

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO. 2010-0027-AIR-E

RN102574803

CASE NO. 38941

RESPONDENT NAME: EXXON MOBIL CORPORATION

ORDER TYPE:		
<input checked="" type="checkbox"/> 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	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 5000 Bayway Drive, Baytown, Harris County</p> <p>TYPE OF OPERATION: petrochemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints related to this enforcement action. There are 2 additional pending enforcement actions regarding this facility location (Docket No. 2010-0840-AIR-E – the EDPRP was filed on October 10, 2010; Docket No. 2010-1654-AIR-E – the initial proposed order was mailed on November 8, 2010).</p> <p>INTERESTED PARTIES: No one other than the ED and Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired February 21, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400 TCEQ Enforcement Coordinator: Mr. James Nolan, Air Enforcement Section, MC 149, (512) 239-6634 TCEQ Regional Contact: Mr. Jason Harris, Houston Regional Office, MC R-12, (713) 767-3609 TCEQ SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-3400 Respondent: Mr. Zebulun Nash, Site Manager, Exxon Mobil Corporation, 5000 Bayway Drive, Baytown, Texas 77520 Respondent's Attorney: Ms. Sherry L. Scott, Counsel, Exxon Mobil Law Dept., Environmental Section, 800 Bell Street 1805 F, Houston, TX 77002</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint: N/A</p> <p>Date of Investigation: October 21, 2009</p> <p>Date of NOE: December 16, 2009</p> <p>Background Facts: The EDPRP was filed on April 26, 2010. The EDFARP was filed on November 22, 2010. Respondent filed an answer and the case was referred to SOAH. The Agreed Order was signed on December 7, 2010.</p> <p>Current Compliance Status: No outstanding technical requirements.</p> <p>AIR:</p> <p>Failed to make records available at the request of Commission personnel [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(iii) and 122.143(4); New Source Review Permit ("NSRP") No. 8586, General Condition No. 7; Federal Operating Permit ("FOP") No. O-02270, Special Terms and Conditions No. 8; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$6,325</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$3,162</p> <p>Total Paid to General Revenue: \$3,163</p> <p>Respondent paid \$3,163 of the administrative penalty. The remaining amount of \$3,162 shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP").</p> <p>Compliance History Classifications: <i>Person/CN</i> – Average <i>Site/RN</i> – Average</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Action Taken:</p> <p>The Executive Director recognizes that by June 1, 2010, Respondent implemented practices to ensure that records are made available at the request of TCEQ staff to demonstrate compliance for the daily visible emissions inspections of the baghouse filter vents required by NSRP No. 8586.</p> <p>Ordering Provisions:</p> <p>Respondent shall contribute to a SEP (<u>Barbers Hill ISD</u> – <i>Vehicle and Equipment Program</i> – Houston-Galveston Airshed)</p>

Attachment A
Docket Number: 2010-0027-AIR-E

Supplemental Environmental Project

The Respondent:	Exxon Mobil Corporation
Penalty Amount:	Six Thousand Three Hundred Twenty-Five Dollars (\$6,325)
SEP Offset Amount:	Three Thousand One Hundred Sixty-Two Dollars (\$3,162)
Type of SEP:	Pre-approved
Third-Party Administrator:	Barbers Hill Independent School District
Project Name:	<i>Vehicle and Equipment Program</i>
Location of SEP:	Chambers County; 216 Houston-Galveston Airshed

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

Respondent shall contribute the SEP offset Amount to the Third-Party Administrator named above. The contribution will be to **Barbers Hill Independent School District** (Barbers Hill ISD) for the *Barbers Hill Vehicle and Equipment Program*. The contribution will be used in accordance with the Supplemental Environmental Project between Barbers Hill ISD and the Texas Commission on Environmental Quality (TCEQ). The Third-Party Administrator shall 1) retire current diesel-powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles/equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles/equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources.

The SEP Offset Amount may only be used for: 1) incremental costs of purchase of alternative-fueled or lower-emission vehicles/equipment or retrofit of existing vehicles/equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ.

Retirement of Vehicles: Any purchases of new vehicles or equipment shall comply with EPA verified and certified technology guidelines. Third-Party Administrator shall ensure that equipment and vehicles being retired are operational and that vehicles have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value. The Third-Party Administrator shall submit

proof of registration, decommissioning, and scrappage for all retired vehicles and equipment.

Retrofits and Conversions. The Third-Party Administrator shall submit proof that all conversions or retrofits meet current EPA low-emission standards. When purchasing alternative-fueled vehicles or equipment, the Third-Party Administrator shall purchase only those types of equipment that use fuels that are available for purchase within 15 miles of its fleet operation area. Alternative-fueled technologies may include propane or electric-powered lawn mowers, propane-powered light duty vehicles and heavy equipment, and other technologies or alternative fuels as described below. The Third-Party Administrator may utilize any of the following fuel technologies if the fuel is available for purchase within 15 miles of its fleet operation area.

Alternative Fuels: Use of alternative fuels is limited to this list of fuels which are defined as alternative fuels by the Energy Policy Act of 1992 and are currently, or have been, commercially available for vehicles:

- Biodiesel (if used in an area not designated as ozone non-attainment or near non-attainment)
- Electricity
- Ethanol
- Hydrogen
- Methanol
- Natural Gas
- Propane

Other fuels that are currently under development may be approved for use at the discretion of the TCEQ staff.

The Third-Party Administrator certifies that it has no prior budgetary commitment to do this project and that it is not receiving duplicative funding to perform this project. The Third-Party Administrator agrees to disclose to TCEQ any additional sources of funding it receives to perform any portion of the projects described herein or for which it intends to utilize SEP Offset Amount. The Third-Party Administrator certifies that it shall not use the SEP Offset Amount to assist in complying with any governmental rule or regulation and that it is not required to perform this project under any existing rule or law.

The Respondent certifies that it has 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

Replacement of gasoline and diesel powered lawnmowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NOx), and other pollutants associated with the combustion of fuel that would have been generated by the older replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator 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 Administrator. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Barbers Hill ISD
Attention: John Johnson
Carl R. Griffiths & Associates
2901 Turtle Creek Drive, Suite 101
Port Arthur, TX 77642

3. Records and Reporting

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

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, TX 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 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 submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

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

5. Publicity

Any public statement 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 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	21-Dec-2009			
	PCW	1-Apr-2010	Screening	5-Jan-2010	EPA Due

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

CASE INFORMATION					
Enf./Case ID No.	38941	No. of Violations	1		
Docket No.	2010-0027-AIR-E	Order Type	1660		
Media Program(s)	Air	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	James Nolan		
		EC's Team	Enforcement Team 4		
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$10,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	153.0% Enhancement	Subtotals 2, 3, & 7	\$3,825
---------------------------	--------------------	--------------------------------	---------

Notes	Penalty adjustment due to 19 previous non-similar NOVs, one previous similar NOV, three previous 1660 orders, and two previous Findings orders.
--------------	---

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	\$65	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,325
-----------------------------	-----------------------	---------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
--------------	--

Final Penalty Amount	\$6,325
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,325
-----------------------------------	-------------------------------	---------

DEFERRAL	0.0%	Reduction	Adjustment	\$0
-----------------	------	-----------	-------------------	-----

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

Notes	Deferral not offered for non-expedited settlement.
--------------	--

PAYABLE PENALTY	\$6,325
------------------------	---------

Screening Date 5-Jan-2010

Docket No. 2010-0027-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 38941

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102574803

Media [Statute] Air

Enf. Coordinator James Nolan

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	19	38%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	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	2	50%
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) 153%

>> **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 adjustment due to 19 previous non-similar NOVs, one previous similar NOV, three previous 1660 orders, and two previous Findings orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 153%

Screening Date	5-Jan-2010	Docket No.	2010-0027-AIR-E	PCW
Respondent	Exxon Mobil Corporation	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	38941	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.	RN102574803			
Media [Statute]	Air			
Enf. Coordinator	James Nolan			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(E)(iii) and 122.143(4), New Source Review Permit No. 8586 General Condition No. 7, Federal Operating Permit No. O-02270 Special Terms and Conditions No. 8, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to make the records available at the request of personnel from the commission. Specifically, the Respondent failed to demonstrate compliance for the daily visible emissions inspections on 36 baghouse filter vents required by New Source Review Permit No. 8586 during an investigation conducted October 21, 2009.			
Base Penalty	\$10,000			

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 25%
Matrix Notes	100% of the rule requirement was not met.				
Adjustment	\$7,500				

\$2,500

Violation Events

Number of Violation Events	1	642	Number of violation days
<i>mark only one with an x</i>	daily		Violation Base Penalty \$2,500
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
One single event is recommended.			

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	\$2,500	

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

Estimated EB Amount	\$65	Violation Final Penalty Total	\$6,325
This violation Final Assessed Penalty (adjusted for limits)		\$6,325	

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 38941
Reg. Ent. Reference No. RN102574803
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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	\$500	4-Apr-2008	12-Nov-2010	2.61	\$65	n/a	\$65
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and implement a record keeping system to demonstrate compliance for the daily visible emissions inspections required by New Source Review Permit No. 8586. The date required is the first date of the permit compliance certification period and the final date is the estimated 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

\$500

TOTAL

\$65

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600123939	Exxon Mobil Corporation	Classification: AVERAGE	Rating: 2.73
Regulated Entity:	RN102574803	EXXONMOBIL CHEMICAL BAYTOWN CHEMICAL PLANT	Classification: AVERAGE	Site Rating: 3.15
ID Number(s):	AIR NEW SOURCE PERMITS	REGISTRATION		91535
	AIR NEW SOURCE PERMITS	PERMIT		22764
	AIR NEW SOURCE PERMITS	PERMIT		22765
	AIR NEW SOURCE PERMITS	PERMIT		22766
	AIR NEW SOURCE PERMITS	PERMIT		23260
	AIR NEW SOURCE PERMITS	PERMIT		23448
	AIR NEW SOURCE PERMITS	PERMIT		23981
	AIR NEW SOURCE PERMITS	PERMIT		23989
	AIR NEW SOURCE PERMITS	PERMIT		25944
	AIR NEW SOURCE PERMITS	PERMIT		25071
	AIR NEW SOURCE PERMITS	PERMIT		25267
	AIR NEW SOURCE PERMITS	PERMIT		27246
	AIR NEW SOURCE PERMITS	PERMIT		28441
	AIR NEW SOURCE PERMITS	PERMIT		26135
	AIR NEW SOURCE PERMITS	REGISTRATION		71881
	AIR NEW SOURCE PERMITS	PERMIT		31317
	AIR NEW SOURCE PERMITS	PERMIT		31854
	AIR NEW SOURCE PERMITS	PERMIT		32622
	AIR NEW SOURCE PERMITS	PERMIT		32592
	AIR NEW SOURCE PERMITS	PERMIT		33518
	AIR NEW SOURCE PERMITS	PERMIT		34349
	AIR NEW SOURCE PERMITS	PERMIT		34522
	AIR NEW SOURCE PERMITS	PERMIT		34663
	AIR NEW SOURCE PERMITS	PERMIT		34849
	AIR NEW SOURCE PERMITS	PERMIT		35507
	AIR NEW SOURCE PERMITS	PERMIT		36476
	AIR NEW SOURCE PERMITS	PERMIT		36635
	AIR NEW SOURCE PERMITS	PERMIT		36806
	AIR NEW SOURCE PERMITS	PERMIT		38816
	AIR NEW SOURCE PERMITS	PERMIT		39070
	AIR NEW SOURCE PERMITS	PERMIT		39020
	AIR NEW SOURCE PERMITS	PERMIT		38991
	AIR NEW SOURCE PERMITS	PERMIT		38990
	AIR NEW SOURCE PERMITS	PERMIT		39222
	AIR NEW SOURCE PERMITS	PERMIT		39364
	AIR NEW SOURCE PERMITS	PERMIT		39822
	AIR NEW SOURCE PERMITS	PERMIT		39479
	AIR NEW SOURCE PERMITS	PERMIT		39823
	AIR NEW SOURCE PERMITS	PERMIT		39338
	AIR NEW SOURCE PERMITS	PERMIT		40139
	AIR NEW SOURCE PERMITS	PERMIT		40429
	AIR NEW SOURCE PERMITS	PERMIT		40627
	AIR NEW SOURCE PERMITS	PERMIT		41621
	AIR NEW SOURCE PERMITS	PERMIT		41725
	AIR NEW SOURCE PERMITS	PERMIT		43012
	AIR NEW SOURCE PERMITS	PERMIT		43700
	AIR NEW SOURCE PERMITS	PERMIT		43767
	AIR NEW SOURCE PERMITS	PERMIT		43766
	AIR NEW SOURCE PERMITS	PERMIT		44053
	AIR NEW SOURCE PERMITS	PERMIT		44074
	AIR NEW SOURCE PERMITS	PERMIT		44619
	AIR NEW SOURCE PERMITS	PERMIT		45380
	AIR NEW SOURCE PERMITS	PERMIT		45876
	AIR NEW SOURCE PERMITS	PERMIT		46112
	AIR NEW SOURCE PERMITS	PERMIT		46479
	AIR NEW SOURCE PERMITS	PERMIT		46575
	AIR NEW SOURCE PERMITS	PERMIT		48743
	AIR NEW SOURCE PERMITS	PERMIT		48824
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HG0229F
	AIR NEW SOURCE PERMITS	PERMIT		4600
	AIR NEW SOURCE PERMITS	PERMIT		5259
	AIR NEW SOURCE PERMITS	PERMIT		5792
	AIR NEW SOURCE PERMITS	PERMIT		7743
	AIR NEW SOURCE PERMITS	PERMIT		8388
	AIR NEW SOURCE PERMITS	PERMIT		8586
	AIR NEW SOURCE PERMITS	PERMIT		8942

AIR NEW SOURCE PERMITS	PERMIT	9571
AIR NEW SOURCE PERMITS	PERMIT	9674
AIR NEW SOURCE PERMITS	PERMIT	11241
AIR NEW SOURCE PERMITS	PERMIT	11551
AIR NEW SOURCE PERMITS	PERMIT	13009
AIR NEW SOURCE PERMITS	PERMIT	13015
AIR NEW SOURCE PERMITS	PERMIT	14744
AIR NEW SOURCE PERMITS	PERMIT	14948
AIR NEW SOURCE PERMITS	PERMIT	14949
AIR NEW SOURCE PERMITS	PERMIT	15786
AIR NEW SOURCE PERMITS	PERMIT	20211
AIR NEW SOURCE PERMITS	PERMIT	22750
AIR NEW SOURCE PERMITS	PERMIT	51963
AIR NEW SOURCE PERMITS	PERMIT	53913
AIR NEW SOURCE PERMITS	PERMIT	53831
AIR NEW SOURCE PERMITS	PERMIT	53782
AIR NEW SOURCE PERMITS	PERMIT	54172
AIR NEW SOURCE PERMITS	REGISTRATION	55061L001
AIR NEW SOURCE PERMITS	REGISTRATION	75776
AIR NEW SOURCE PERMITS	REGISTRATION	76179
AIR NEW SOURCE PERMITS	REGISTRATION	76270
AIR NEW SOURCE PERMITS	REGISTRATION	55626
AIR NEW SOURCE PERMITS	REGISTRATION	75416
AIR NEW SOURCE PERMITS	REGISTRATION	76317
AIR NEW SOURCE PERMITS	REGISTRATION	55900
AIR NEW SOURCE PERMITS	REGISTRATION	75671
AIR NEW SOURCE PERMITS	PERMIT	56378
AIR NEW SOURCE PERMITS	AFS NUM	4820100014
AIR NEW SOURCE PERMITS	REGISTRATION	70245
AIR NEW SOURCE PERMITS	REGISTRATION	70244
AIR NEW SOURCE PERMITS	REGISTRATION	70359
AIR NEW SOURCE PERMITS	REGISTRATION	70174
AIR NEW SOURCE PERMITS	REGISTRATION	71466
AIR NEW SOURCE PERMITS	PERMIT	50943
AIR NEW SOURCE PERMITS	REGISTRATION	72234
AIR NEW SOURCE PERMITS	PERMIT	50641
AIR NEW SOURCE PERMITS	PERMIT	52582
AIR NEW SOURCE PERMITS	PERMIT	52815
AIR NEW SOURCE PERMITS	PERMIT	53222
AIR NEW SOURCE PERMITS	PERMIT	71653
AIR NEW SOURCE PERMITS	PERMIT	52572
AIR NEW SOURCE PERMITS	PERMIT	52417
AIR NEW SOURCE PERMITS	PERMIT	71513
AIR NEW SOURCE PERMITS	REGISTRATION	72845
AIR NEW SOURCE PERMITS	PERMIT	51028
AIR NEW SOURCE PERMITS	PERMIT	54715
AIR NEW SOURCE PERMITS	REGISTRATION	72451
AIR NEW SOURCE PERMITS	PERMIT	73021
AIR NEW SOURCE PERMITS	REGISTRATION	72553
AIR NEW SOURCE PERMITS	REGISTRATION	73031
AIR NEW SOURCE PERMITS	PERMIT	52624
AIR NEW SOURCE PERMITS	PERMIT	50951
AIR NEW SOURCE PERMITS	PERMIT	50952
AIR NEW SOURCE PERMITS	REGISTRATION	72514
AIR NEW SOURCE PERMITS	REGISTRATION	74086
AIR NEW SOURCE PERMITS	REGISTRATION	74542
AIR NEW SOURCE PERMITS	REGISTRATION	75147
AIR NEW SOURCE PERMITS	REGISTRATION	75248
AIR NEW SOURCE PERMITS	REGISTRATION	76515
AIR NEW SOURCE PERMITS	EPA ID	PSDTX996
AIR NEW SOURCE PERMITS	EPA ID	PSDTX996M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX997
AIR NEW SOURCE PERMITS	REGISTRATION	77577
AIR NEW SOURCE PERMITS	REGISTRATION	78052
AIR NEW SOURCE PERMITS	REGISTRATION	77847
AIR NEW SOURCE PERMITS	REGISTRATION	78572
AIR NEW SOURCE PERMITS	REGISTRATION	78883
AIR NEW SOURCE PERMITS	REGISTRATION	79205
AIR NEW SOURCE PERMITS	REGISTRATION	79626
AIR NEW SOURCE PERMITS	REGISTRATION	80253
AIR NEW SOURCE PERMITS	REGISTRATION	80371

AIR NEW SOURCE PERMITS	REGISTRATION	80172
AIR NEW SOURCE PERMITS	REGISTRATION	79993
AIR NEW SOURCE PERMITS	REGISTRATION	79994
AIR NEW SOURCE PERMITS	REGISTRATION	80411
AIR NEW SOURCE PERMITS	REGISTRATION	80920
AIR NEW SOURCE PERMITS	REGISTRATION	80935
AIR NEW SOURCE PERMITS	REGISTRATION	80715
AIR NEW SOURCE PERMITS	REGISTRATION	81059
AIR NEW SOURCE PERMITS	REGISTRATION	80783
AIR NEW SOURCE PERMITS	REGISTRATION	81081
AIR NEW SOURCE PERMITS	REGISTRATION	81590
AIR NEW SOURCE PERMITS	REGISTRATION	81497
AIR NEW SOURCE PERMITS	REGISTRATION	81575
AIR NEW SOURCE PERMITS	REGISTRATION	81907
AIR NEW SOURCE PERMITS	REGISTRATION	81908
AIR NEW SOURCE PERMITS	REGISTRATION	81939
AIR NEW SOURCE PERMITS	REGISTRATION	82149
AIR NEW SOURCE PERMITS	REGISTRATION	82320
AIR NEW SOURCE PERMITS	REGISTRATION	82312
AIR NEW SOURCE PERMITS	REGISTRATION	82415
AIR NEW SOURCE PERMITS	REGISTRATION	85739
AIR NEW SOURCE PERMITS	REGISTRATION	85623
AIR NEW SOURCE PERMITS	REGISTRATION	84579
AIR NEW SOURCE PERMITS	REGISTRATION	87386
AIR NEW SOURCE PERMITS	REGISTRATION	84383
AIR NEW SOURCE PERMITS	REGISTRATION	90539
AIR NEW SOURCE PERMITS	REGISTRATION	84706
AIR NEW SOURCE PERMITS	REGISTRATION	90673
AIR NEW SOURCE PERMITS	REGISTRATION	85794
AIR NEW SOURCE PERMITS	REGISTRATION	91146
AIR NEW SOURCE PERMITS	REGISTRATION	82504
AIR NEW SOURCE PERMITS	REGISTRATION	83400
AIR NEW SOURCE PERMITS	REGISTRATION	85646
AIR NEW SOURCE PERMITS	REGISTRATION	82657
AIR NEW SOURCE PERMITS	REGISTRATION	85129
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1121
AIR NEW SOURCE PERMITS	REGISTRATION	86433
AIR NEW SOURCE PERMITS	REGISTRATION	87597
AIR NEW SOURCE PERMITS	REGISTRATION	87877
AIR NEW SOURCE PERMITS	REGISTRATION	86556
AIR NEW SOURCE PERMITS	EPA ID	PAL16
AIR NEW SOURCE PERMITS	REGISTRATION	83906
AIR NEW SOURCE PERMITS	REGISTRATION	82983
AIR NEW SOURCE PERMITS	REGISTRATION	82762
AIR NEW SOURCE PERMITS	REGISTRATION	85512
AIR NEW SOURCE PERMITS	REGISTRATION	85744
AIR NEW SOURCE PERMITS	REGISTRATION	91349
AIR NEW SOURCE PERMITS	REGISTRATION	91463
AIR NEW SOURCE PERMITS	REGISTRATION	91533
AIR NEW SOURCE PERMITS	REGISTRATION	91443
AIR NEW SOURCE PERMITS	REGISTRATION	91464
AIR OPERATING PERMITS	PERMIT	2269
AIR OPERATING PERMITS	PERMIT	1278
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0229F
AIR OPERATING PERMITS	PERMIT	2270
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980809909
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	33880
WASTEWATER	PERMIT	WQ0001215000
WASTEWATER	PERMIT	TX0007013000
WASTEWATER	PERMIT	TX0007013
STORMWATER	PERMIT	TXR05N668
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	33880
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0229F

Location: 5000 BAYWAY DR, BAYTOWN, TX, 77520
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: January 05, 2010
Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 05, 2005 to January 05, 2010

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

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

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator?
Exxon Mobil Corporation
4. If Yes, who was/were the prior owner(s)/operator(s)?
OWNOPR Mobil Chemical Company Inc.
Mobil Chemical Company Inc.
5. When did the change(s) in owner or operator occur?
11/16/2006
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.

1660

Effective Date: 01/26/2006

ADMINORDER 2005-0290-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 28441, S.C. No. 1 PERMIT

Description: Failure to obtain regulatory authority or to meet the requirements of 30 Tex. Admin. Code § 101.211 (relating to Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements) for emissions from the Toluene Disproportionation Unit that occurred from February 2 to February 15, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: #36476 and PSD-TX-996, G.C. #8 PERMIT

Description: Failed to obtain regulatory authority or to meet the demonstration requirements of 30 Tex. Admin. Code § 101.222 for emissions from the Synthetic Gas Unit that occurred on January 11, 2004 (Incident No. 33143).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify in the final record of an emissions event the total quantities of emissions, the preconstruction authorization number or rule citation of the standard permit, permit by rule, or rule governing the facility involved in the emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify in the final record of all scheduled maintenance, startup, and shutdown activities with unauthorized emissions, the common name and the agency-established emission point number where the unauthorized emissions were released.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify in the final record of all scheduled maintenance, startup, and shutdown activities with unauthorized emissions, the compound descriptive type of all individually listed compounds or mixtures of air contaminants.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(9)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify in the final record of all scheduled maintenance, startup, and shutdown activities with unauthorized emissions, the preconstruction authorization, rule citation of the standard permit, permit by rule, or rule governing the facility.

1660

Effective Date: 06/26/2006

ADMINORDER 2005-2066-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

FoF

Effective Date: 11/03/2006

ADMINORDER 2006-0393-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: TCEQ Air Permit No. 28441, SC No. 1 OP
TCEQ Flexible Air Permit No. 20211, SC01 PERMIT

Description: Failed to prevent the unauthorized emissions of 476 lbs of toluene, 78,842 lbs of VOCs, 669 lbs carbon monoxide, 20,545 lbs of hydrogen chloride, 2,624 lbs of isobutylene, 46 lbs of isoprene, 581 lbs of methyl chloride, 10 lbs of nitrogen dioxide, 93 lbs of nitrogen oxide and exceeded permit limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 4600, Special Condition 3A PERMIT
 O-1278, Special Condition 17 OP
 O-1278, Special Condition 1A OP

Description: Failed to maintain the minimum net heating value of 300 Btu/scf in the gas stream to Flare 24 for a total of 2,114 hours from February 1 through October 26, 2006.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.151(j)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20211, Special Condition 3-5 PERMIT
 O-1278, Special Condition 17 OP
 O-1278, Special Condition 1A OP

Description: Failed to submit an updated Notification of Compliance Status ("NOCS") for Steam Stripper T-150 within 180 days after the change in the established operating range was made.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(d)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20211, Special Condition 3-5 PERMIT
 O-1278, Special Condition 17 OP
 O-1278, Special Condition 1A OP

Description: Failed to report excursions which occurred on the column overhead temperature of the BHU T-150 Steam Stripper in periodic reports dated December 15, 2004 and February 25, 2006.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.146(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.147(b)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-1278, Special Condition 1A OP

Description: Failed to maintain complete records of semiannual visual inspections of individual drain systems. Specifically, records of the visual inspections of the Naptha Rerun Unit ("NRU") E-89 Drain System for the period of the second quarter of 2005 through the third quarter of 2006 were not complete.

FoF

Classification: Moderate

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

Rqmt Prov: Permit No. 20211, Spec Condicion No. 1 PERMIT

Description: Failed to prevent unauthorized emissions from the Butyl Plant of Plant 2 during an emissions event that began May 14, 2007 and lasted 102 hours releasing 132,538 lbs of the HAP hydrogen chloride, 3,768 lbs of the HAP methyl chloride, 1,133 lbs of CO, 222 lbs of the HRVOC isobutylene, and 163 lbs of NOx. This event was determined to be an excessive emissions event.

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	01/05/2005	(337639)	14	05/02/2005	(379567)	27	08/29/2005	(405265)
2	01/05/2005	(341023)	15	05/02/2005	(379589)	28	09/14/2005	(440963)
3	01/06/2005	(342416)	16	05/17/2005	(419829)	29	09/29/2005	(418496)
4	01/07/2005	(342256)	17	06/15/2005	(419830)	30	10/18/2005	(468650)
5	01/07/2005	(342399)	18	07/14/2005	(397081)	31	11/18/2005	(468651)
6	01/18/2005	(381989)	19	07/19/2005	(440961)	32	12/06/2005	(433144)
7	01/31/2005	(347494)	20	07/21/2005	(397089)	33	12/19/2005	(468652)
8	02/15/2005	(381986)	21	08/17/2005	(440962)	34	01/09/2006	(438877)
9	03/04/2005	(372835)	22	08/18/2005	(404411)	35	01/18/2006	(438989)
10	03/18/2005	(381987)	23	08/23/2005	(404917)	36	01/19/2006	(468653)
11	04/11/2005	(419828)	24	08/24/2005	(405496)	37	02/07/2006	(453648)
12	04/12/2005	(376258)	25	08/25/2005	(397815)	38	02/09/2006	(439534)
13	04/14/2005	(376753)	26	08/26/2005	(397811)	39	02/15/2006	(453850)

40	02/15/2006	(468647)	117	10/02/2007	(565567)
41	02/21/2006	(454990)	118	10/04/2007	(566444)
42	02/22/2006	(455173)	119	10/04/2007	(572926)
43	02/25/2006	(456950)	120	10/09/2007	(571500)
44	02/28/2006	(456677)	121	10/10/2007	(566468)
45	02/28/2006	(457050)	122	10/10/2007	(566561)
46	02/28/2006	(457172)	123	10/10/2007	(566600)
47	03/06/2006	(435485)	124	10/10/2007	(566622)
48	03/22/2006	(468648)	125	10/10/2007	(566698)
49	03/27/2006	(343627)	126	10/10/2007	(566759)
50	04/17/2006	(468649)	127	10/10/2007	(566837)
51	05/12/2006	(498348)	128	10/10/2007	(566906)
52	05/17/2006	(463204)	129	10/11/2007	(566932)
53	05/22/2006	(464928)	130	10/11/2007	(566971)
54	05/26/2006	(460229)	131	10/12/2007	(619632)
55	05/26/2006	(460306)	132	10/15/2007	(572730)
56	05/26/2006	(460325)	133	10/25/2007	(573559)
57	05/26/2006	(460356)	134	10/25/2007	(574351)
58	05/30/2006	(459582)	135	10/26/2007	(573710)
59	05/30/2006	(460373)	136	10/26/2007	(574344)
60	06/19/2006	(498349)	137	11/15/2007	(619633)
61	07/10/2006	(498350)	138	11/16/2007	(596801)
62	07/18/2006	(486292)	139	11/19/2007	(594809)
63	07/24/2006	(481390)	140	11/19/2007	(595285)
64	07/26/2006	(487408)	141	11/19/2007	(595343)
65	07/28/2006	(487074)	142	11/19/2007	(595370)
66	08/03/2006	(460018)	143	11/19/2007	(595409)
67	08/03/2006	(460424)	144	11/19/2007	(595413)
68	08/04/2006	(401283)	145	11/27/2007	(568535)
69	08/22/2006	(520361)	146	12/18/2007	(619634)
70	08/25/2006	(489290)	147	12/20/2007	(612527)
71	09/21/2006	(520362)	148	01/11/2008	(672160)
72	09/22/2006	(513663)	149	01/24/2008	(610172)
73	10/23/2006	(575603)	150	02/15/2008	(612448)
74	11/08/2006	(513515)	151	02/19/2008	(672158)
75	11/14/2006	(519445)	152	03/12/2008	(616407)
76	11/15/2006	(575604)	153	03/18/2008	(672159)
77	11/21/2006	(531318)	154	04/22/2008	(690066)
78	12/19/2006	(519109)	155	05/05/2008	(559251)
79	12/19/2006	(575605)	156	05/06/2008	(618940)
80	12/29/2006	(518842)	157	05/19/2008	(690067)
81	01/23/2007	(575606)	158	06/16/2008	(710850)
82	02/05/2007	(536251)	159	07/22/2008	(710851)
83	02/12/2007	(536241)	160	08/01/2008	(686713)
84	02/13/2007	(531168)	161	08/04/2008	(685453)
85	02/14/2007	(511758)	162	08/14/2008	(710852)
86	02/16/2007	(531660)	163	08/27/2008	(699536)
87	02/20/2007	(575597)	164	09/22/2008	(710853)
88	02/22/2007	(512453)	165	10/21/2008	(727562)
89	03/01/2007	(497174)	166	10/31/2008	(689605)
90	03/13/2007	(575598)	167	11/17/2008	(727563)
91	04/16/2007	(575599)	168	12/08/2008	(682541)
92	04/20/2007	(536951)	169	12/09/2008	(727564)
93	05/08/2007	(538162)	170	12/18/2008	(708039)
94	05/16/2007	(575600)	171	01/16/2009	(750376)
95	05/17/2007	(536829)	172	02/19/2009	(750375)
96	06/12/2007	(575601)	173	03/20/2009	(768437)
97	06/15/2007	(556061)	174	04/09/2009	(740671)
98	07/20/2007	(575602)	175	04/17/2009	(768438)
99	07/25/2007	(562457)	176	05/04/2009	(724809)
100	07/25/2007	(562496)	177	06/04/2009	(736059)
101	07/25/2007	(562510)	178	06/25/2009	(743469)
102	07/25/2007	(562512)	179	07/09/2009	(741024)
103	07/25/2007	(563025)	180	07/16/2009	(761961)
104	07/25/2007	(563719)	181	07/24/2009	(703354)
105	07/27/2007	(563671)	182	09/17/2009	(766108)
106	08/06/2007	(570453)	183	10/09/2009	(778452)
107	08/20/2007	(607583)	184	11/06/2009	(767427)
108	08/21/2007	(561094)	185	12/16/2009	(767531)
109	08/28/2007	(571090)	186	12/17/2009	(785400)
110	08/30/2007	(574141)			
111	09/11/2007	(572874)			
112	09/19/2007	(607584)			
113	09/26/2007	(573125)			
114	10/01/2007	(595377)			
115	10/02/2007	(565218)			
116	10/02/2007	(565503)			

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

NS 1

Date: 01/10/2005 (342399) CN600123939
 Self Report? NO Classification: Moderate
 Citation: #8586, Special Condition #1 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to prevent a pump seal failure resulting in unauthorized emissions.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
 Description: Failure to comply with emissions events reporting requirements.

NS 2

Date: 01/31/2005 (381986) CN600123939
 Self Report? YE Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

NS 3

Date: 07/15/2005 (397081) CN600123939
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Flexible Permit #20211, S.C. #1 PERMIT
 Description: Unauthorized emissions resulting from noncompliance to reporting requirements.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
 Description: Failure to identify the preconstruction number governing the facility involved in the emissions event.

NS 4

Date: 07/21/2005 (397089) CN600123939
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Flexible Permit #20211, S.C. #1 PERMIT
 Description: Failure to prevent a pump seal leak.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
 Description: Failure to identify the preconstruction authorization number.

S 1

Date: 08/25/2005 (397815) CN600123939
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 8586, SC 3A PERMIT
 Description: Failed to identify all components in heavy liquid service for the Polypropylene Unit.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 Description: Failure to create a final record for a non-reportable emissions event within the time frame as required.

NS 5

Date: 08/26/2005 (397811) CN600123939
 Self Report? NO Classification: Minor
 Citation: 20211, SC 0-4A PERMIT
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failed to identify all components in heavy liquid service for the Butyl Polymers Unit.

NS 6

Date: 09/30/2005 (418496) CN600123939
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)
 No. 5710, General Condition #8 PERMIT
 Description: Failure to prevent unauthorized emissions due to inadvertent use of a leaking pipeline.

NS 7

Date: 03/06/2006 (435485)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 TCEQ Permit #20211, Special Condition 1 PERMIT
 Description: Failure to prevent the release of unauthorized emissions.

NS 8

Date: 07/21/2006 (487074)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 TCEQ Permit #4600, SC #1 PERMIT
 Description: Exxon failed to prevent water from coming in contact with the solenoid coils resulting in unauthorized emissions.

NS 9	<p>Date: 07/24/2006 (481390) CN600123939</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations, No. 1 PERMIT</p> <p>Description: Failure to maintain compliance with the permitted effluent limits for oil and grease (O&G), Total Organic Carbon (TOC), and pH at Outfall 001.</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Other Requirements, No. 5, p. 14 PERMIT</p> <p>Description: Failure to conduct the additional effluent testing for Outfalls 001 and 003.</p>
NS 10	<p>Date: 07/31/2006 (520361) CN600123939</p> <p>Self Report? YES Classification: Moderate</p> <p>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)</p> <p>Description: Failure to meet the limit for one or more permit parameter</p>
NS 11	<p>Date: 08/24/2006 (489290) CN600123939</p> <p>Self Report? NO Classification: Minor</p> <p>Citation: 30 TAC Chapter 101, SubChapter F 101.223(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)</p> <p>Description: Exxon failed to submit a CAP in a timely manner.</p>
NS 12	<p>Date: 02/16/2007 (531660) CN600123939</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2) 5C THC Chapter 382, SubChapter D 382.085(b)</p> <p>Description: Failure to prevent VOC emissions from two leaking plugs</p>
NS 13	<p>Date: 06/27/2007 (397722)</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation: 30 TAC Chapter 115, SubChapter D 115.352(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2) 5C THC Chapter 382, SubChapter D 382.085(b)</p> <p>Description: Failed to maintain a seal on ten plugs installed on the end of open ended lines at the Paraxylene Adsorption Unit.</p>
NS 14	<p>Date: 07/31/2007 (607583) CN600123939</p> <p>Self Report? YES Classification: Moderate</p> <p>Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)</p> <p>Description: Failure to meet the limit for one or more permit parameter</p>
NS 15	<p>Date: 09/30/2008 (727562) CN600123939</p> <p>Self Report? YES Classification: Moderate</p> <p>Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)</p> <p>Description: Failure to meet the limit for one or more permit parameter</p>
NS 16	<p>Date: 07/16/2009 (761961) CN600123939</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 2D TWC Chapter 26, SubChapter A 26.121(a)(1) 2D TWC Chapter 26, SubChapter A 26.121(a)(3) 2D TWC Chapter 26, SubChapter A 26.121(b) 2D TWC Chapter 26, SubChapter A 26.121(c) 2D TWC Chapter 26, SubChapter A 26.121(d) 2D TWC Chapter 26, SubChapter A 26.121(e) 30 TAC Chapter 305, SubChapter F 305.125(4) 30 TAC Chapter 305, SubChapter F 305.125(5) TWC Chapter 26 26.121 TWC Chapter 26 26.121(a)(2)</p> <p>Description: Failure to prevent unauthorized discharges from the collection system.</p>
NS 17	<p>Date: 07/24/2009 (703354) CN600123939</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation: 20211, Special Condition 3-5 PA 20211, Special Condition 4E PA 28441, Special Condition 8E PA 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 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 H 63.167(a)(1) 5710, Special Condition 8E PA 5C THSC Chapter 382 382.085(b)</p>

	8942, Special Condition 6E PA 9571, Special Condition 6E PA 9674, Special Condition 8E PA O-01278, Special Condition 14 OP		
Description:	Failure to cap/plug open-ended lines. (Category C 10)		
Self Report?	NO	Classification:	Minor
Citation:	20211, Special Condition 3-5 PA 20211, Special Condition 4F PA 30 TAC Chapter 115, SubChapter D 115.354(2)(C) 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 TT 63.1006(b)(3) 5C THSC Chapter 382 382.085(b) O-1278, Special Condition 14 OP		
Description:	Failure to monitor one hundred and eighteen valves in HAPs service in the ground water wells area. (Category C, 1)		
Self Report?	NO	Classification:	Minor
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) O-01278, Special Condition 14 OP Special Condition 3-6B PA		
Description:	Failure to install valve rupture discs (Tag ID #LP0102A, L0102B). (Category C, 7)		
Self Report?	NO	Classification:	Minor
Citation:	20211, Special Condition 3-5 PA 20211, Special Condition 4G PA 30 TAC Chapter 115, SubChapter D 115.354(2)(C) 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 H 63.168(b)(1) O-01278, Special Condition 14 OP		
Description:	Failure to monitor four pumps in HAPs service. (Category C,1).		
Self Report?	NO	Classification:	Minor
Citation:	20211, Special Condition 2-3 PA 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 TT 63.1008(b) 5C THSC Chapter 382 382.085(b) O-1278, Special Condition 14 OP		
Description:	Failure to monitor connectors. (Category C, 1)		
Self Report?	NO	Classification:	Moderate
Citation:	20211, Special Condition 3-5 PA 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(3) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT TT 63.1003(a) 5C THSC Chapter 382 382.085(b) O-01278, Special Condition 14 OP		
Description:	Failure to include 394 connectors, and 118 valves in HAPs service in the fugitive monitoring program. (Category C, 1)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to perform continuous emission monitoring system (CEMS) automatic calibration validation on furnaces (Category C,1)		
Self Report?	NO	Classification:	Moderate
Citation:	28441, Special Condition 3 PA 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 63, Subpart G 63.119(c)(2)(ix) 5C THSC Chapter 382 382.085(b) O-01278, Special Condition 14 OP		
Description:	Failure to maintain required pole wiper. (Category C, 4)		
Self Report?	NO	Classification:	Moderate
Citation:	20211, Special Condition 3-5 PA 20211, Special Condition 3-7B PA 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 G 63.119(b)(1) 5C THSC Chapter 382 382.085(b) O-01278, Special Condition 14 OP		
Description:	Failure to maintain an internal floating roof. (Category B, 14)		
Self Report?	NO	Classification:	Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
4600, Special Condition 5A PA
5C THSC Chapter 382 382.085(b)
O-01278, Special Condition 14 OP

Description: Failure to sample cooling towers with approved method. (Category C, 1)
Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to sample cooling tower according to HON requirements. (Category C, 1)
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 for the first quarter of 2008, Unit ID# CT17EP9. (Category C, 1)
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 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)
5C THSC Chapter 382 382.085(b)
O-01278, Special Condition 14 OP

Description: Failure to maintain catalyst inlet temperature engine (EP1, EP6, and EP9).
Self Report? NO Classification: Minor

Citation: 20211, Special Condition 3-5 PA
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 G 63.120(a)(5)
5C THSC Chapter 382 382.085(b)
O-01278, Special Condition 14 OP

Description: Failure to give notification of the inspection and refilling of Tank 3109 (AXU Feed Tank).
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: The failure to notify the Administrator of the refilling of Tank 3109 (AXU Feed Tank) prior to the March 20, 2008 tank inspection was not reported as a deviation.

NS 18

Date: 09/17/2009 (766108)

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: ExxonMobil failed to close an upstream block valve during a reactor purge which resulted in propylene being released into the atmosphere.

NS 19

Date: 12/16/2009 (767531) CN600123939

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition #3E PERMIT
Special Terms and Condition #1A OP

Description: Failure to seal nine (9) open-ended lines (OELs) found during the compliance period. (Category C10 violation)
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition #2F OP

Description: Failure to include the emissions summary page along with the initial notification for a reportable emissions event. (Category C3)

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EXXON MOBIL CORPORATION;
RN102574803**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2010-0027-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. Respondent owns and operates a petrochemical manufacturing plant located at 5000 Bayway Drive in Baytown, Harris County, Texas (the "Plant"). The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Executive Director and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of six thousand three hundred twenty-five dollars (\$6,325.00) is assessed by the Commission in settlement of the violations alleged in Section II. Pursuant to TEX. WATER CODE § 7.067, three thousand one hundred sixty-two dollars (\$3,162.00) of the administrative penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed by this Agreed Order shall be discharged upon full compliance with all the terms and conditions of

this Agreed Order, which includes timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

Respondent paid three thousand one hundred sixty-three dollars (\$3,163.00) of the administrative penalty.

If Respondent fails to timely and satisfactorily comply with any requirement contained in this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the conditionally offset portion of the administrative penalty shall become immediately due and payable without demand or notice. The acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Agreed Order, and the Executive Director may require Respondent to pay all or part of the conditionally offset administrative penalty.

6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to the approval of the Commission.
8. The Executive Director recognizes that by June 1, 2010, Respondent implemented practices to ensure that records are made available at the request of TCEQ staff to demonstrate compliance for the daily visible emissions inspections of the baghouse filter vents required by New Source Review Permit ("NSRP") No. 8586.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. During an investigation conducted on October 21, 2009, a TCEQ Houston Regional Office investigator documented that Respondent violated 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(iii) and 122.143(4), NSRP No. 8586, General Condition No. 7, Federal Operating Permit ("FOP") No. O-02270, Special Terms and Conditions No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to make records available at the request of Commission personnel. Specifically, Respondent failed to have records available to demonstrate compliance with daily visible emissions inspections on 36 baghouse filter vents required by NSRP No. 8586.

2. Respondent received notice of the violation on or about December 21, 2009.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here.
2. Respondent shall implement and complete a SEP as set forth in Section I, Paragraph 5, above. The amount of three thousand one hundred sixty-two dollars (\$3,162.00) of the assessed administrative penalty is conditionally offset based on the condition that Respondent implement and complete a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon full, final, and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director. Administrative penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment. Checks shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Exxon Mobil Corporation, Docket No. 2010-0027-AIR-E" to:

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

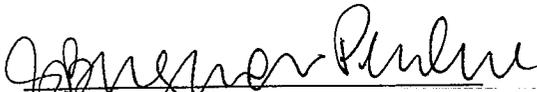
3. All relief not expressly granted in this Agreed Order is denied.
4. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

1/30/2011
Date

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

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

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

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


Signature
F.P. Blommestein
Name (Printed or typed)
Authorized representative of
Exxon Mobil Corporation

12/17/2010
Date
Plant Manager BTCP
Title

Attachment A
Docket Number: 2010-0027-AIR-E

Supplemental Environmental Project

The Respondent:	Exxon Mobil Corporation
Penalty Amount:	Six Thousand Three Hundred Twenty-Five Dollars (\$6,325)
SEP Offset Amount:	Three Thousand One Hundred Sixty-Two Dollars (\$3,162)
Type of SEP:	Pre-approved
Third-Party Administrator:	Barbers Hill Independent School District
Project Name:	<i>Vehicle and Equipment Program</i>
Location of SEP:	Chambers County; 216 Houston-Galveston Airshed

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

Respondent shall contribute the SEP offset Amount to the Third-Party Administrator named above. The contribution will be to **Barbers Hill Independent School District** (Barbers Hill ISD) for the *Barbers Hill Vehicle and Equipment Program*. The contribution will be used in accordance with the Supplemental Environmental Project between Barbers Hill ISD and the Texas Commission on Environmental Quality (TCEQ). The Third-Party Administrator shall 1) retire current diesel-powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles/equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles/equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources.

The SEP Offset Amount may only be used for: 1) incremental costs of purchase of alternative-fueled or lower-emission vehicles/equipment or retrofit of existing vehicles/equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ.

Retirement of Vehicles: Any purchases of new vehicles or equipment shall comply with EPA verified and certified technology guidelines. Third-Party Administrator shall ensure that equipment and vehicles being retired are operational and that vehicles have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value. The Third-Party Administrator shall submit

proof of registration, decommissioning, and scrappage for all retired vehicles and equipment.

Retrofits and Conversions. The Third-Party Administrator shall submit proof that all conversions or retrofits meet current EPA low-emission standards. When purchasing alternative-fueled vehicles or equipment, the Third-Party Administrator shall purchase only those types of equipment that use fuels that are available for purchase within 15 miles of its fleet operation area. Alternative-fueled technologies may include propane or electric-powered lawn mowers, propane-powered light duty vehicles and heavy equipment, and other technologies or alternative fuels as described below. The Third-Party Administrator may utilize any of the following fuel technologies if the fuel is available for purchase within 15 miles of its fleet operation area.

Alternative Fuels: Use of alternative fuels is limited to this list of fuels which are defined as alternative fuels by the Energy Policy Act of 1992 and are currently, or have been, commercially available for vehicles:

- Biodiesel (if used in an area not designated as ozone non-attainment or near non-attainment)
- Electricity
- Ethanol
- Hydrogen
- Methanol
- Natural Gas
- Propane

Other fuels that are currently under development may be approved for use at the discretion of the TCEQ staff.

The Third-Party Administrator certifies that it has no prior budgetary commitment to do this project and that it is not receiving duplicative funding to perform this project. The Third-Party Administrator agrees to disclose to TCEQ any additional sources of funding it receives to perform any portion of the projects described herein or for which it intends to utilize SEP Offset Amount. The Third-Party Administrator certifies that it shall not use the SEP Offset Amount to assist in complying with any governmental rule or regulation and that it is not required to perform this project under any existing rule or law.

The Respondent certifies that it has 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

Replacement of gasoline and diesel powered lawnmowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NOx), and other pollutants associated with the combustion of fuel that would have been generated by the older replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator 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 Administrator. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Barbers Hill ISD
Attention: John Johnson
Carl R. Griffiths & Associates
2901 Turtle Creek Drive, Suite 101
Port Arthur, TX 77642

3. Records and Reporting

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

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, TX 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 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 submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

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

5. Publicity

Any public statement 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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.