EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-0976-AIR-E **TCEQ ID:** RN102212925 **CASE NO.:** 39873

RESPONDENT NAME: Exxon Mobil Corporation

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Exxon Mobil Chemical Baytown Olefins Plant, 3525 Decker Drive, Baytown, Harris County

TYPE OF OPERATION: Petrochemical plant

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on December 6, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732

TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8938; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

Respondent: Mr. Michael P. Zamora, Plant Manager, Exxon Mobil Baytown Olefins Plant, Exxon Mobil Corporation, 3525 Decker Drive, Baytown, Texas 77520

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up X Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** April 12, 2010 **Date of NOV/NOE Relating to this Case:** May 20, 2010 (NOE) **Background Facts:** This was a records review. **AIR** Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,602 pounds ("lbs") of volatile organic compounds, 6,043 lbs of carbon monoxide, 1,130 lbs of nitrogen oxides, and 31% opacity from the BOP-X Flare, 100% opacity from Furnace XAF-01, and one lb of benzene from Furnace Stack XKT-04 during an emissions event that began on February 10, 2010 and lasted 54 hours and seven minutes (Incident No. 135721) when compressor turbine XVCT-01 was inadvertently tripped during routine maintenance activities on the compressor deck. Since the Respondent failed to provide sufficient information to demonstrate that this emissions event was caused by a sudden breakdown of equipment or process beyond the control of the owner or operator; could have been avoided by good design, operation, and maintenance practices; and that the amount and duration of the unauthorized emissions and any bypass of pollution control equipment were minimized, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TCEQ Flexible Air Permit No. 3452 and PSD-TX-302M2, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $26,950 **Total Deferred:** $5,390 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $10,780 **Total Paid to General Revenue:** $10,780 **Compliance History Classification:** Person/CN – Average Site/RN – Average **Major Source:** X Yes ___ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent developed a procedure by March 15, 2010 regarding maintenance work on or near compressor decks in order to prevent a reoccurrence of emissions events similar to Incident No. 135721. **Ordering Provisions:** The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)

Additional ID No(s).: HG0228H

Attachment A
Docket Number: 2010-0976-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Exxon Mobil Corporation**
Penalty Amount:	**Twenty-One Thousand Five Hundred Sixty Dollars ($21,560)**
SEP Offset Amount:	**Ten Thousand Seven Hundred Eighty Dollars ($10,780)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston Regional Monitoring Corporation – *HRMC Houston Area Air Monitoring***
Location of SEP:	**Harris County**

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston Regional Monitoring Corporation** for the *HRMC Houston Area Air Monitoring* to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants. Specifically, SEP funds will be used to operate, maintain, and potentially expand portions of the existing ambient air quality monitoring network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing data from the network which may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. The SEP will provide collection of near real-time volatile organic compound ("VOC"), nitrogen oxides ("NOx"), ozone ("O_3"), and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, and to assess potential ambient community exposure to a limited number of air pollutants. Data from these monitors may also be publicly accessible through the TCEQ website and may be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. The public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness and will indirectly benefit by having data useful in addressing Houston's ozone non-attainment status.

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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 expenditure of the SEP offset amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP offset amount.

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision October 30, 2008*

TCEQ

DATES						
Assigned	24-May-2010					
PCW	5-Aug-2010	Screening	7-Jun-2010	EPA Due		

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	39873	No. of Violations	1
Docket No.	2010-0976-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kimberly Morales
		EC's Team	Enforcement Team 5

Admin. Penalty $ Limit Minimum: $0 Maximum: $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: $5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 464.0% Enhancement — *Subtotals 2, 3, & 7*: $23,200

Notes: Penalty enhancement due to 10 agreed orders containing a denial of liability, six agreed orders without a denial of liability, 22 NOVs for same or similar violations, and two NOVs for dissimilar violations.

Culpability: No — 0.0% Enhancement — *Subtotal 4*: $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5*: $1,250

Economic Benefit — 0.0% Enhancement* — *Subtotal 6*: $0

Total EB Amounts: $20
Approx. Cost of Compliance: $4,500
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: $26,950

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount: $26,950

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: $26,950

DEFERRAL: 20.0% Reduction — *Adjustment*: -$5,390

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY: $21,560

Screening Date 7-Jun-2010 **Docket No.** 2010-0976-AIR-E **PCW**

Respondent Exxon Mobil Corporation *Policy Revision 2 (September 2002)*

Case ID No. 39873 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102212925

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	22	110%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	10	200%
	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	6	150%
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%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 464%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to 10 agreed orders containing a denial of liability, six agreed orders without a denial of liability, 22 NOVs for same or similar violations, and two NOVs for dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 464%

Screening Date 7-Jun-2010 **Docket No.** 2010-0976-AIR-E **PCW**

Respondent Exxon Mobil Corporation *Policy Revision 2 (September 2002)*

Case ID No. 39873 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102212925

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

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

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,602 lbs of VOCs, 6,043 lbs of CO, 1,130 lbs of NOx, and 31% opacity from the BOP-X Flare, 100% opacity from Furnace XAF-01, and one lb of benzene from Furnace Stack XKT-04 during an emissions event that began on February 10, 2010 and lasted 54 hours and seven minutes (Incident No. 135721) when compressor turbine XVCT-01 was inadvertently tripped during routine maintenance activities on the compressor deck. Since the Respondent failed to provide sufficient information to demonstrate that this emissions event was caused by a sudden breakdown of equipment or process beyond the control of the owner or operator; could have been avoided by good design, operation, and maintenance practices; and that the amount and duration of the unauthorized emissions and any bypass of pollution control equipment were minimized, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual		x	
	Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to a significant amount of pollutants that do not exceed levels protective of human health or environmental receptors. The Houston-Galveston-Brazoria County Non-Attainment Area has been exposed to 4.4 tons of pollutants, including 1,384 lbs of ethylene and propylene which are highly reactive VOCs.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events: 1 — 3 Number of violation days

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.

Good Faith Efforts to Comply

25.0% Reduction — $1,250

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

Notes: The Respondent completed corrective actions by March 15, 2010, prior to the May 30, 2010 NOE.

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $20

Statutory Limit Test

Violation Final Penalty Total $26,950

This violation Final Assessed Penalty (adjusted for limits) $26,950

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 39873
Reg. Ent. Reference No. RN102212925
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling	$4,500	10-Feb-2010	15-Mar-2010	0.09	$20	n/a	$20
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to ensure the proper maintenance and operation of compressor turbine XVCT-01. The Date Required is the start date of the emissions event. The Final Date is date that corrective actions were completed.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $4,500

TOTAL $20

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600123939	Exxon Mobil Corporation	Classification: AVERAGE	Rating: 2.70
Regulated Entity:	RN102212925	EXXON MOBIL CHEMICAL BAYTOWN OLEFINS PLANT	Classification: AVERAGE	Site Rating: 4.79

ID Number(s):	WASTEWATER	PERMIT	WQ0002184000
	WASTEWATER	PERMIT	TX0077887000
	WASTEWATER	PERMIT	TX0077887
	AIR NEW SOURCE PERMITS	PERMIT	3452
	AIR NEW SOURCE PERMITS	REGISTRATION	29094
	AIR NEW SOURCE PERMITS	REGISTRATION	34420
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0228H
	AIR NEW SOURCE PERMITS	REGISTRATION	52330
	AIR NEW SOURCE PERMITS	REGISTRATION	54793
	AIR NEW SOURCE PERMITS	REGISTRATION	54383
	AIR NEW SOURCE PERMITS	REGISTRATION	53401
	AIR NEW SOURCE PERMITS	AFS NUM	4820100257
	AIR NEW SOURCE PERMITS	REGISTRATION	56790
	AIR NEW SOURCE PERMITS	REGISTRATION	55105
	AIR NEW SOURCE PERMITS	REGISTRATION	71717
	AIR NEW SOURCE PERMITS	REGISTRATION	55660
	AIR NEW SOURCE PERMITS	REGISTRATION	74541
	AIR NEW SOURCE PERMITS	REGISTRATION	73880
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX302M1
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX731M2
	AIR NEW SOURCE PERMITS	REGISTRATION	78611
	AIR NEW SOURCE PERMITS	REGISTRATION	79047
	AIR NEW SOURCE PERMITS	REGISTRATION	80283
	AIR NEW SOURCE PERMITS	REGISTRATION	81373
	AIR NEW SOURCE PERMITS	EPA ID	PAL6
	AIR NEW SOURCE PERMITS	REGISTRATION	81754
	AIR NEW SOURCE PERMITS	REGISTRATION	89698
	AIR NEW SOURCE PERMITS	REGISTRATION	87751
	AIR NEW SOURCE PERMITS	REGISTRATION	87598
	AIR NEW SOURCE PERMITS	REGISTRATION	85189
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX713
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980625966
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31404
	AIR OPERATING PERMITS	PERMIT	1553

	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0228H
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0228H
Location:	3525 DECKER DR, BAYTOWN, TX, 77520		

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 07, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 07, 2005 to June 07, 2010

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

Name: Kimberly Morales Phone: (713) 422-8938

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 judgments, and consent decrees of the state of Texas and the federal government.

Effective Date: 07/22/2006 ADMINORDER 2005-2070-AIR-E

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: 3452, Special Condition 1 PERMIT

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

Effective Date: 04/13/2007 ADMINORDER 2006-1519-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: No. 3452, Special Condition No. 1 PERMIT
Description: Failed to prevent the unauthorized release of 543.6 lbs of carbon monoxide, 137.6 lbs of nitrogen oxide and 2,459 lbs of VOCs during an emissions event that began on March 15, 2006 in the Cold Ends Unit and lasted four hours and 10 minutes.

Effective Date: 07/13/2007 ADMINORDER 2006-0736-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: TCEQ Flexible Air Permit #3452, SC1 PERMIT
Description: Failed to prevent an avoidable emissions event in the Utilities Train No. 4 Unit on May 28, 2004 that lasted 100 hours, releasing 8,400 pounds ("lbs") of the highly reactive volatile organic compound (HRVOC) propylene and 6,200 lbs of the HRVOC ethylene.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to submit the initial notification for the May 28, 2004 emissions event in a timely manner.

Effective Date: 08/10/2007 ADMINORDER 2006-2046-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: No. 3452, Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 901 pounds of 1,3 butadiene were released from the RC-01 Compressor during an emissions event that began on June 16, 2006 and lasted 59 minutes.

Effective Date: 09/21/2007 ADMINORDER 2007-0034-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: TCEQ Flexible Air Permit No. 3452, SC1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 66,236 pounds ("lbs") of volatile organic compounds ("VOC"), 37,907 lbs of carbon monoxide ("CO") and 5,314 lbs of nitrogen oxides were released from the Base Operating Unit during an emissions event that began on December 24, 2004 and lasted 77 hours.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: No. 3452, Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 408.14 lbs of CO, 56.25 lbs of nitrogen oxide and 1,113.61 lbs of VOCs were released from the Butadiene Unit during an emissions event that began on August 4, 2006 and lasted seven hours.

Effective Date: 10/04/2007 ADMINORDER 2007-0290-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: No. 3452, Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specificaly, 2,333.87 lbs of VOCs, including 1,791 lbs of 1-3 butadiene, were released form the Butadiene Unit during an avoidble emissions event that began October 6, 2006 and lasted 5 hours.

Effective Date: 11/17/2008 ADMINORDER 2008-0681-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Effective Date: 04/05/2009 ADMINORDER 2008-1477-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(a)(1)(i)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01553, Special Condition 14 OP
Permit 3452 and PSD-TX-302M2, SC 5 PA

Description: Failed to limit the flow-weighted annual average benzene waste concentration for unit ID No. PRO-LT06 to 10 ppmv from January 1 through December 31, 2006.

High Priority Violation - General Criteria - c(1)(B)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(3)(ii)(B)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01553, Special Condition 14 OP
Permit 3452 and PSD-TX-302M2, SC 5 PA

Description: Failed to limit uncontrolled benzene concentration for unit ID No. PRO-LT06 to 2 Mg/yr from January 1 through December 31, 2006.

High Priority Violation - General Criteria - c(1)(B)

Effective Date: 06/15/2009 ADMINORDER 2008-1726-AIR-E

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: 3452, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/23/2009 ADMINORDER 2007-1985-AIR-E

Classification: Moderate

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

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Effective Date: 10/04/2009 ADMINORDER 2009-0217-AIR-E

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissons. Specifically, the Respondent released 2,120.81 lbs VOCs, 696.67 lbs of CO and 97.9 lbs of NOx from the Isoprene/Benzene/Naphthalene Unit during an avoidable emissions event (Incident No. 109491) that began June 15, 2008 and lasted 22 hours. A block valve on the UP-206 Pump was opened to vent vapors and alleviate cavitation in the pump at start-up. After venting, the valve was left open leading to the release of emissions.

Classification: Moderate

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

Rqmt Prov: Flex 3452/Special Condition 1 PERMIT

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

Effective Date: 10/31/2009 ADMINORDER 2009-0654-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,456 pounds of volatile organic compounds from the Isoprene/Benzene/Naptha ("IBN") Unit during an avoidable emissions event that began November 12, 2008 and lasted two hours. The release was due to an internal leak in an overhead pipe that developed due to corrosion.

Effective Date: 01/28/2010 ADMINORDER 2009-0986-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions; specifically Exxon failed to prevent external corrosion on a process pipe.

Effective Date: 03/20/2010 ADMINORDER 2008-0734-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 Permit No 3452, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 70,336 pounds ("lbs") of volatile organic compounds, 55,312 lbs of carbon monoxide, 8,345 lbs of nitrogen oxide, 1,800 lbs of sulfur, 294 lbs of acetylene and 21 lbs of hydrogen sulfide from the Cold Ends Unit during an avoidable emissions event that began January 3, 2008 and lasted 51 hours and two minutes. Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 Tex. Admin.

Effective Date: 04/25/2010 ADMINORDER 2009-1524-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)
30 TAC Chapter 117, SubChapter B 117.310(c)(2)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to limit the 24 hour rolling average for carbon monoxide ("CO") to 400 and 584 parts per million by volume ("ppmv") and to limit the 24 hour rolling average for ammonia ("NH3") to 10 ppmv. Specifically, the Respondent exceeded limits for CO on February 28, 2008 for 18 hours, April 16 through 30, 2008 for 38 hours, August 31, 2008 through September 1, 2008 for 26 hours, November 11 through 27, 2008 for nine hours and December 12 through 17, 2008 for 23 hours. The Respondent exceeded limits

Effective Date: 06/04/2010 ADMINORDER 2009-1952-AIR-E

Classification: Moderate

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

Rqmt Prov: Flexible Permit 3452, Special Cond. 1 PERMIT

Description: Failed to prevent unauthorized emissions. Since this event could have been avoided by better troubleshooting operations in the control room, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

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	06/17/2005	(424255)
2	07/14/2005	(392795)
3	07/14/2005	(392796)
4	07/14/2005	(392797)
5	07/14/2005	(396285)
6	07/19/2005	(445026)
7	07/26/2005	(400606)
8	08/05/2005	(403334)
9	08/10/2005	(445027)
10	08/15/2005	(404700)
11	08/24/2005	(397056)
12	08/29/2005	(405282)
13	09/20/2005	(445028)
14	10/24/2005	(445029)
15	11/28/2005	(476046)
16	12/06/2005	(376780)
17	12/20/2005	(476047)
18	01/19/2006	(439145)
19	01/23/2006	(476048)
20	02/03/2006	(437332)
21	02/07/2006	(433592)
22	02/10/2006	(438263)
23	02/21/2006	(476045)
24	02/28/2006	(457054)
25	03/20/2006	(503241)
26	03/28/2006	(452535)
27	04/21/2006	(503242)
28	05/22/2006	(503243)
29	05/24/2006	(463814)
30	05/24/2006	(464433)
31	05/30/2006	(479910)
32	05/30/2006	(479920)
33	05/30/2006	(479928)
34	05/30/2006	(479932)
35	05/30/2006	(479940)
36	05/30/2006	(479945)
37	05/31/2006	(341397)
38	05/31/2006	(464208)
39	06/20/2006	(503244)
40	07/17/2006	(481459)
41	07/17/2006	(503245)
42	07/28/2006	(465223)
43	08/07/2006	(488663)
44	08/17/2006	(525611)
45	08/24/2006	(480881)
46	08/29/2006	(480887)
47	08/29/2006	(480895)
48	08/31/2006	(510492)
49	09/19/2006	(525612)

50	09/22/2006	(513668)
51	10/18/2006	(550249)
52	10/23/2006	(509809)
53	11/15/2006	(515850)
54	11/16/2006	(519233)
55	11/21/2006	(550250)
56	12/07/2006	(514158)
57	12/11/2006	(373579)
58	12/14/2006	(531122)
59	12/15/2006	(550251)
60	12/20/2006	(516286)
61	01/22/2007	(550252)
62	02/14/2007	(536779)
63	02/16/2007	(585541)
64	02/22/2007	(514944)
65	02/22/2007	(515162)
66	03/13/2007	(585542)
67	03/26/2007	(543744)
68	03/27/2007	(461893)
69	04/16/2007	(461341)
70	04/16/2007	(462392)
71	04/18/2007	(585543)
72	04/27/2007	(542037)
73	05/01/2007	(543836)
74	05/02/2007	(558005)
75	05/10/2007	(558255)
76	05/15/2007	(558509)
77	05/15/2007	(585544)
78	05/23/2007	(560720)
79	05/30/2007	(558671)
80	06/14/2007	(585545)
81	07/18/2007	(585546)
82	07/20/2007	(560856)
83	07/20/2007	(560875)
84	07/20/2007	(560879)
85	07/20/2007	(560887)
86	07/24/2007	(566555)
87	07/30/2007	(570076)
88	08/16/2007	(608536)
89	08/20/2007	(568625)
90	08/21/2007	(572965)
91	08/22/2007	(570798)
92	08/30/2007	(512669)
93	09/17/2007	(608537)
94	09/20/2007	(574110)
95	09/20/2007	(593382)
96	10/02/2007	(564017)
97	10/02/2007	(564077)
98	10/02/2007	(564092)
99	10/16/2007	(597921)
100	10/16/2007	(598051)
101	10/16/2007	(623742)
102	10/25/2007	(555099)
103	11/16/2007	(623743)
104	11/30/2007	(599111)
105	12/03/2007	(599440)
106	12/07/2007	(567958)
107	12/20/2007	(612594)
108	12/20/2007	(623744)

109	01/22/2008	(674968)
110	01/25/2008	(615804)
111	01/25/2008	(615948)
112	02/15/2008	(612736)
113	02/19/2008	(674966)
114	03/17/2008	(674967)
115	03/18/2008	(613434)
116	04/04/2008	(638133)
117	04/15/2008	(693308)
118	04/18/2008	(618510)
119	05/08/2008	(653506)
120	05/15/2008	(693309)
121	05/16/2008	(640773)
122	06/10/2008	(682221)
123	06/16/2008	(693310)
124	07/17/2008	(684567)
125	07/21/2008	(686008)
126	07/22/2008	(714552)
127	07/25/2008	(686750)
128	08/15/2008	(714553)
129	08/21/2008	(636743)
130	09/24/2008	(714554)
131	10/16/2008	(730521)
132	10/30/2008	(699719)
133	11/03/2008	(702159)
134	11/10/2008	(702009)
135	11/18/2008	(730522)
136	12/16/2008	(708040)
137	12/18/2008	(708038)
138	12/18/2008	(730523)
139	01/09/2009	(723177)
140	01/20/2009	(753724)
141	01/30/2009	(723574)
142	02/04/2009	(724659)
143	02/16/2009	(558232)
144	02/16/2009	(709278)
145	02/16/2009	(709330)
146	02/17/2009	(771137)
147	02/26/2009	(724231)
148	02/26/2009	(724251)
149	02/26/2009	(724808)
150	03/18/2009	(753723)
151	04/02/2009	(725714)
152	04/02/2009	(725717)
153	04/02/2009	(735587)
154	04/10/2009	(739889)
155	04/20/2009	(771138)
156	04/23/2009	(743523)
157	04/24/2009	(725715)
158	04/24/2009	(735600)
159	04/28/2009	(737427)
160	04/28/2009	(737512)
161	04/30/2009	(740031)
162	05/11/2009	(739888)
163	05/14/2009	(742022)
164	05/15/2009	(771139)
165	06/08/2009	(747629)
166	06/09/2009	(746773)
167	06/11/2009	(741349)

168 06/12/2009 (746853)
169 06/15/2009 (813290)
170 06/26/2009 (744375)
171 06/26/2009 (745023)
172 06/29/2009 (760095)
173 07/03/2009 (747978)
174 07/09/2009 (761188)
175 07/17/2009 (747833)
176 07/17/2009 (813291)
177 07/31/2009 (741199)
178 07/31/2009 (741203)
179 08/19/2009 (813292)
180 08/25/2009 (737232)
181 08/25/2009 (766718)
182 09/18/2009 (813293)
183 09/23/2009 (776016)
184 09/29/2009 (776831)
185 09/30/2009 (776851)
186 10/13/2009 (777675)
187 10/15/2009 (813294)
188 10/23/2009 (778916)
189 11/10/2009 (747028)
190 11/10/2009 (778069)
191 11/20/2009 (778611)
192 11/25/2009 (813295)
193 12/09/2009 (785007)
194 12/14/2009 (813296)
195 12/21/2009 (784506)
196 01/06/2010 (782775)
197 01/22/2010 (761225)
198 01/27/2010 (786566)
199 02/08/2010 (709451)
200 02/19/2010 (791506)
201 02/19/2010 (813289)
202 02/24/2010 (780636)
203 03/02/2010 (791799)
204 03/31/2010 (795326)
205 04/01/2010 (789577)
206 04/30/2010 (799819)
207 05/19/2010 (795433)
208 05/20/2010 (798928)
209 05/28/2010 (803610)

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

Date: 07/14/2005 (396285) CN600123939
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Failure to identify the preconstruction authorization number governing the facility involved in the emissions event.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Flexible Permit No. 3452, S.C. No. 1 PERMIT
Description: Unauthorized emissions as a consequence of failure to comply with the reporting requirements.

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

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

Date: 05/23/2006 (463814)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
No. 3452, Special Condition No. 1 PERMIT
Description: Exxon/Mobil failed to maintain the RC-01 Butadiene Compressor.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
Description: Exxon/Mobil failed to identify TCEQ Air Permit No. 3452 governing the facilities involved in emissions event (Incident No. 69812).

Date: 05/31/2006 (464208) CN600123939
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
9910 and PSD-TX-731M3, SC 7B PERMIT
O-1153, Special Condition 14 OP
Description: Failed to prevent the exceedence of the annual firing rate limit, which occurred from February 1, 2005 through February 28, 2005.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to prevent the incorrect calibration of the analyzer resulting in excess ammonia being injected into the system causing a exceedence in the 24-hour rolling average concentration, which occurred from March 21, 2005, 6:00 a.m.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
3452 and PSD-TX-302M2, SC 13A PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
O-1553, Special Condition 14 OP
Description: Failed to monitor a flange (LDAR tag #13300.1) in HRVOC service for two quarters (April 1, 2005 through October 2, 2005).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

O-1553, General Terms and Conditons OP

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

Date: 07/28/2006 (465223)

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

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

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

Date: 08/25/2006 (480887)

Self Report? NO Classification: Moderate

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

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

Date: 08/25/2006 (480895)

Self Report? NO Classification: Moderate

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

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

Date: 11/16/2006 (519233)

Self Report? NO Classification: Moderate

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

Description: Failure to prevent an avoidable emissions event.

Date: 05/01/2007 (543836)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
No. 3452, Special Condition No. 1 PERMIT
No. 3452, Special Condition No. 9 PERMIT

Description: An ExxonMobil technician inadvertently 'snuffed out' all the pilot flames to the flare.

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

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

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

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

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

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

Date: 07/21/2008 (686008)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Date: 08/21/2008 (636743) CN600123939
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
OP O-01553, Special Condition 14 OP
Permit Nos. 3452 and PSD-TX-302M2, SC 17 PA
Description: Failure of ammonia CEMS RATA,
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.219(b)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to send NOx CEMS RATA completion letter on required time frame.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
OP O-01553, Special Condition 14 OP
Permit 3452 and PSD-TX-302M2, SC 9 PA
Description: Failure to maintain flare pilot continuously.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter G 117.8140(b)
5C THSC Chapter 382 382.085(b)
Description: Failure to perform required quarterly engine testing.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
5C THSC Chapter 382 382.085(b)
Description: Failure to sample cooling tower water.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Permit 3452 and PSD-TX-3032M2, SC 9 PA
Description: Failure to meet flare required heating value.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)
5C THSC Chapter 382 382.085(b)
Description: Failure to limit ammonia concentration during decoking.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
5C THSC Chapter 382 382.085(b)
Description: Failure to create a final record of all reportable and non-reportable emissions events.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.206(c)(1)(A)
5C THSC Chapter 382 382.085(b)
Description: Failure to limit carbon monoxide rolling 24-hour limit during decoking.

Date: 02/26/2009 (724251)
Self Report? NO Classification: Moderate

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

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

Date: 04/02/2009 (735587)

Self Report? NO Classification: Moderate

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

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

Date: 04/24/2009 (735600)

Self Report? NO Classification: Moderate

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

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

Date: 04/28/2009 (737427)

Self Report? NO Classification: Moderate

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

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

Date: 05/14/2009 (742022)

Self Report? NO Classification: Moderate

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

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

Date: 08/25/2009 (737232) CN600123939

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

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

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

Self Report? NO Classification: Moderate

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

Description: Failure to maintain flare net heating value.

Self Report? NO Classification: Minor

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

Description: Failure to conduct required engine test. (Category B1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)(2)(C)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain fuel usage record.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PA
Special Condition 14 OP
Special Condition 7A PA

Description: Failure to prevent unauthorized volatile organic compound (VOC) and highly reactive volatile organic compound emissions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1063(c)(1)(i)(A)
5C THSC Chapter 382 382.085(b)
Special Condition 14 OP
Special Condition 15D PA
Special Condition 4 PA

Description: Failure to conduct annual inspection on tanks ZTK05, ZTK06 and ZTK07. (Category B1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to close a degreaser lid.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(B)(i)
5C THSC Chapter 382 382.085(b)
Special Condition 3A OP

Description: Failure to maintain certified opacity reader on site.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 14 OP
Special Condition 17B PA
Special Condition 17G PA
Special Condition 5F OP

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

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING EXXON MOBIL CORPORATION RN102212925	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2010-0976-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petrochemical plant at 3525 Decker Drive in Baytown, Harris County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 25, 2010.

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 Twenty-Six Thousand Nine Hundred Fifty Dollars ($26,950) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand Seven Hundred Eighty Dollars ($10,780) of the administrative penalty and Five Thousand Three Hundred Ninety Dollars

($5,390) 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. Ten Thousand Seven Hundred Eighty Dollars ($10,780) 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 developed a procedure by March 15, 2010 regarding maintenance work on or near compressor decks in order to prevent a reoccurrence of emissions events similar to Incident No. 135721.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TCEQ Flexible Air Permit No. 3452 and PSD-TX-302M2, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 12, 2010. Specifically, the Respondent released 1,602 lbs of VOCs, 6,043 lbs of CO, 1,130 lbs of NOx, and 31% opacity from the BOP-X Flare, 100% opacity from Furnace XAF-01, and one lb of benzene from Furnace Stack XKT-04 during an emissions event that began on February 10, 2010 and lasted 54 hours and seven minutes (Incident No. 135721) when compressor turbine XVCT-01 was inadvertently tripped during routine maintenance activities on the compressor deck. Since the Respondent failed to provide sufficient information to demonstrate that this emissions event was caused by a sudden breakdown of equipment or process beyond the control of the owner or operator; could have been avoided by good design, operation, and maintenance practices; and that the amount and duration of the unauthorized emissions and any bypass of pollution control equipment were minimized, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

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. 2010-0976-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Ten Thousand Seven Hundred Eighty Dollars ($10,780) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. 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.

7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

Date 11/10/2010

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.

Signature

Date 9/7/10

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

Plant Manager
Title

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

Attachment A
Docket Number: 2010-0976-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Exxon Mobil Corporation**
Penalty Amount:	**Twenty-One Thousand Five Hundred Sixty Dollars ($21,560)**
SEP Offset Amount:	**Ten Thousand Seven Hundred Eighty Dollars ($10,780)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston Regional Monitoring Corporation – *HRMC Houston Area Air Monitoring***
Location of SEP:	**Harris County**

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston Regional Monitoring Corporation** for the *HRMC Houston Area Air Monitoring* to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants. Specifically, SEP funds will be used to operate, maintain, and potentially expand portions of the existing ambient air quality monitoring network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing data from the network which may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. The SEP will provide collection of near real-time volatile organic compound ("VOC"), nitrogen oxides ("NOx"), ozone ("O_3"), and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, and to assess potential ambient community exposure to a limited number of air pollutants. Data from these monitors may also be publicly accessible through the TCEQ website and may be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. The public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness and will indirectly benefit by having data useful in addressing Houston's ozone non-attainment status.

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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 expenditure of the SEP offset amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP offset amount.

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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