

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2009-1848-IHW-E **TCEQ ID:** RN102579307 **CASE NO.:** 38720  
**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 type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Exxon Mobil Baytown Facility, 2800 Decker Drive, Baytown, Harris County</p> <p><b>TYPE OF OPERATION:</b> Petroleum refinery</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are four additional pending enforcement actions regarding this facility location, Docket Nos. 2009-1284-AIR-E, 2009-1944-AIR-E, 2009-2050-AIR-E, and 2010-0448-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on November 29, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Mr. Clinton Sims, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-6933; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Steven R. Cope, Refinery Manager, Exxon Mobil Corporation, 701 Brazos Street, Suite 1050, Austin, Texas 78701  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 3, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> August 21, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WASTE</b></p> <p>1) Failed to prevent hazardous waste from entering surface impoundments. Specifically, wastewater containing more than 0.5 milligrams per liter ("mg/l") of benzene was allowed to flow into the Wastewater Oxidation Unit, the Upper Outfall Canal and the Old Aeration Basin [30 TEX. ADMIN. CODE § 335.2(a) and Industrial Hazardous Waste Permit No. 50111, Provision Nos. V.D.1. and V.D.3].</p> <p>2) Failed to comply with land disposal restrictions requirements. Specifically, wastewater having benzene concentration over 0.5 mg/l was flowed into the Old Aeration Basin [40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 268.1(a) and 268.40(a) and Industrial Hazardous Waste Permit No. 50111, Provision No. II.B].</p>	<p><b>Total Assessed:</b> \$69,600</p> <p><b>Total Deferred:</b> \$13,920  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$27,840</p> <p><b>Total Paid to General Revenue:</b> \$27,840</p> <p><b>Compliance History Classification:</b>                      Person/CN - Average                      Site/RN - Average</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent modified routine monitoring practices of the wastewater lines by increasing the frequency of sampling and added additional monitoring points in order to detect elevated levels of benzene on October 31, 2008.</p> <p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 60 days after the effective date of this Agreed Order, submit an Affected Property Assessment Report for the Old Aeration Basin, pursuant to 30 TEX. ADMIN. CODE § 350.91, to the Executive Director for approval. If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350 which may include: plans, reports, and notices under Subchapter E (30 TEX. ADMIN. CODE §§ 350.92 to 350.96); financial assurance (30 TEX. ADMIN. CODE § 350.33(1)); and Institutional Controls; and</p> <p>b. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.</p>

Additional ID No(s): SWR 30040

**Attachment A**  
**Docket Number: 2009-1848-IHW-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Exxon Mobil Corporation

**Payable Penalty Amount:** Fifty-Five Thousand Six Hundred Eighty Dollars (\$55,680)

**SEP Amount:** Twenty-Seven Thousand Eight Hundred Forty Dollars (\$27,840)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance

**Location of SEP:** Harris County

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

**1. Project Description**

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Texas Association of Resource Conservation and Development Areas, Inc. to be used for the RC&D Water or Wastewater Treatment Assistance Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.



C. Minimum Expenditure

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

**2. Performance Schedule**

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

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

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

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088



**5. Publicity**

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

**6. Clean Texas Program**

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

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

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





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	2-Nov-2009		
	PCW	18-Nov-2009	Screening	18-Nov-2009 EPA Due

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Exxon Mobil Corporation		
Reg. Ent. Ref. No.	RN102579307		
Facility/Site Region	12-Houston	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	38720	No. of Violations	2
Docket No.	2009-1848-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Clinton Sims
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$10,000

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

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

**Compliance History** 596.0% Enhancement Subtotals 2, 3, & 7 \$59,600

Notes: Enhancement due to 28 NOVs without same or similar violations, 16 orders without a denial of liability, and seven orders with a denial of liability.

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

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** Subtotal 5 \$0

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

Total EB Amounts \$2,091  
 Approx. Cost of Compliance \$22,000  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal \$69,600

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$69,600

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$69,600

**DEFERRAL** 20.0% Reduction Adjustment -\$13,920

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

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$55,680

Screening Date: 13-Nov-2009

Docket No.: 2009-1848-IHW-E

PCW

Respondent: Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No.: 38720

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN102579307

Media [Statute]: Industrial and Hazardous Waste

Enf. Coordinator: Clinton Sims

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	28	56%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	7	140%
	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	16	400%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an Intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 596%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement due to 28 NOVs without same or similar violations; 16 orders without a denial of liability, and seven orders with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 596%

Screening Date 13-Nov-2009

Docket No. 2009-1848-IHW-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 38720

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102679307

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Clinton Sims

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.2(a), and Industrial Hazardous Waste Permit No. 50111, Provision Nos. V.D.1. and V.D.3.

Violation Description Failed to prevent hazardous waste from entering surface impoundments. Specifically, wastewater containing more than 0.5 milligrams per liter ("mg/l") of benzene was allowed to flow into the Wastewater Oxidation Unit, the Upper Outfall Canal and the Old Aeration Basin.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

		Harm			
		Major	Moderate	Minor	
Actual			X		Percent 50%
Potential					

>> Programmatic Matrix

		Major	Moderate	Minor	
Falsification					Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 Number of violation days 8

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 from the July 10, 2008 violation begin date to the July 18, 2008 violation end date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$31

Violation Final Penalty Total \$34,800

This violation Final Assessed Penalty (adjusted for limits) \$34,800

## Economic Benefit Worksheet

**Respondent:** Exxon Mobil Corporation  
**Case ID No.:** 38720  
**Reg. Ent. Reference No.:** RN102579307  
**Media:** Industrial and Hazardous Waste  
**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
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No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$2,000	10-Jul-2008	31-Oct-2008	0.31	\$31	n/a	\$31

Notes for DELAYED costs

Estimated expense to modify routine monitoring practices of the wastewater lines by increasing the frequency of sampling and added additional monitoring points in order to select elevated levels of benzene. The Date Required is the violation begin date and the Final Date is the date that the corrective measures were completed.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$31

Screening Date 13-Nov-2008

Docket No. 2009-1848-IHW-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 38720

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102579307

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Clinton Sims

Violation Number 2

Rule Cite(s) 40 Code of Federal Regulations ("CFR") §§ 268.1(a) and 268.40(a) and Industrial Hazardous Waste Permit No. 50111, Provision No. II.B.

Violation Description

Failed to comply with land disposal restrictions requirements. Specifically, wastewater having benzene concentration over 0.5 mg/l was allowed to flow into the Old Aeration Basin.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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 has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 Number of violation days 8

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

One monthly event is recommended from the July 10, 2008 violation begin date to the July 18, 2008 violation end date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,060

Violation Final Penalty Total \$34,800

This violation Final Assessed Penalty (adjusted for limits) \$34,800

## Economic Benefit Worksheet

**Respondent:** Exxon Mobil Corporation  
**Case ID No.:** 38720  
**Reg. Ent. Reference No.:** RN102579307  
**Media:** Industrial and Hazardous Waste  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No comments							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$20,000	3-Mar-2009	25-Mar-2011	2.06	\$2,060	n/a	\$2,060
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit an Affected Property Assessment Report ("APAR"): The Date-Required is the investigation date and the Final Date is the expected date of compliance.

### 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

\$20,000

TOTAL

\$2,060

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600123939 Exxon Mobil Corporation Classification: AVERAGE Rating: 2.73  
Regulated Entity: RN102579307 EXXON MOBIL BAYTOWN FACILITY Classification: AVERAGE Site Rating: 5.73

ID Number(s):			
	AIR NEW SOURCE PERMITS	PERMIT	18287
	AIR NEW SOURCE PERMITS	REGISTRATION	22874
	AIR NEW SOURCE PERMITS	REGISTRATION	23378
	AIR NEW SOURCE PERMITS	REGISTRATION	24669
	AIR NEW SOURCE PERMITS	REGISTRATION	26486
	AIR NEW SOURCE PERMITS	REGISTRATION	26294
	AIR NEW SOURCE PERMITS	REGISTRATION	27403
	AIR NEW SOURCE PERMITS	REGISTRATION	26443
	AIR NEW SOURCE PERMITS	REGISTRATION	30186
	AIR NEW SOURCE PERMITS	REGISTRATION	31067
	AIR NEW SOURCE PERMITS	REGISTRATION	31008
	AIR NEW SOURCE PERMITS	REGISTRATION	31690
	AIR NEW SOURCE PERMITS	REGISTRATION	31852
	AIR NEW SOURCE PERMITS	REGISTRATION	31915
	AIR NEW SOURCE PERMITS	REGISTRATION	34295
	AIR NEW SOURCE PERMITS	REGISTRATION	33875
	AIR NEW SOURCE PERMITS	REGISTRATION	36536
	AIR NEW SOURCE PERMITS	PERMIT	36664
	AIR NEW SOURCE PERMITS	REGISTRATION	38532
	AIR NEW SOURCE PERMITS	REGISTRATION	39164
	AIR NEW SOURCE PERMITS	PERMIT	40394
	AIR NEW SOURCE PERMITS	REGISTRATION	40421
	AIR NEW SOURCE PERMITS	REGISTRATION	38572
	AIR NEW SOURCE PERMITS	REGISTRATION	42509
	AIR NEW SOURCE PERMITS	REGISTRATION	43489
	AIR NEW SOURCE PERMITS	REGISTRATION	43582
	AIR NEW SOURCE PERMITS	REGISTRATION	44162
	AIR NEW SOURCE PERMITS	REGISTRATION	47145
	AIR NEW SOURCE PERMITS	REGISTRATION	47912
	AIR NEW SOURCE PERMITS	REGISTRATION	49342
	AIR NEW SOURCE PERMITS	REGISTRATION	49893
	AIR NEW SOURCE PERMITS	PERMIT	50203
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0232Q
	AIR NEW SOURCE PERMITS	REGISTRATION	11007
	AIR NEW SOURCE PERMITS	PERMIT	2073

AIR NEW SOURCE PERMITS	PERMIT	2977
AIR NEW SOURCE PERMITS	REGISTRATION	10461
AIR NEW SOURCE PERMITS	PERMIT	10550
AIR NEW SOURCE PERMITS	REGISTRATION	11053
AIR NEW SOURCE PERMITS	REGISTRATION	11206
AIR NEW SOURCE PERMITS	REGISTRATION	11250
AIR NEW SOURCE PERMITS	REGISTRATION	11380
AIR NEW SOURCE PERMITS	REGISTRATION	11464
AIR NEW SOURCE PERMITS	REGISTRATION	11475
AIR NEW SOURCE PERMITS	REGISTRATION	11483
AIR NEW SOURCE PERMITS	PERMIT	11555
AIR NEW SOURCE PERMITS	REGISTRATION	11624
AIR NEW SOURCE PERMITS	REGISTRATION	11703
AIR NEW SOURCE PERMITS	REGISTRATION	11939
AIR NEW SOURCE PERMITS	REGISTRATION	12226
AIR NEW SOURCE PERMITS	PERMIT	12380
AIR NEW SOURCE PERMITS	REGISTRATION	12628
AIR NEW SOURCE PERMITS	PERMIT	12968
AIR NEW SOURCE PERMITS	REGISTRATION	12977
AIR NEW SOURCE PERMITS	REGISTRATION	12994
AIR NEW SOURCE PERMITS	REGISTRATION	51246
AIR NEW SOURCE PERMITS	REGISTRATION	55381
AIR NEW SOURCE PERMITS	REGISTRATION	76269
AIR NEW SOURCE PERMITS	REGISTRATION	76221
AIR NEW SOURCE PERMITS	REGISTRATION	75420
AIR NEW SOURCE PERMITS	AFS NUM	4820100027
AIR NEW SOURCE PERMITS	PERMIT	PSDTX730M2
AIR NEW SOURCE PERMITS	REGISTRATION	71553
AIR NEW SOURCE PERMITS	EPA ID	PSDTX975
AIR NEW SOURCE PERMITS	REGISTRATION	71614
AIR NEW SOURCE PERMITS	REGISTRATION	50429
AIR NEW SOURCE PERMITS	REGISTRATION	53461
AIR NEW SOURCE PERMITS	REGISTRATION	52474
AIR NEW SOURCE PERMITS	REGISTRATION	55912
AIR NEW SOURCE PERMITS	REGISTRATION	54582
AIR NEW SOURCE PERMITS	REGISTRATION	54497
AIR NEW SOURCE PERMITS	REGISTRATION	71394
AIR NEW SOURCE PERMITS	REGISTRATION	50582

AIR NEW SOURCE PERMITS	REGISTRATION	54848
AIR NEW SOURCE PERMITS	REGISTRATION	53785
AIR NEW SOURCE PERMITS	PERMIT	P975
AIR NEW SOURCE PERMITS	REGISTRATION	55511
AIR NEW SOURCE PERMITS	REGISTRATION	72657
AIR NEW SOURCE PERMITS	REGISTRATION	74578
AIR NEW SOURCE PERMITS	REGISTRATION	75186
AIR NEW SOURCE PERMITS	REGISTRATION	76931
AIR NEW SOURCE PERMITS	EPA ID	PSDTX730M3
AIR NEW SOURCE PERMITS	EPA ID	PSDTX975M2
AIR NEW SOURCE PERMITS	REGISTRATION	76713
AIR NEW SOURCE PERMITS	EPA ID	PSDTX730M2
AIR NEW SOURCE PERMITS	REGISTRATION	77409
AIR NEW SOURCE PERMITS	REGISTRATION	77399
AIR NEW SOURCE PERMITS	REGISTRATION	77720
AIR NEW SOURCE PERMITS	REGISTRATION	77856
AIR NEW SOURCE PERMITS	REGISTRATION	77854
AIR NEW SOURCE PERMITS	REGISTRATION	78550
AIR NEW SOURCE PERMITS	REGISTRATION	78997
AIR NEW SOURCE PERMITS	REGISTRATION	78881
AIR NEW SOURCE PERMITS	REGISTRATION	79601
AIR NEW SOURCE PERMITS	REGISTRATION	79530
AIR NEW SOURCE PERMITS	REGISTRATION	79286
AIR NEW SOURCE PERMITS	REGISTRATION	79217
AIR NEW SOURCE PERMITS	REGISTRATION	80359
AIR NEW SOURCE PERMITS	REGISTRATION	80377
AIR NEW SOURCE PERMITS	REGISTRATION	80173
AIR NEW SOURCE PERMITS	REGISTRATION	80102
AIR NEW SOURCE PERMITS	REGISTRATION	80108
AIR NEW SOURCE PERMITS	REGISTRATION	80212
AIR NEW SOURCE PERMITS	REGISTRATION	80348
AIR NEW SOURCE PERMITS	REGISTRATION	80718
AIR NEW SOURCE PERMITS	REGISTRATION	80989
AIR NEW SOURCE PERMITS	REGISTRATION	80970
AIR NEW SOURCE PERMITS	EPA ID	PAL7
AIR NEW SOURCE PERMITS	REGISTRATION	82011
AIR NEW SOURCE PERMITS	REGISTRATION	81732
AIR NEW SOURCE PERMITS	REGISTRATION	81715

AIR NEW SOURCE PERMITS	REGISTRATION	82004
AIR NEW SOURCE PERMITS	REGISTRATION	81568
AIR NEW SOURCE PERMITS	REGISTRATION	90337
AIR NEW SOURCE PERMITS	REGISTRATION	85745
AIR NEW SOURCE PERMITS	REGISTRATION	83386
AIR NEW SOURCE PERMITS	REGISTRATION	83201
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30040
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000782698
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50111
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50111
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0232Q
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0232Q
AIR OPERATING PERMITS	PERMIT	1229
WASTEWATER	PERMIT	TPDES0006271
WASTEWATER	PERMIT	WQ0000592000
WASTEWATER	PERMIT	TX0006271
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	8309
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50111
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30040
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50111
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0232Q

Location: 2800 DECKER DR, BAYTOWN, TX, 77520

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: February 05, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 12, 2004 to November 12, 2009

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

Name: Clinton Sims Phone: 239 - 6933

### Site Compliance History Components

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

6. Rating Date: 9/1/2009 Repeat Violator: NO

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

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

Effective Date: 03/03/2005

ADMINORDER 2004-0296-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter H 101.354(g)

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

Description: Operated FINs LS243RP1, LS243RP2 &LS243RP3 during the 2002 without first obtaining allowances for the emissions

Effective Date: 03/11/2005

ADMINORDER 2002-1243-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

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

Rqmt Prov: Special Condition No. 1 OP

Description: Failure to limit emissions during an upset.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

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

Rqmt Prov: Special Condition No. 1 OP

Description: Failure to limit emissions during an upset that occurred July 23 to 24, 2002.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to limit emissions during an emissions event that occurred September 17 to 19, 2002 and September 20 to 25, 2002.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

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

Rqmt Prov: Special Condition No. 1 OP

Description: Failure to limit emissions during an emissions event that occurred October 28 to 29, 2002.

Effective Date: 08/07/2005

ADMINORDER 2003-1185-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: 18287 and PSD-TX-730, SC No. 20.D PA

Description: Failure to conduct grab samples which is representative of the vent gas to flares 14, 15, 17, 19, 20, 22, 25, 26 and 27.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: ExxonMobil allowed the release of unauthorized emissions that were part of a frequent and recurring pattern indicative of inadequate design, operation, and maintenance.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to submit a timely initial notification after discovery of a reportable emissions event.

Effective Date: 02/20/2006

ADMINORDER 2004-0818-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: TCEQ FLEX PERMIT #18287 / #PSD-TX-730M2 PERMIT

Description: Failed to prevent unauthorized emissions that began on June 4, 2003 and lasted for 128 hours.

Effective Date: 08/28/2006

ADMINORDER 2005-0289-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: TCEQ Flex Permit # 18287 SC #1 PERMIT

Description: Failed to comply with the emissions sources Maximum Allowable Emission Rate Table during emissions events.

Effective Date: 01/26/2007

ADMINORDER 2006-0737-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Rqmt Prov: TCEQ Flexible Air Permit No. 18287, SC#1 PERMIT

Description: Failed to prevent an avoidable emissions event in the Catalytic Light Ends Unit 3 on September 3, 2004 that lasted eight minutes, releasing 14,399 pounds ("lbs") of the highly reactive volatile organic compound ("HRVOC") ethylene and 146 lbs of propane.

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Permit #18287, SC# 1 PERMIT

Description: Failed to prevent an avoidable emissions event in the Propane Dewaxing Unit on November 29, 2005 that lasted 12 hours and 30 minutes, releasing 11,409 pounds ("lbs") of propane, 62 lbs of hydrogen sulfide and 28 lbs of propylene.

Classification: Minor

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

Description: Failed to identify the permit number on the final reports that were submitted for the September 3, 2004 and November 29, 2005 emissions events.

Effective Date: 05/25/2007

ADMINORDER 2006-1398-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Rqmt Prov: TCEQ Flexible Air Permit #18287, SC#1 PERMIT

Description: Failed to prevent the unauthorized release of 49,720 lbs of sulfur dioxide, 960 lbs of hydrogen sulfide, 30 lbs of nitrogen oxides, 599 lbs of total sulfur and 124 lbs of hydrogen disulfide during an emissions event that began on Nov. 23, 2004 and lasted three hours and 12 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Rqmt Prov: TCEQ Permit No. 18287 PERMIT

Description: Failed to prevent the unauthorized release of 510 lbs of carbon monoxide, 182 lbs of hydrogen sulfide, 16,743 lbs of sulfur dioxide, 42.9 lbs of ethylene, 128.6 lbs of butane, 285.8 lbs of VOC, 335.8 lbs of propane and 100 lbs of nitrogen oxides during an emissions event that started on May 16, 2006 and lasted 43 mi

Effective Date: 09/21/2007 ADMINORDER 2007-0077-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Rqmt Prov: TCEQ Flexible Permit #18287, SC# 1 PA  
Description: Exxon Mobil failed to prevent the unauthorized release of air contaminants into the atmosphere

Effective Date: 01/12/2008 ADMINORDER 2007-0672-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: 18287/PSD-TX-703 SC 1 PA  
Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 1,059 pounds ("lbs") of volatile organic compounds, 6,430 lbs of carbon monoxide ("CO"), 680 lbs of nitrogen oxide (NOx), 169 lbs of hydrogen sulfide and 15,552 lbs of sulfur dioxide ("SO2") during an avoidable emissions event that began

Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 19,972 lbs of SO2 from the Fuels North Unit during an avoidable emissions event that began October 20, 2006 and lasted 201 hours. The event also resulted in 100% opacity for the duration of the event.

Effective Date: 02/25/2008 ADMINORDER 2006-0498-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: TCEQ Flexible Air Permit #18287, SC #1 PERMIT

Description: Failed to prevent an avoidable emissions event in the Delayed Coker Unit ("DCU") on August 29, 2003 that lasted four hours and five minutes, releasing 40,798 pounds ("lbs") of sulfur dioxide, 2,097 lbs of volatile organic compounds ("VOCs"), 1,408 lbs of carbon monoxide, 233 lbs of nitric oxide and 438 lbs of hydrogen sulfide.

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit the final notification for the August 29, 2003 emissions event in a timely manner.

Effective Date: 02/25/2008 ADMINORDER 2007-1403-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: TCEQ Air Permit #18287, SC#1 PA

Description: Failed to prevent the unauthorized release of 11,294 lbs of SO<sub>2</sub>, 1.5 lbs of H<sub>2</sub>S and .81 lbs of sulfur from the Low BTU Gas Fired Sources during an avoidable emissions event that began March 2, 2007 and lasted 16 hours and 27 minutes.

Effective Date: 03/08/2008

ADMINORDER 2007-1004-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: TCEQ AIR FLEXIBLE PERMIT #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 6.83 lbs of H<sub>2</sub>S, 37.45 lbs CO, 6.88 lbs of NO<sub>x</sub>, 7.58 lbs of propylene, 4.94 lbs of volatile organic compounds and 1,494.97 lbs of SO<sub>2</sub> from the Delayed Coker Unit during an avoidable emissions event that began January 31, 2007 and lasted 15 minutes.

Effective Date: 06/05/2008

ADMINORDER 2007-1637-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: TCEQ Air Flexible Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,160

pounds ("lbs") of volatile organic compounds, 182 lbs of hydrogen sulfide, 21 lbs of the Hazardous Air Pollutant ("HAP") benzene, 124 lbs of the HAP toluene, 54 lbs of the HAP xylene and 224 lbs of the HAP ethylbenzene from Tank 998 in Oil Movements Area 1 during an avoidable emissions event that began May 17, 2007 and lasted 126 hours.

Effective Date: 09/22/2008

ADMINORDER 2006-0875-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: TCEQ Permit No. 18287 PERMIT

Description: Failed to prevent an avoidable emissions event in the Catalytic Light Ends Unit 3 on February 19, 2006 that lasted 5 minutes and released 9,090 lbs of ethylene.

Effective Date: 10/06/2008

ADMINORDER 2008-0160-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,932.7 pounds ("lbs") of volatile organic compounds and 1,556 lbs of sulfur dioxide from the West Loop Flare System during an emissions event that began August 26, 2007 and lasted 41 hours and three minutes.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(3)(ii)  
5C THSC Chapter 382 382.085(b)

Description: Failed to comply with a maximum allowable emission rate of 20 parts per million ("ppm") at 0% oxygen ("O<sub>2</sub>") for sulfur dioxide ("SO<sub>2</sub>"). Specifically, during a reference method stack test conducted on March 27, 2007, it was determined that SO<sub>2</sub> emissions from Boiler 1 (EPN No. LXU2B1) were 96.83 ppm at 0% O<sub>2</sub>.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Flexible Permit No. 18287, SC#1 PA

Description: failed to prevent unauthorized emissions. Specifically, the Respondent released 237 pounds ("lbs") of carbon monoxide, 199.31 lbs of volatile organic compounds, 40.88 lbs of hydrogen sulfide, 43.5 lbs of nitrogen oxide and 3,759.34 lbs of sulfur dioxide from the Delayed Coker Unit during an avoidable emissions event (Incident No. 98207) that began October 2, 2007 and lasted one hour and 22 minutes.

Effective Date: 11/06/2008

ADMINORDER 2007-0463-AIR-E

Classification: Moderate

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

Rqmt Prov: Permit No. 18287, Special Cond. No. 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 25,336 lbs of heptane, 308 lbs of toluene and 2 lbs of benzene from the Oil Movements Area 2 during an avoidable emissions event that began May 31, 2006 and lasted 15 hours and 50 minutes.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 18287 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 8,005 lbs of carbon monoxide, 209 lbs nitrogen oxide and 68,157 lbs of sulfur dioxide from the Flexicoker and the Sulfur Conversion Unit during an avoidable emissions event that began May 23, 2006 and lasted three hours and 47 minutes.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 28,213 pounds ("lbs") of carbon monoxide, 115 lbs of ammonia and 92 lbs of hydrogen cyanide during an avoidable emissions event that began June 16, 2005 and lasted three hours and 34 minutes.

Effective Date: 12/04/2008

ADMINORDER 2008-0641-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,035

pounds ("lbs") of volatile organic compounds ("VOC"), 733 lbs of sulfur dioxide ("SO<sub>2</sub>"), 736 lbs of carbon monoxide ("CO"), 135 lbs of nitrogen oxide ("NO<sub>x</sub>") and 8 lbs of hydrogen sulfide ("H<sub>2</sub>S") from Catalytic Light Ends Unit 1 ("CLEU") during an avoidable emissions event that began December 5, 2007 and lasted one hour and 22 minutes.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 18287, SC#1 PA

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,736 lbs of VOCs, 2,363 lbs of SO<sub>2</sub>, 6,473 lbs of CO, 198 lbs of NO<sub>x</sub> and 25 lbs of H<sub>2</sub>S from Fluid Catalytic Cracking Unit 2 during an avoidable emissions event that began December 17, 2007 and lasted eight hours and two minutes.

Classification: Minor

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

Description: Failed to submit the final report for the emissions event that occurred December 17, 2007 within 14 days after the end of the event.

Effective Date: 01/30/2009

ADMINORDER 2008-0872-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 88,422 lbs of VOCs, 7,319 lbs of CO, 1,705 lbs of H2S, 300 lbs of NOx and 2,178 lbs of SO2 from Hydrocracking Unit 1 during an avoidable emissions event (Incident No. 93064) that began December 14, 2007 and lasted 65 hours and 41 minutes.

Classification: Moderate

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

Rqmt Prov: TCEQ Air flexible permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 5,032 pounds ("lbs") of sulfur dioxide ("SO2"), 383 lbs of carbon monoxide ("CO"), 307 lbs of volatile organic compounds ("VOC"), 71 lbs of nitrogen oxide ("NOx") and 55 lbs of hydrogen sulfide ("H2S") from the Delayed Coker Unit during an avoidable emissions event (Incident No. 101349) that began December 14, 2007 and lasted 33 hours and 52 minutes.

Effective Date: 02/08/2009

ADMINORDER 2007-0214-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 18287 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions.

Effective Date: 07/09/2009

ADMINORDER 2008-1163-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Air Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 19,492 pounds ("lbs") of sulfur dioxide, 1,764 lbs of carbon monoxide, 1,154 lbs of volatile organic compounds, 324 lbs of nitrogen oxide and 211 lbs of hydrogen sulfide from Booster Station 4 during an avoidable emissions event that began March 8, 2008 and lasted 67 hours and 54 minutes.

Effective Date: 07/20/2009

ADMINORDER 2009-0132-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 8,168 lbs

of SO2, 1,529 lbs of VOCs, 394 lbs of CO, 182 lbs of H2S and 75 lbs of NOx from Hydrocracking Unit 1 during an avoidable emissions event that began August 11, 2008 and lasted nine hours and 37 minutes. The root cause of the event was the inadvertent activation of the compressor trip button, resulting in the shutdown of the C-701 relay system.

Effective Date: 09/21/2009

ADMINORDER 2009-0073-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,328 pounds ("lbs") of volatile organic compounds, 89 lbs of ammonia and the following Hazardous Air Pollutants ("HAPs"): 442.1 lbs of benzene, 23 lbs of cumene, 71 lbs of ethylbenzene, 24 lbs of methyl ethyl ketone, 16 lbs of methyl isobutyl ketone, 192 lbs of naphthalene, 712 lbs of phenol, 796 lbs of toluene and 106 lbs of xylene from the Wastewater Treatment Plant during an avoidable emissions event

Effective Date: 10/18/2009

ADMINORDER 2008-1727-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions. Specifically, The Respondent released 129,997 lbs of CO, 17,270 lbs of SO2, 3,020 lbs of NOx, 150 lbs of hydrogen cyanide, 381 lbs of ammonia, 803 lbs of particulate matter and resulted in 50% opacity from Fluid Catalytic Cracking Unit 3 (FCUU3) during an avoidable emissions event that began April 22, 2008 and lasted 29 hrs and 19 min. The unauthorized emissions were the result of an operator inadvertently closing the fuel gas valve to C-Boiler on FCCU3.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 28,105.8 lbs of VOCs, 6,824 lbs of SO2, 2,720 lbs of CO, 351.8 lbs of NOx, 75.9 lbs of H2S and 3,653 lbs of the HRVOC ethylene from the Utilities Control Center during an avoidable emissions event that began April 29, 2008 and lasted four hours and four minutes. The unauthorized emissions were the result of a third party contractor inadvertently piercing a live underground power cable by driving a piece of steel reb

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	11/12/2004	(335883)
N/A	2	11/12/2004	(340365)
	3	11/12/2004	(340615)
	4	11/22/2004	(267703)
	5	11/22/2004	(337719)
	6	11/22/2004	(340575)
	7	11/22/2004	(340689)
	8	11/23/2004	(340185)
	9	11/29/2004	(340829)
	10	12/05/2004	(269620)
	11	12/09/2004	(341224)
	12	12/13/2004	(267690)
	13	12/13/2004	(268246)
	14	12/21/2004	(341978)

15	12/22/2004	(268731)
16	12/22/2004	(278243)
17	12/22/2004	(340759)
18	12/22/2004	(342051)
19	12/27/2004	(341022)
20	12/28/2004	(267530)
21	12/28/2004	(268918)
22	12/28/2004	(268990)
23	12/28/2004	(268993)
24	12/28/2004	(269717)
25	12/28/2004	(272677)
26	12/28/2004	(334795)
27	12/28/2004	(341014)
28	12/28/2004	(341980)
29	12/29/2004	(278295)
30	12/29/2004	(341979)
31	12/30/2004	(268760)
32	12/31/2004	(267843)
33	12/31/2004	(272589)
34	01/04/2005	(267623)
35	01/04/2005	(267736)
36	01/04/2005	(341983)
37	01/06/2005	(267642)
38	01/06/2005	(344763)
39	01/07/2005	(341981)
40	01/10/2005	(341982)
41	01/12/2005	(267368)
42	01/12/2005	(344761)
43	01/21/2005	(342494)
44	01/25/2005	(341747)
45	01/25/2005	(348070)
46	01/27/2005	(342684)
47	02/21/2005	(337401)
48	02/21/2005	(351015)
49	02/28/2005	(267818)
50	03/29/2005	(375295)
51	04/07/2005	(337403)
52	04/07/2005	(344010)
53	04/22/2005	(347659)
54	04/28/2005	(348685)
55	05/10/2005	(380346)
56	05/13/2005	(379379)
57	05/26/2005	(333676)
58	06/09/2005	(394572)
59	06/13/2005	(395496)
60	06/23/2005	(395306)
61	06/30/2005	(396806)
62	07/12/2005	(399391)
63	07/13/2005	(399494)
64	08/02/2005	(402576)
65	08/02/2005	(402737)
66	08/02/2005	(402844)
67	08/02/2005	(402917)
68	08/03/2005	(401816)
69	08/08/2005	(399628)
70	08/08/2005	(402336)
71	08/09/2005	(403017)
72	08/09/2005	(403164)

73 08/09/2005 (403230)  
74 08/09/2005 (403721)  
75 08/09/2005 (404230)  
76 08/09/2005 (404259)  
77 08/09/2005 (404296)  
78 08/15/2005 (405021)  
79 08/16/2005 (404301)  
80 08/16/2005 (404547)  
81 08/19/2005 (404792)  
82 08/23/2005 (405305)  
83 08/24/2005 (399636)  
84 08/24/2005 (399637)  
85 08/29/2005 (405928)  
86 08/31/2005 (418871)  
87 09/01/2005 (399476)  
88 09/28/2005 (431581)  
89 09/28/2005 (432076)  
90 10/17/2005 (434480)  
91 11/03/2005 (431598)  
92 11/22/2005 (433933)  
93 11/22/2005 (435072)  
94 11/22/2005 (438130)  
95 12/20/2005 (267563)  
96 12/21/2005 (434204)  
97 12/21/2005 (435335)  
98 12/30/2005 (435909)  
99 12/30/2005 (435916)  
100 01/17/2006 (273538)  
101 01/17/2006 (450474)  
102 02/06/2006 (450733)  
103 02/12/2006 (452651)  
104 02/28/2006 (456441)  
105 03/24/2006 (459648)  
106 04/04/2006 (461224)  
107 04/20/2006 (461537)  
108 04/26/2006 (338652)  
109 04/27/2006 (461574)  
110 04/28/2006 (463895)  
111 05/02/2006 (460481)  
112 05/03/2006 (463377)  
113 05/04/2006 (462741)  
114 05/08/2006 (457378)  
115 05/16/2006 (462451)  
116 05/16/2006 (465569)  
117 05/17/2006 (457374)  
118 05/22/2006 (466175)  
119 05/25/2006 (431599)  
120 05/30/2006 (479710)  
121 05/30/2006 (479729)  
122 05/30/2006 (479780)  
123 05/30/2006 (479785)  
124 05/30/2006 (479791)  
125 05/30/2006 (479817)  
126 05/31/2006 (344766)  
127 05/31/2006 (462401)  
128 05/31/2006 (463588)  
129 06/02/2006 (454646)  
130 06/02/2006 (460480)

131 06/02/2006 (464665)  
132 06/14/2006 (466357)  
133 06/19/2006 (481233)  
134 06/19/2006 (481262)  
135 06/26/2006 (481569)  
136 06/29/2006 (480981)  
137 06/30/2006 (481533)  
138 07/07/2006 (483457)  
139 07/07/2006 (483683)  
140 07/07/2006 (484811)  
141 07/20/2006 (484814)  
142 07/31/2006 (484463)  
143 07/31/2006 (489107)  
144 08/03/2006 (489455)  
145 08/09/2006 (484809)  
146 08/18/2006 (487811)  
147 08/31/2006 (465761)  
148 08/31/2006 (489776)  
149 09/01/2006 (509264)  
150 09/01/2006 (510727)  
151 09/01/2006 (510733)  
152 09/05/2006 (489701)  
153 09/05/2006 (489770)  
154 09/25/2006 (497145)  
155 09/29/2006 (489710)  
156 10/18/2006 (513741)  
157 10/26/2006 (517328)  
158 10/30/2006 (516968)  
159 11/15/2006 (514799)  
160 11/15/2006 (518447)  
161 11/30/2006 (457899)  
162 11/30/2006 (531626)  
163 12/08/2006 (532394)  
164 12/13/2006 (519183)  
165 12/21/2006 (393692)  
166 01/08/2007 (533556)  
167 01/09/2007 (535937)  
168 01/11/2007 (534949)  
169 01/12/2007 (481287)  
170 01/23/2007 (536577)  
171 01/29/2007 (449587)  
172 01/31/2007 (517160)  
173 01/31/2007 (538653)  
174 02/02/2007 (462413)  
175 02/05/2007 (457903)  
176 02/06/2007 (539165)  
177 02/08/2007 (539319)  
178 02/09/2007 (440421)  
179 02/09/2007 (449579)  
180 02/09/2007 (484815)  
181 02/15/2007 (457902)  
182 02/15/2007 (535801)  
183 02/27/2007 (515654)  
184 02/28/2007 (481875)  
185 03/08/2007 (449583)  
186 03/23/2007 (489664)  
187 03/23/2007 (490037)  
188 03/26/2007 (541019)

189	03/26/2007	(541089)
190	03/26/2007	(541133)
191	03/27/2007	(534342)
192	03/28/2007	(555118)
193	03/30/2007	(535817)
194	03/30/2007	(541407)
195	04/04/2007	(511045)
196	04/05/2007	(536574)
197	04/05/2007	(543125)
198	04/12/2007	(535873)
199	04/19/2007	(537203)
200	04/19/2007	(538065)
201	04/20/2007	(536593)
202	04/20/2007	(539663)
203	04/20/2007	(556917)
204	04/24/2007	(536941)
205	04/24/2007	(537438)
206	04/27/2007	(556005)
207	04/30/2007	(542577)
208	05/01/2007	(539681)
209	05/03/2007	(554208)
210	05/04/2007	(535563)
211	05/08/2007	(489678)
212	05/08/2007	(535299)
213	05/08/2007	(535352)
214	05/08/2007	(541040)
215	05/08/2007	(558748)
216	05/09/2007	(457383)
217	05/09/2007	(535078)
218	05/09/2007	(535565)
219	05/11/2007	(536591)
220	05/16/2007	(539675)
221	05/16/2007	(558902)
222	05/17/2007	(490200)
223	05/30/2007	(560387)
224	05/31/2007	(538802)
225	05/31/2007	(540430)
226	05/31/2007	(561882)
227	06/05/2007	(562903)
228	06/15/2007	(560235)
229	06/15/2007	(561789)
230	06/27/2007	(559236)
231	06/27/2007	(559573)
232	06/27/2007	(559574)
233	06/27/2007	(563272)
234	07/03/2007	(555858)
235	07/05/2007	(564964)
236	07/06/2007	(562588)
237	07/10/2007	(567169)
238	07/11/2007	(541738)
239	07/11/2007	(543749)
240	07/16/2007	(561456)
241	07/23/2007	(568005)
242	07/30/2007	(563075)
243	08/03/2007	(564720)
244	08/06/2007	(570695)
245	08/09/2007	(571423)
246	08/10/2007	(560522)

247 08/10/2007 (563117)  
248 08/13/2007 (563757)  
249 08/22/2007 (568350)  
250 08/24/2007 (570712)  
251 08/29/2007 (572924)  
252 09/07/2007 (593545)  
253 09/19/2007 (570275)  
254 09/19/2007 (570278)  
255 09/19/2007 (572771)

256 09/20/2007 (570276)  
257 09/26/2007 (593611)  
258 09/28/2007 (564900)  
259 09/28/2007 (565019)  
260 09/28/2007 (565214)  
261 10/01/2007 (595471)  
262 10/02/2007 (563996)  
263 10/02/2007 (564053)  
264 10/02/2007 (564057)  
265 10/02/2007 (564825)  
266 10/02/2007 (566406)  
267 10/03/2007 (574482)  
268 10/04/2007 (565775)  
269 10/10/2007 (566719)  
270 10/10/2007 (567038)  
271 10/11/2007 (566557)  
272 10/12/2007 (572311)  
273 10/16/2007 (597893)  
274 10/19/2007 (596209)  
275 10/25/2007 (571458)  
276 10/25/2007 (572951)  
277 10/25/2007 (573665)  
278 11/02/2007 (573789)  
279 11/02/2007 (598325)  
280 11/02/2007 (598327)  
281 11/08/2007 (597351)  
282 11/19/2007 (569267)  
283 11/19/2007 (593935)  
284 11/20/2007 (608861)  
285 11/27/2007 (568601)  
286 12/04/2007 (599936)  
287 12/07/2007 (593717)  
288 12/07/2007 (594582)  
289 12/12/2007 (593931)  
290 12/17/2007 (611653)  
291 12/20/2007 (599324)  
292 12/20/2007 (599344)  
293 12/20/2007 (599350)  
294 12/20/2007 (599754)  
295 12/21/2007 (599347)  
296 12/21/2007 (599624)  
297 01/04/2008 (610570)  
298 01/07/2008 (613467)  
299 01/18/2008 (612843)  
300 01/18/2008 (614380)  
301 01/18/2008 (615193)  
302 01/28/2008 (616174)  
303 01/30/2008 (616222)  
304 02/07/2008 (614032)

305 02/08/2008 (611547)  
306 02/13/2008 (613846)  
307 02/27/2008 (617012)  
308 02/28/2008 (617220)  
309 03/05/2008 (611632)  
310 03/07/2008 (616312)  
311 03/09/2008 (609542)  
312 03/14/2008 (639154)  
313 03/21/2008 (639445)  
314 03/24/2008 (639458)  
315 04/02/2008 (637836)  
316 04/04/2008 (613406)  
317 04/04/2008 (638369)  
318 04/17/2008 (646246)  
319 04/24/2008 (653934)  
320 04/25/2008 (613756)  
321 04/30/2008 (654258)  
322 05/07/2008 (646555)  
323 05/08/2008 (613978)  
324 05/09/2008 (598614)  
325 05/13/2008 (439155)  
326 05/19/2008 (670962)  
327 05/22/2008 (670825)  
328 05/27/2008 (679941)  
329 06/15/2008 (433577)  
330 06/16/2008 (398344)  
331 06/17/2008 (683333)  
332 06/19/2008 (683121)  
333 06/26/2008 (683668)  
334 06/27/2008 (671720)  
335 07/18/2008 (686470)  
336 07/22/2008 (531928)  
337 07/22/2008 (685958)  
338 08/07/2008 (684566)  
339 09/24/2008 (701775)  
340 10/16/2008 (687747)  
341 10/29/2008 (687171)  
342 10/30/2008 (685194)  
343 10/31/2008 (703451)  
344 11/03/2008 (686921)  
345 11/10/2008 (706764)  
346 11/12/2008 (706342)  
347 11/12/2008 (706700)  
348 12/22/2008 (709485)  
349 01/09/2009 (709484)  
350 01/15/2009 (721346)  
351 04/09/2009 (740917)  
352 04/14/2009 (740493)  
353 04/17/2009 (741980)  
354 04/21/2009 (743215)  
355 04/22/2009 (735601)  
356 04/29/2009 (737394)  
357 04/30/2009 (739819)  
358 05/05/2009 (743062)  
359 05/05/2009 (743063)  
360 05/13/2009 (725716)  
361 05/14/2009 (744009)  
362 06/04/2009 (743832)

363 06/23/2009 (744178)  
364 06/23/2009 (744302)  
365 06/23/2009 (744317)  
366 06/23/2009 (744320)  
367 06/23/2009 (744323)  
368 06/23/2009 (744406)  
369 07/01/2009 (742028)  
370 07/01/2009 (746149)  
371 07/15/2009 (738281)  
372 07/17/2009 (745541)  
373 07/24/2009 (743966)

374 07/27/2009 (747598)  
375 07/30/2009 (763678)  
376 08/03/2009 (764251)  
377 08/06/2009 (741015)  
378 08/06/2009 (741982)  
379 08/10/2009 (759843)  
380 08/10/2009 (763817)  
381 08/10/2009 (764911)  
382 08/20/2009 (721130)  
383 08/20/2009 (766551)  
384 08/21/2009 (726876)  
385 09/02/2009 (746806)  
386 09/02/2009 (767216)  
387 09/02/2009 (767239)  
388 09/15/2009 (766566)  
389 09/15/2009 (767619)  
390 09/23/2009 (776026)  
391 09/28/2009 (760745)  
392 09/28/2009 (777658)  
393 09/29/2009 (761132)  
394 10/05/2009 (759724)  
395 10/26/2009 (779952)  
396 10/30/2009 (764922)  
397 10/30/2009 (766755)  
398 11/03/2009 (780703)  
399 11/12/2009 (782073)

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

Date: 11/30/2004 (340185)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Flex Permit 18287, SC 1 PERMIT  
Description: Failure to prevent unauthorized emissions of 687 lbs SO2.

Date: 12/28/2004 (341978)  
Self Report? NO Classification: Moderate  
Citation: 18287, SC 1 PERMIT  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to prevent unauthorized emissions of 909 pounds of sulfur dioxide.

Date: 12/29/2004 (341979)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Flexible Permit 18287, SC 1 PERMIT  
 Description: Failure to prevent unauthorized emissions of 11 lbs of hydrogen sulfide and 3862 lbs of sulfur dioxide.

Date: 12/30/2004 (268990)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Special Condition 1 PERMIT  
 Description: Exxon failed to provide an affirmative defense for Incident # 36744. CO Boiler SG501B air damper stuck too far open, then swung shut. Exxon has not explained how/why. 12,881 lbs of unauthorized CO emissions cannot be exempted. NOV to be issued.

Date: 12/31/2004 (267843)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Special Condition 1 PERMIT  
 During the startup of the T-6 sour depropanizer tower, the refrigeration would not start, due to instrument malfunction, which resulted in flaring. The instrument malfunction was corrected and the compressor started as quickly as possible.

Date: 12/31/2004 (341980)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Permit 18287, SC 1 PERMIT  
 Description: Failure to prevent emissions of 4035 lbs of SO2.

Date: 01/24/2005 (342494)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 Permit 18287 Special Condition 54E PA  
 Description: failure to cap/plug valve nos., 204, 223, 451, 650, 222, 283, and valves next to valve 43, and 228 respectively.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
 Description: failure to seal the end of two leaking plug #462 (670 ppmv reading), and #511 (6,500 ppmv reading).

Date: 08/19/2005 (404792)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: failed to identify self heating waste material which caused a fire in a roll off bin.

Date: 04/26/2006 (461574)  
 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 Permit #18287, SC #1 PERMIT  
 Description: ExxonMobil failed to provide lean MEA while pressurizing Tower 381.

Date: 05/15/2006 (462451)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
 30 TAC Chapter 116, SubChapter B 116.115(b)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 TCEQ Permit No. 44533, GC #8 PERMIT  
 Description: Exxon failed to submit a completed final report.

Date: 05/31/2006 (463588)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)(1)(l)  
 Description: Failed to report the permit authorization for the facility involved in the maintenance activity.

Date: 07/07/2006 (483457)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.223(a)(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Exxon failed to submit a CAP in a timely manner.

Date: 08/18/2006 (487811)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.223(a)(1)  
 Description: Failed submit a CAP in a timely manner.

Date: 08/31/2006 (489776)  
 Self Report? NO Classification: Moderate  
 Citation: 18287 PERMIT  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: EM failed to prevent this emissions event.

Date: 10/18/2006 (513741)  
 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 Flexible Air Permit #18287, SC#1 PA  
 Description: Exxon Mobil failed to prevent a break on the instrument air line.

Date: 12/13/2006 (519183)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.223(a)(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Exxon failed to submit a CAP in a timely manner.

Date: 01/08/2007 (533556)  
 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 Flexible Air Permit #18287, SC#1 PA  
 Description: failure to prevent a power source interruption of all three power suppliers due to bad transfer switches.

Date: 02/13/2007 (539319)  
 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 FLEXIBLE PERMIT #18287, SC#1 PA  
 Description: ExxonMobil failed to accurately set the operating envelope set point for safety valve H0889.

Date: 04/04/2007 (511045)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
No. 18287/Special Condition No. 45E. PERMIT

Description: The report was received in the Region 12 Office on May 9, 2006, which is 119 days after the January 10th test. Permit No. 18287, Special Condition No. 45E requires the stack test report be submitted within 90 days of the test. This report will be documented as a Notice of Violation issued and resolved.

Date: 05/01/2007 (539681)

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 THSC Chapter 382, SubChapter A 382.085(b)  
No.18287/PSD-TX-703 SC 1 PA  
No.18287/PSD-TX-703 SC14B PA

Description: Failed to maintain the pilot flame on all flares.

Date: 05/22/2008 (670825)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
TCEQ Flexible Air Permit #18287, SC#1 PA

Description: failed to prevent a Waste Heat Boiler (E-701) feed water leak due to previous startups and shutdowns resulting in the shutdown of two Tail Gas Clean Up Units (TGCU-A & TGCU-C).

Date: 10/31/2008 (703451)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
TCEQ Flexible Air Permit #18287, SC#1 PA

Description: Failure to prevent solid sulfur pluggage in the condenser seal leg causing carryover of sulfur into the tail gas unit resulting in the unauthorized release of 1,457.3 pounds of carbonyl sulfide, 55.2 pounds of carbon disulfide, and 21.6 pounds of hydrogen sulfide. The duration of this emissions event was 63 hours.

Date: 11/21/2008 (706342)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
TCEQ Air Flexible Permit No. 18287, SC#1 PA

Description: The respondent failed to prevent the shutdown of the Refinery Gas Recovery (RGR) compressor PC-01 due to a current imbalance across the motor phases resulting in the unauthorized release of 666 pounds of sulfur dioxide, 219 pounds of carbon monoxide, 156.30 pounds of volatile organic compounds (VOCs), 43 pounds of NOx, and 8 pounds of hydrogen sulfide. The duration of this emissions event was 24 minutes.

Date: 01/09/2009 (709484)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)  
5C THSC Chapter 382 382.085(b)

Description: Failure to present an affirmative defense in regard to the avoidability of Excess Opacity Event No. 113088.

Date: 04/22/2009 (735601)

Self Report? NO

Classification: Moderate

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

Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions, specifically the RE failed to prevent a level indicator malfunction.

Date: 08/20/2009 (721130)

Self Report? NO Classification: Minor

Citation: 18287 and PSD-TX-730M4/PAL, SC 34E PA  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
O-01229, Special Condition 30 OP

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-5(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(b)  
5C THSC Chapter 382 382.085(b)

Description: Failure to meet closed purge requirements

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 30 OP  
Special Condition 34F PA

Description: Failure to monitor ten valves in volatile organic compound (VOC), and hazardous air pollutants (HAP's) service.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 14D PA  
Special Condition 30 OP

Description: Failure to meet tank repair deadline. (Category B18)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.640(n)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 14D PA  
Special Condition 30 OP

Description: Missing Pole Float, Wiper Assembly, Vacuum Breaker Gaskets, ID#TK0347,TK0743, TK1093, TK1096,TK0849, TK0855, TK0858, TK1032, TK1033, TK0859, TK1089 (Category B18)

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.654(g)  
5C THSC Chapter 382 382.085(b)

Description: Failure to include startup/shutdown (SS) information in MACT report.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(3)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 14D PA  
Special Condition 30 OP

Description: Failure to notify Administrator of Tank inspection.

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.143(d)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP

Description: Failure to Monitor Steam Strippers, ID#PRORTTT071G, PRORTTT081G.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)(2)(C)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain fuel usage record.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(C)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to make degreasers operating requirements visible  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(A)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to operating degreaser with covers.  
 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 F 63.104(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 13 PA  
 Special Condition 30 OP  
 Special Condition 1A OP

Description: Failure to monitor cooling tower with an Approved Method. (Category B1)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(3)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT BB 61.305(f)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP

Description: Failure to submit quarterly report.  
 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 meet final calculation and recordkeeping deadlines.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 30 OP  
 Special Condition 8 PA

Description: Failure to prevent non-fugitive emissions from a safety valve. (Category B18)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 40 CFR Chapter 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)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 11A PA  
 Special Condition 30 OP

Description: Failure to maintain flare net heating value. (Category B18)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 23B(2) PA  
 Special Condition 30 OP

Description: Failure to Conduct Quarterly Cylinder Gas Audits.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.644(e)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP

Description: Failure to operate inclinator with the minimum operating parameter.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.643(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP

Description: Failure to reduce emissions of organic HAP's.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP

Description: Failure to sample HRVOC Analyzer  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to limit ammonia emissions.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP

Description: Failure to maintain fuel flow meter.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP

Description: Failure to maintain quarterly engine tests report.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter G 117.8140(b)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP

Description: Failure to conduct quarterly engine tests. (Category B1)  
 Self Report? NO Classification: Minor  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP

Description: Failure to demonstrate continuous compliance with emissions limitation.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1565(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP

Description: Failure to limit carbon monoxide (CO) discharge into the atmosphere.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(3)(ii)  
 Special Condition 1A OP

Description: Exceedence of sulfur dioxide limit. (Category B14)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to limit hydrogen sulfide (H2S) content in fuel gas.

Date: 09/15/2009 (767619)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)  
 5C THSC Chapter 382 382.085(a)

Description: During an avoidable excess opacity event (Incident No. 126110) that began June

28, 2009 and lasted 12 minutes Exxon Mobil failed to prevent opacity from exceeding 30% averaged over a 6 minute period. The unauthorized release was a result of poor maintenance and operation of Furnace 802 and Furnace 801.

Date: 09/17/2009 (763625)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter F 115.541(a)(1)(B)  
5C THSC Chapter 382 382.085(b)

Description: The RE failed to demonstrate that the VOC control device (an internal combustion engine) they used in storage tank degassing achieved the required 90% control efficiency.

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  
RN102579307

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2009-1848-IHW-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Exxon Mobil Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum refinery at 2800 Decker Drive in Baytown, Harris County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 26, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Sixty-Nine Thousand Six Hundred Dollars (\$69,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Seven Thousand Eight Hundred Forty Dollars (\$27,840) of the administrative penalty and Thirteen Thousand Nine Hundred Twenty Dollars

(\$13,920) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty-Seven Thousand Eight Hundred Forty Dollars (\$27,840) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent modified routine monitoring practices of the wastewater lines by increasing the frequency of sampling and added additional monitoring points in order to detect elevated levels of benzene on October 31, 2008.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to prevent hazardous waste from entering surface impoundments, in violation of 30 TEX. ADMIN. CODE § 335.2(a) and Industrial Hazardous Waste Permit No. 50111, Provision Nos. V.D.1. and V.D.3, as documented during an investigation conducted on March 3, 2009. Specifically, wastewater containing more than 0.5 milligrams per liter ("mg/l") of benzene was allowed to flow into the Wastewater Oxidation Unit, the Upper Outfall Canal and the Old Aeration Basin.
2. Failed to comply with land disposal restrictions requirements, in violation of 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 268.1(a) and 268.40(a) and Industrial Hazardous Waste Permit No. 50111, Provision No. II.B., as documented during an investigation conducted on March 3, 2009. Specifically, wastewater having benzene concentration over 0.5 mg/l was allowed to flow into the Old Aeration Basin.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Exxon Mobil Corporation, Docket No. 2009-1848-IHW-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty-Seven Thousand Eight Hundred Forty Dollars (\$27,840) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the Respondent shall undertake the following technical requirements:

- a.. Within 60 days after the effective date of this Agreed Order, submit an **Affected Property Assessment Report**, pursuant to 30 TEX. ADMIN. CODE § 350.91, to the Executive Director for approval. If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350 which may include: plans, reports, and notices under Subchapter E (30 TEX. ADMIN. CODE §§ 350.92 to 350.96); financial assurance (30 TEX. ADMIN. CODE § 350.33(l)); and Institutional Controls under Subchapter F to:

Remediation Division, MC 225  
Texas Commission on Environmental Quality  
P.O. Box 13807  
Austin, Texas 78711-3087

- b. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Exxon Mobil Corporation  
 DOCKET NO. 2009-1848-IHW-E  
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## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John Zedler  
 For the Executive Director

\_\_\_\_\_  
 Date 11/8/2010

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

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

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

In addition, any falsification of any compliance documents may result in criminal prosecution.

SR Cope  
 Signature

\_\_\_\_\_  
 Date 09/08/10

STEVEN R. COPE  
 Name (Printed or typed)  
 Authorized Representative of  
 Exxon Mobil Corporation

REFINERY MANAGER  
 Title

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

**Attachment A**  
**Docket Number: 2009-1848-IHW-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Exxon Mobil Corporation

**Payable Penalty Amount:** Fifty-Five Thousand Six Hundred Eighty Dollars (\$55,680)

**SEP Amount:** Twenty-Seven Thousand Eight Hundred Forty Dollars (\$27,840)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance

**Location of SEP:** Harris County

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

**1. Project Description**

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Texas Association of Resource Conservation and Development Areas, Inc. to be used for the RC&D Water or Wastewater Treatment Assistance Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

C. Minimum Expenditure

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

**2. Performance Schedule**

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

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

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

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

**5. Publicity**

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

**6. Clean Texas Program**

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

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

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

