur? 11/16/2006
6. Rating Date: 9/1/2008 Repeat Violator: NO

**Components (Multimedia) for the Site :**

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

**Effective Date: 06/26/2006**

**ADMINORDER 2005-2066-AIR-E**

Classification: Moderate

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

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 1,380 lbs of isobutylene from a pipeline leak during an emissions event that occurred June 9, 2005, and lasted for one hour and 25 minutes.

**Effective Date: 03/23/2009**

**ADMINORDER 2007-0372-AIR-E**

Classification: Moderate

Citation: 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 61.349(a)(2)(iii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: 4600, Special Condition 3A PERMIT  
 O-1278, Special Condition 17 OP  
 O-1278, Special Condition 1A OP  
 Description: Failed to maintain the minimum net heating value of 300 Btu/scf in the gas stream to Flare 24 for a total of 2,114 hours from February 1 through October 26, 2006.  
 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 G 63.151(j)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: 20211, Special Condition 3-5 PERMIT  
 O-1278, Special Condition 17 OP  
 O-1278, Special Condition 1A OP  
 Description: Failed to submit an updated Notification of Compliance Status ("NOCS") for Steam Stripper T-150 within 180 days after the change in the established operating range was made.  
 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 G 63.146(d)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: 20211, Special Condition 3-5 PERMIT  
 O-1278, Special Condition 17 OP  
 O-1278, Special Condition 1A OP  
 Description: Failed to report excursions which occurred on the column overhead temperature of the BHU T-150 Steam Stripper in periodic reports dated December 15, 2004 and February 25, 2006.  
 Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter B 115.146(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.147(b)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: O-1278, Special Condition 1A OP  
 Description: Failed to maintain complete records of semiannual visual inspections of individual drain systems. Specifically, records of the visual inspections of the Naptha Rerun Unit ("NRU") E-89 Drain System for the period of the second quarter of 2005 through the third quarter of 2006 were not complete.

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	08/11/2004	(280899)
2	03/04/2005	(372835)
3	04/12/2005	(376258)
4	12/06/2005	(433144)
5	03/06/2006	(435485)
6	05/22/2006	(464928)
7	07/18/2006	(486292)
8	07/26/2006	(487408)
9	07/28/2006	(487074)
10	09/22/2006	(513663)
11	11/08/2006	(513515)
12	11/14/2006	(519445)
13	11/21/2006	(531318)
14	12/19/2006	(519109)
15	02/05/2007	(536251)
16	02/12/2007	(536241)
17	02/13/2007	(531168)
18	02/14/2007	(511758)
19	02/16/2007	(531660)
20	02/22/2007	(512453)
21	03/01/2007	(497174)
22	04/20/2007	(536951)
23	05/08/2007	(538162)
24	05/17/2007	(536829)
25	06/15/2007	(556061)
26	07/25/2007	(562496)
27	07/25/2007	(563025)
28	07/25/2007	(563719)
29	07/27/2007	(563671)
30	08/21/2007	(561094)
31	09/11/2007	(572874)
32	09/26/2007	(573125)
33	10/01/2007	(595377)
34	10/02/2007	(565218)
35	10/02/2007	(565503)

36	10/02/2007	(565567)
37	10/04/2007	(566444)
38	10/04/2007	(572926)
39	10/10/2007	(566468)
40	10/10/2007	(566561)
41	10/10/2007	(566600)
42	10/10/2007	(566622)
43	10/10/2007	(566698)
44	10/10/2007	(566759)
45	10/10/2007	(566837)
46	10/10/2007	(566906)
47	10/11/2007	(566932)
48	10/11/2007	(566971)
49	10/15/2007	(572730)
50	10/25/2007	(573559)
51	10/26/2007	(573710)
52	10/26/2007	(574344)
53	11/16/2007	(596801)
54	11/27/2007	(568535)
55	02/15/2008	(612448)
56	03/12/2008	(616407)
57	05/05/2008	(559251)
58	05/06/2008	(618940)
59	10/31/2008	(689605)
60	12/08/2008	(682541)
61	12/18/2008	(708039)
62	04/09/2009	(740671)
63	05/04/2009	(724809)
64	06/25/2009	(743469)
65	07/09/2009	(741024)

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

- Date: 03/06/2006 (435485)**  
 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 #20211, Special Condition 1 PERMIT  
 Description: Failure to prevent the release of unauthorized emissions.
- Date: 07/21/2006 (487074)**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 TCEQ Permit #4600, SC #1 PERMIT  
 Description: Exxon failed to prevent water from coming in contact with the solenoid coils resulting in unauthorized emissions.
- Date: 02/16/2007 (531660)**  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failure to prevent VOC emissions from two leaking plugs
- Date: 06/27/2007 (397722)**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failed to maintain a seal on ten plugs installed on the end of open ended lines at the Paraxylene Adsorption Unit.

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;  
RN102574803**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2009-1343-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

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

1. Exxon owns and operates a petrochemical manufacturing plant located at 5000 Bayway 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 Exxon agree that the Commission has jurisdiction to enter this Agreed Order, and that Exxon 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 Exxon of any violation alleged in Section II (“Allegations”), nor of any statute or rule.
5. An administrative penalty in the amount of three thousand seven hundred dollars (\$3,700.00) is assessed by the Commission in settlement of the violations alleged in Section II (“Allegations”). Pursuant to TEX. WATER CODE § 7.067, one thousand eight hundred fifty dollars (\$1,850.00) of the administrative penalty shall be conditionally offset by Exxon’s completion of a Supplemental Environmental Project (SEP) as defined in Attachment A, incorporated herein by reference. Exxon’s obligation to pay the conditionally offset portion

of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement. Exxon paid one thousand eight hundred fifty dollars (\$1,850.00) 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 Exxon 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 Exxon repaired the internal floating roof for Tank 3109.
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 Exxon 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 December 1-3, 2008, a TCEQ Houston Regional Office investigator documented that Exxon violated 30 TEX. ADMIN. CODE §§ 116.715(c)(9) and 122.143(4), Federal Operating Permit No. O-01278, General Terms and Conditions, New Source Review Permit No. 20211, Special Condition No. 3, and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain all air pollution emission capture and abatement equipment in good working order and operating properly during normal Plant operations. Specifically, an inspection of Tank 3109 conducted on December 12, 2007 determined a 400 square foot portion of the internal floating roof was damaged.
2. Exxon received notice of the violation on or about July 29, 2009.

## **III. DENIALS**

Exxon generally denies each allegation in Section II (“Allegations”).

#### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that Exxon pay an administrative penalty as set forth in Section I, Paragraph 5, above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Exxon'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. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Exxon Mobil Corporation, Docket No. 2009-1343-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. Exxon shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067 and as set forth in Section I, Paragraph 5, above. One thousand eight hundred fifty dollars (\$1,850.00) of the assessed administrative penalty shall be offset with the condition that Exxon implement and complete the SEP pursuant to the terms of the SEP as defined in Attachment A, incorporated herein by reference. Exxon's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon Exxon. Exxon is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Exxon fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Exxon's failure to comply is not a violation of this Agreed Order. Exxon shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Exxon shall notify the Executive Director within seven days after Exxon becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
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 Exxon shall be

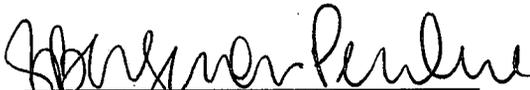
made in writing to the Executive Director. Extensions are not effective until Exxon receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against Exxon in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
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 Exxon, or three days after the date on which the Commission mails notice of this Agreed Order to Exxon, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

8/30/2010  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Exxon's compliance history;
- Greater scrutiny of any permit applications submitted by Exxon;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Exxon;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Exxon; 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.

F.Y. Blommaert  
\_\_\_\_\_  
Signature

26 MAY 2010  
\_\_\_\_\_  
Date

F.Y. Blommaert  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized representative of Exxon Mobil Corporation

BTCP Site Manager  
\_\_\_\_\_  
Title

**Attachment A**  
**Docket Number: 2009-1343-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Exxon Mobil Corporation</b>
<b>Penalty Amount:</b>	Three thousand seven hundred dollars (\$3,700)
<b>SEP Offset Amount:</b>	One thousand eight hundred fifty dollars (\$1,850)
<b>Type of SEP:</b>	Pre-approved
<b>Third-Party Recipient:</b>	<b>Harris County</b> – <i>Ambient and Meteorological Air Monitoring</i>
<b>Location of SEP:</b>	Harris County

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

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Harris County** for the *Ambient and Meteorological Air Monitoring* to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. The Third-Party Recipient shall use SEP Funds to monitor air quality in Harris County using two monitoring methods: (1) Ambient Air Pollutants Monitoring or (2) Meteorological Monitoring, as described in detail below.

- (1) Ambient Air Pollutants Monitoring:  
The Third-Party Recipient or its contractor shall use SEP Funds to:
  - a) supplement or enhance operation of the existing air monitoring network;
  - b) perform periodic maintenance on the air monitoring equipment;
  - c) site and install new air monitoring stations; and
  - d) install upgrades to or retrofit existing air monitoring stations in Harris County.

Specifically, Third-Party Recipient shall use SEP Funds to operate, maintain, and potentially expand portions of its existing ambient air quality monitoring network in the Harris County area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP Funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided. Specific sites and parameters monitored are listed below in Table I . Future sites and parameters may be added (as identified through specific work plans and upon approval by TCEQ), depending on availability of SEP Funds. SEP Funds may be used to purchase equipment, hardware, software, and licenses to enable the monitoring of ambient air pollutants. SEP Funds may also be used for maintenance of the air monitoring equipment and for the contracting of air monitoring services. No portion of the SEP Funds will be used for administrative costs or salaries of the Third-Party Recipient’s personnel.

One site has been targeted for monitoring activities with first available SEP Funds: Photochemical Assessment Monitoring (PAMS) station near C167 monitoring station at Galena Park, Texas. Hourly

measurements will be reported for 63 individual volatile organic compounds (VOCs) listed in Table 2 below that participate in the formation of ground level ozone and several of which are designated by EPA as Hazardous Air Pollutants (HAPs). The speciated VOC measurements will be made using a gas chromatograph with flame ionization detector (GC-FLD) capable of automated (continuous) operation, which results in at least one sampling and analysis cycle per hour.

The VOCs measured by the monitoring stations will be dependent on the representative ambient conditions of the area at each monitoring site. The VOCs measured by the monitoring stations will be selected by the Third-Party Recipient from the list of VOCs in Table 2 below and must be acceptable to TCEQ.

For additional sites or parameters proposed to be added to this project, the Third-Party Recipient shall propose each addition in a work plan submitted to TCEQ. The work plan will list the specific location, parameters to be monitored, measurement frequency, deliverables, estimated cost, data quality requirements, and time period. The work plan must be approved by TCEQ prior to expenditure of SEP funds received. The four tasks listed below each fund a specific monitoring site in the urban industrial area of the Houston ship channel.

The site(s) will be selected by the Third-Party Recipient and must be acceptable to TCEQ. Site selection criteria will be based in part on factors to better identify specific pollution point sources as well as non-specific anthropogenic and biogenic pollution sources. The measurement techniques may consist of, but are not limited to:

1. PAMs - hourly (AutoGC) for speciated ozone precursor VOCs as listed in Table 2, below;
2. Total non-methane organic compounds (TNMOC) analyzer for event-triggered canister sampling for VOCs as listed in Table 2, be low;
3. Fast GC (15 minutes) analyzer for select Hazardous Air Pollutants (HAPs) such as benzene;
4. Canister samples - Gas chromatograph with mass spectrometer (GC-MS) and/or flame ionization detector (FID) analysis for selected HAPs and ozone precursor VOCs. Sampling frequency may vary dependent on the goals of the project and contingent upon available SEP Funds.

The data from this program will be collected, validated and quality assured using methodologies consistent with EPA guidance or recommended TCEQ standards. Data from each continuous monitor will be uploaded either hourly or in 5 minute average concentrations via a web-based portal directly to the TCEQ air quality information database which TCEQ may make available to the public via the TCEQ public web site. The Third-Party Recipient or its contractor will collect and report data back to the TCEQ in a format acceptable to the agency. The Third-Party Recipient is responsible for all hardware, software, and services associated with ingesting the continuous monitoring data into TCEQ's data acquisition system and may use SEP Funds for this purpose.

Prior to the use of SEP Funds, the Third-Party Recipient shall obtain TCEQ approval concerning the location of the sampling systems and specific pollutants to be monitored. The Third-Party Recipient or its contractor must generate a Quality Assurance Project Plan (QAPP) following EPA Requirements for Quality Assurance Project Plans (EPA *QAIR-5*), which must be approved by TCEQ prior to implementation. The QAPP shall include sampling site locations, target compounds, measurement quality objectives, and quality assurance checks.

The Third-Party Recipient shall ensure that analysis of all data collected from these sites complies with the Third-Party Recipient's or its contractor's Standard Operating Procedures (SOPs) for the analysis and measurement of VOCs in ambient air. The Third-Party Recipient must also ensure that any laboratory data generated by this project is from a TCEQ-accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories (e.g., 30 TEX. ADMIN. CODE, ch. 25, relating to Environmental Testing Laboratory Accreditation and Certification, as amended). SEP Funds will be used to purchase equipment, hardware, software, and licenses to enable the monitoring of ambient air pollutants. SEP Funds may also be used for maintenance of the air monitoring equipment. SEP Funds may also be used, subject to special conditions, for the contracting of air monitoring services. No portion of the SEP Funds will be used for administrative costs or salaries of The Third-Party Recipient's personnel.

**Table 1 Harris County SEP Ambient Air Network Monitoring Locations and Parameters**

Shaded areas represent monitoring that will continue to be 100% funded from other (non-SEP) sources.

Location	*Met	Criteria Pollutants								Non-Criteria Pollutants		
		Oxides of Nitrogen			Particulate Matter							
	MET data	CO	NO <sub>2</sub>	N O <sub>x</sub>	Ozone (O <sub>3</sub> )	PM <sub>2.5</sub>	PM <sub>10</sub>	SO <sub>2</sub>	Lead	(H <sub>2</sub> S)	PAMS VOC	**Other VOC
Galena Park at or near CAM #167	✓										✓	

Galena Park Monitoring Station will monitor speciated VOCs on a semi-continuous basis (at least one measurement per hour with a minimum of 75% data return) with a minimum detection limit no higher than 0.5 ppbv.

\*MET data includes: wind speed, wind direction, temperature, wind gust, wind vector, wind standard deviation, and net radiation

\*\* VOC list attached below

**Table 2 Harris County SEP Photochemical Assessment Monitoring Station “PAMS” Target Species**

	AIRS code	Hydrocarbon
1.	43206	Acetylene
2.	43203	Ethylene

Exxon Mobil Corporation  
DOCKET NO. 2009-1343-AIR-E Attachment A

3.	43202	Ethane
4.	43205	Propylene
5.	43204	Propane
6.	43214	I-butane
7.	43280	1-Butene
8.	43270	Isobutene
9.	43212	n-Butane
10.	43216	trans-2-Butene
11.	43217	cis-2-Butene
12.	43282	3-Methyl-1-Butene
13.	43221	Isopentane
14.	43224	1-Pentene
15.	43220	n-Pentane
16.	43243	Isoprene
17.	43226	trans-2-Pentene
18.	43227	cis-2-Pentene
19.	43228	2-Methyl-2-Butene
20.	43244	2,2-Dimethylbutane
21.	43283	Cyclopentene
22.	43234	4-Methyl-1-Pentene
23.	43242	Cyclopentane
24.	43284	2,3-Dimethylbutane
25.	43285	2-Methylpentane
26.	43230	3-Methylpentane
27.	43246	2-Methyl-1-Pentene
28.	43231	n-Hexane
29.	43289	trans-2-Hexene
30.	43290	cis-2-Hexene
31.	43262	Methylcyclopentane
32.	43247	2,4-Dimethylpentane
33.	45201	Benzene
34.	43248	Cyclohexane
35.	43263	2-Methylhexane
36.	43291	2,3-Dimethylpentane
37.	43249	3-Methylhexane
38.	43250	2,2,4-Trimethylpentane
39.	43232	n-Heptane
40.	43261	Methylcyclohexane
41.	43252	2,3,4-Trimethylpentane
42.	45202	Toluene
43.	43960	2-Methylheptane
44.	43253	3-Methylheptane
45.	43233	n-Octane
46.	45203	Ethylbenzene
47.	45109	m/p-Xylene
48.	45220	Styrene
49.	45204	o-Xylene

50. 43235 n-Nonane
51. 45210 Isopropylbenzene
52. 45209 n-Propylbenzene
53. 45207 1,3,5-Trimethylbenzene
54. 45208 1,2,4-Trimethylbenzene
55. 45211 o-Ethyltoluene
56. 45212 m-Ethyltoluene
57. 45213 p-Ethyltoluene
58. 45218 m-Diethylbenzene
59. 45219 p-Diethylbenzene
60. 45225 1,2,3-Trimethylbenzene
61. 43238 n-Decane
62. 43954 n-Undecane
63. 43000 Sum PAMS Target Species

(2) Meteorological Monitoring:

The Third-Party Recipient is currently installing ozone monitors in selected public buildings, such as libraries, in Harris County to improve the current ozone monitoring system for the area. The Performing Party shall use SEP Funds to install meteorological monitoring equipment to the existing ozone monitoring equipment at the same public buildings. These systems will contribute data to the TCEQ's ozone monitoring system which will assist in tracking ozone plumes. The tracking of ozone plumes assists efforts to understand the production and movement of ozone. SEP Funds will be used for the purchase and maintenance of the meteorological monitoring equipment.

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

Data from this monitoring network 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 TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate air quality in the Houston area.

Implementation of this SEP will allow continuation of ambient air monitoring in this region to collect near real-time VOC, ozone, and/or 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 HAPs. Data from the monitors will be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the NAAQS 8-hr ozone standard and it provides a key source of information that is essential to furthering overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time-critical information to investigate

emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will also be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. Thus, 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 by providing data useful in addressing Houston's ozone non-attainment status. The Meteorological Monitoring program will provide data relating to wind direction, ambient temperature, and ultraviolet ray intensity for use in understanding ozone production and travel. This real-time data will be accessible for air quality regulators and the public via the TCEQ's ambient air quality database.

**C. Minimum Expenditure**

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

**2. Performance Schedule**

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

Harris County  
c/o LaTrice Babbitt  
107 N. Munger  
Pasadena, Texas 77506

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

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

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

**5. Publicity**

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

**6. Clean Texas Program**

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

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

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