

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2009-1397-AIR-E **TCEQ ID:** RN100211903 **CASE NO.:** 38258
RESPONDENT NAME: Mobil Chemical Company Inc.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Mobil Beaumont Polyethylene Plant, 11440 Highway 90, Beaumont, Jefferson County</p> <p>TYPE OF OPERATION: Polyethylene plastic manufacturing facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 1, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Audra Benoit, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Perry Padden, Plant Manager, Mobil Chemical Company Inc., P.O. Box 2295, Beaumont, Texas 77704 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Record Review Relating to this Case: July 28, 2009</p> <p>Date of NOE Relating to this Case: August 21, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions. Specifically, the Surge Silo, Emissions Point Number 645, exceeded the permit limit of 127.81 tons per year ("tpy") for total residual volatile organic compounds ("VOCs") by 22.19 tpy for calendar year 2007 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O-02277, Special Condition ("SC") 9, and Air Permit No. 8758, SC 1].</p>	<p>Total Assessed: \$12,600</p> <p>Total Deferred: \$2,520 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$5,040</p> <p>Total Paid to General Revenue: \$5,040</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent amended Air Permit No. 8758 on October 27, 2008 to increase the permit allowable for total residual volatile organic compounds from the Surge Silo to 162 tpy.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See Attachment A).</p>

Additional ID No(s): Air Account No. JE0065M

Attachment A

Docket Number: 2009-1397-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Mobil Chemical Company Inc.
Payable Penalty Amount: Ten Thousand Eighty Dollars (\$10,080)
SEP Amount: Five Thousand Forty Dollars (\$5,040)
Type of SEP: Pre-approved
Third-Party Recipient: Southeast Texas Regional Planning Commission -Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station
Location of SEP: Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to install, operate, and maintain a stationary ambient air monitoring station in the vicinity of Memorial High School Ninth Grade Campus. The station will employ canister sampling, a hydrocarbon analyzer, and/or a chromatograph. Ancillary equipment will include a sample conditioning system, a ten meter meteorological tower, a climate controlled equipment shelter, a remote communications system, and have electronic data logging capabilities. The station will continuously sample and analyze the ambient air for a wide range of hydrocarbon species in accordance with Environmental Protection Agency's recommended "TO-14" list. SEP monies will be used for the cost of purchasing, installing, operating, and maintaining the air monitoring station along with its ancillary equipment.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by offering continuous assessment of ambient air quality in a sensitive area of Port Arthur that is not currently covered by existing ambient air monitoring stations. Monitoring this area of the community will help the TCEQ and local government better respond to citizen's questions about public health as it related to air quality and will enable TCEQ to identify emission sources.

C. Minimum Expenditure

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

2. Performance Schedule

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

South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, TX 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

Mobil Chemical Company Inc.
Agreed Order – Attachment A

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

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ DATES	Assigned	24-Aug-2009			
	PCW	25-Aug-2009	Screening	25-Aug-2009	EPA Due 22-May-2010

RESPONDENT/FACILITY INFORMATION			
Respondent	Mobil Chemical Company Inc.		
Reg. Ent. Ref. No.	RN100211903		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	38258	No. of Violations	1
Docket No.	2009-1397-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Audra Benoit
		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	\$10,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
Compliance History	51.0% Enhancement	Subtotals 2, 3, & 7 \$5,100
Notes	Penalty enhancement due to three same or similar NOVs, eight nonsimilar NOVs and one agreed order with a denial of liability.	
Culpability	No 0.0% Enhancement	Subtotal 4 \$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$2,500
Economic Benefit	0.0% Enhancement*	Subtotal 6 \$0
Total EB Amounts	\$137	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$1,500	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,600
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>		
Notes		
	Final Penalty Amount	\$12,600
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,600
DEFERRAL	20.0% Reduction Adjustment	-\$2,520
<small>Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>		
Notes	Deferral offered for expedited settlement.	
PAYABLE PENALTY		\$10,080

Screening Date 25-Aug-2009

Docket No. 2009-1397-AIR-E

PCW

Respondent Mobil Chemical Company Inc.

Policy Revision 2 (September 2002)

Case ID No. 38258

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100211903

Media [Statute] Air

Enf. Coordinator Audra Benoit

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)	3	15%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (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) 51%

>> 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 three same or similar NOVs, eight nonsimilar NOVs and one agreed order with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 51%

Screening Date 25-Aug-2009	Docket No. 2009-1397-AIR-E	PCW		
Respondent Mobil Chemical Company Inc.	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 38258	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN100211903				
Media [Statute] Air				
Enf. Coordinator Audra Benoit				
Violation Number 1				
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O-02277, Special Condition ("SC") 9, and Air Permit No. 8758, SC 1			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Surge Silo, Emissions Point Number 645, exceeded the permit limit of 127.81 tons per year ("tpy") for total residual volatile organic compounds by 22.19 tpy for calendar year 2007.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
	Actual	Potential	Percent	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			25%	
>> Programmatic Matrix				
	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			Percent	
			0%	
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
Adjustment		\$7,500		
		\$2,500		
Violation Events				
Number of Violation Events		4	Number of violation days	
		182		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
		Violation Base Penalty		\$10,000
Four quarterly events are recommended for exceedance during the Calendar Year 2007.				
Good Faith Efforts to Comply		25.0% Reduction	\$2,500	
		Before NOV	NOV to EDRP/Settlement	
Extraordinary	<input type="checkbox"/>			
Ordinary	<input checked="" type="checkbox"/>			
N/A	<input type="checkbox"/>	<small>(mark with x)</small>		
Notes	The Respondent achieved compliance on October 27, 2008, prior to the August 21, 2009 NOE.			
Violation Subtotal		\$7,500		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$137	Violation Final Penalty Total	
		\$12,600		
		This violation Final Assessed Penalty (adjusted for limits)		
		\$12,600		

Economic Benefit Worksheet

Respondent Mobil Chemical Company Inc.
Case ID No. 38258
Reg. Ent. Reference No. RN100211903
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$1,500	1-Jan-2007	27-Oct-2008	1.82	\$137	n/a	\$137
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to amend the permit. The date required is the date of noncompliance. The final date is the date the permit was amended.

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

\$1,500

TOTAL

\$137

Compliance History Report

Customer/Respondent/Owner-Operator: CN600125777 Mobil Chemical Company Inc. Classification: AVERAGE Rating: 1.93
 Regulated Entity: RN100211903 MOBIL BEAUMONT POLYETHYLENE PLANT Classification: AVERAGE Site Rating: 0.82

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0065M
	AIR OPERATING PERMITS	PERMIT	1243
	AIR OPERATING PERMITS	PERMIT	2277
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000807909
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31424
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	27119
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0065M
	AIR NEW SOURCE PERMITS	AFS NUM	4824500064
	AIR NEW SOURCE PERMITS	PERMIT	6860
	AIR NEW SOURCE PERMITS	PERMIT	8758
	AIR NEW SOURCE PERMITS	PERMIT	10850
	AIR NEW SOURCE PERMITS	PERMIT	11752
	AIR NEW SOURCE PERMITS	PERMIT	27431
	AIR NEW SOURCE PERMITS	PERMIT	34167
	AIR NEW SOURCE PERMITS	PERMIT	44210
	AIR NEW SOURCE PERMITS	REGISTRATION	78569
	AIR NEW SOURCE PERMITS	REGISTRATION	79895
	AIR NEW SOURCE PERMITS	REGISTRATION	81548
	AIR NEW SOURCE PERMITS	REGISTRATION	87882
	AIR NEW SOURCE PERMITS	REGISTRATION	84499
	WASTEWATER	PERMIT	WQ0002029000
	WASTEWATER	EPA ID	TX0068934
	WASTEWATER	PERMIT	TPDES0068934

Location: 11440 HIGHWAY 90, BEAUMONT, TX, 77713

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 25, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 25, 2004 to August 25, 2009

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

Name: Audra Benoit Phone: (409) 899-8799

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: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 11/06/2008

ADMINORDER 2008-0665-AIR-E

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)

Rqmt Prov: O-01243 General Terms and Conditions OP

O-01243 Special Condition 10A OP

Description: Failure to maintain an emission rate below the allowable emission limits.

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	09/23/2004	(358500)
2	10/13/2004	(334228)
3	10/20/2004	(358501)
4	10/22/2004	(358504)
5	11/29/2004	(358502)
6	12/22/2004	(358503)
7	12/27/2004	(341779)
8	01/26/2005	(336844)
9	01/31/2005	(346210)
10	03/02/2005	(385378)
11	03/16/2005	(372728)
12	03/22/2005	(385379)
13	04/26/2005	(423423)
14	04/26/2005	(423426)
15	04/26/2005	(423427)
16	05/18/2005	(379174)
17	05/18/2005	(379176)
18	05/23/2005	(423424)
19	06/28/2005	(423425)
20	01/18/2006	(497000)
21	02/23/2006	(452285)
22	03/30/2006	(454314)
23	06/29/2006	(464328)
24	11/29/2006	(516160)
25	12/06/2006	(531516)
26	12/08/2006	(533603)
27	02/08/2007	(539235)

28 02/15/2007 (537273)
29 02/26/2007 (540166)
30 02/26/2007 (583709)
31 03/07/2007 (540343)
32 03/15/2007 (542169)
33 03/21/2007 (583710)
34 04/24/2007 (583711)
35 05/22/2007 (583712)
36 06/01/2007 (555670)
37 06/21/2007 (583713)
38 07/16/2007 (564293)
39 07/26/2007 (583714)
40 07/26/2007 (583715)
41 08/24/2007 (604026)
42 09/24/2007 (604027)
43 10/25/2007 (622913)
44 11/20/2007 (598662)
45 11/26/2007 (597915)
46 11/26/2007 (622914)
47 12/17/2007 (599014)
48 12/19/2007 (674359)
49 02/13/2008 (618381)
50 02/26/2008 (674357)

51 03/17/2008 (674358)
52 04/08/2008 (637388)
53 04/08/2008 (639586)
54 04/14/2008 (637190)
55 04/22/2008 (692702)
56 05/21/2008 (692703)
57 06/11/2008 (692704)
58 06/11/2008 (692706)
59 06/11/2008 (692707)
60 07/17/2008 (692705)
61 08/02/2008 (686144)
62 08/12/2008 (713836)
63 10/17/2008 (713837)
64 11/13/2008 (729845)
65 12/03/2008 (709030)
66 12/16/2008 (753081)
67 12/18/2008 (721546)
68 01/26/2009 (724143)
69 02/17/2009 (753078)
70 03/18/2009 (753079)
71 04/15/2009 (753080)
72 08/21/2009 (763934)

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

Date: 10/31/2004 (358502)

Self Report? YES

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

Date: 08/31/2005 (423427)

Self Report? YES

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

Date: 01/18/2006 (497000)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 06/29/2006 (464328)

CN600125777

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
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 THC Chapter 382, SubChapter D 382.085(b)
OP O-01243, General Condition OP
OP O-01243, Special Condition 10 OP
PERMIT 6860, Special Condition 5E PERMIT

Description: Failure to seal an open-ended line.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter B 111.205(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-02277, Special Condition 3G (i) OP

Description: Failure to provide prior notification for fire training.

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 D 382.085(b)
OP O-01243, General Condition OP
OP O-02277, General Condition OP

Description: Failure to report late repair of components due to Hurricane Rita on Semi-Annual Deviation Reports.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter S 106.433(9)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-01243, General Condition OP

Description: Failure to obtain authorization for a Permit By Rule prior to operating a surface coating operation.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.452(2)(D)
30 TAC Chapter 106, SubChapter T 106.452(2)(E)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-01243, General Condition OP

Description: Failure to obtain authorization for a Permit By Rule prior to operating an abrasive cleaning operation.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(2)
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 60.482-9(a)
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-01243, General Condition OP
OP O-02277, General Condition OP
Permit 6860, Special Condition 5H PERMIT

Permit 8758, Special Condition 3H PERMIT
Description: Failure to repair leaking components within the 15 day requirement.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(2)
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 60.482-9(a)
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-01243, General Condition OP
OP O-02277, General Condition OP
Permit 6860, Special Condition 5H PERMIT
Permit 8758, Special Condition 3H PERMIT
Description: Failure to repair leaking components within the 15 day requirement and failure to
conduct a first attempt of repair within 5 days of discovery.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(2)
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 60.482-9(c)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Permit 6860, Special Condition 5H PERMIT
Permit 8758, Special Condition 3H PERMIT
Permit O-01243, General Condition OP
Permit O-02277 OP
Description: Failure to repair leaking components prior to exceeding the shutdown emission
estimates.

Date: 11/30/2006 (516160) CN600125777
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
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 THC Chapter 382, SubChapter D 382.085(b)
6860, Special Condition 5E PERMIT
8758, Special Condition 3E PERMIT
O-1243, General Condition OP
O-1243, Special Condition 10 OP
O-1243, Special Condition 1A OP
O-2277, General Condition OP
O-2277, Special Condition 1A OP
O-2277, Special Condition 9 OP

Description: Failure to seal open-ended lines.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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 DDD 60.562-1(e)
5C THC Chapter 382, SubChapter D 382.085(b)
8758, Special Condition 2 PERMIT
O-2277, General Condition OP
O-2277, Special Condition 1A OP
O-2277, Special Condition 9 OP

Description: Failure to car-seal five valves to prevent venting to the atmosphere.

Date: 02/16/2007 (537273)
Self Report? NO Classification: Minor
Citation: OT 3 PERMIT
Description: Failure by Exxon Mobil Beaumont Polyethylene Plant to maintain compliance with
the permitted chlorine residual limitations at the domestic wastewater treatment
plant.

Self Report? NO Classification: Moderate
Citation: EL&MR 1 PERMIT
Description: Failure by Exxon Mobil Beaumont Polyethylene Plant to prevent unauthorized discharges into or adjacent to the waters of the state.

Date: 08/31/2007 (604027)

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: 12/14/2007 (611995) CN600125777

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)
Description: Failure to properly dispose of a hazardous waste at an authorized facility.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.10(a)
30 TAC Chapter 335, SubChapter A 335.10(a)(1)
30 TAC Chapter 335, SubChapter A 335.10(a)(2)
30 TAC Chapter 335, SubChapter A 335.10(a)(3)
30 TAC Chapter 335, SubChapter A 335.10(a)(4)
30 TAC Chapter 335, SubChapter A 335.10(a)(5)
30 TAC Chapter 335, SubChapter A 335.10(a)(6)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)

Description: Failure to manifest hazardous waste.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(B)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(C)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to document the name, job title, and job description of each employee in a position related to hazardous waste management.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 324, SubChapter A 324.4
40 CFR Chapter 279, SubChapter I, PT 279, SubPT B 279.10(b)(2)

Description: Failure to properly manage used oil.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: Failure to notify the executive director of regulated waste activities.

Date: 12/18/2007 (599014) CN600125777

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)
O-1243 General Terms and Conditions OP
O-1243 Special Condition 10A OP
P-6860 Special Condition 4 PERMIT

Description: Failure to limit the ethylene emissions from Product Line 3 below the permitted limit of 750 pounds per million pounds of product produced.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
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)
O-1243 General Terms and Conditions OP
O-1243 Special Condition 10A OP
O-2277 General Terms and Conditions OP
O-2277 Special Condition 9A OP
P-6860 Special Condition 5E PERMIT
P-8758 Special Condition 3E PERMIT

Description: Failure to equip an open-ended line or valve with a cap, plug, blind flange, or

second valve.
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 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)
5C THSC Chapter 382 382.085(b)
O-1243 General Terms and Condition OP
O-1243 Special Condition 10A OP
O-2277 General Terms and Conditions OP
O-2277 Special Condition 9A OP
P-6860 Special Condition 5F PERMIT
P-8758 Special Condition 3F PERMIT
Description: Failure to conduct quarterly monitoring of fugitive emissions at the High Pressure Unit.

Date: 10/31/2008 (729845)
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: 08/21/2009 (763934) CN600125777
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 68, SubChapter C, PT 68, SubPT A 68.10
5C THSC Chapter 382 382.085(b)
SC 16 OP
Description: Failure to report a change of emergency contact information in a Semiannual Deviation Report for FOP O-01243 dated October 28, 2008 to April 27, 2009.

- 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
MOBIL CHEMICAL COMPANY INC.
RN100211903**

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§
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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1397-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 Mobil Chemical Company Inc. ("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 polyethylene plastic manufacturing facility at 11440 Highway 90 in Beaumont, Jefferson 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 August 26, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twelve Thousand Six Hundred Dollars (\$12,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Forty Dollars (\$5,040) of the administrative penalty and Two Thousand Five Hundred Twenty Dollars (\$2,520) 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. Five Thousand Forty Dollars (\$5,040) 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 amended Air Permit No. 8758 on October 27, 2008 to increase the permit allowable for total residual volatile organic compounds from the Surge Silo to 162 tons per year ("tpy").
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 §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O-02277, Special Condition ("SC") 9, and Air Permit No. 8758, SC 1, as documented during a record review conducted on July 28, 2009. Specifically, the Surge Silo, Emissions Point Number 645, exceeded the permit limit of 127.81 tpy for total residual volatile organic compounds by 22.19 tpy for calendar year 2007.

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: Mobil Chemical Company Inc., Docket No. 2009-1397-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 1, Paragraph 6 above, Five Thousand Forty Dollars (\$5,040) 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 conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provision 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 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

[Signature]
For the Executive Director

3/14/2011
Date

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]
Signature

2/16/11
Date

Perry Padden
Name (Printed or typed)
Authorized Representative of
Mobil Chemical Company Inc.

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: 2009-1397-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Mobil Chemical Company Inc.
Payable Penalty Amount: Ten Thousand Eighty Dollars (\$10,080)
SEP Amount: Five Thousand Forty Dollars (\$5,040)
Type of SEP: Pre-approved
Third-Party Recipient: Southeast Texas Regional Planning Commission -Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station
Location of SEP: Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to install, operate, and maintain a stationary ambient air monitoring station in the vicinity of Memorial High School Ninth Grade Campus. The station will employ canister sampling, a hydrocarbon analyzer, and/or a chromatograph. Ancillary equipment will include a sample conditioning system, a ten meter meteorological tower, a climate controlled equipment shelter, a remote communications system, and have electronic data logging capabilities. The station will continuously sample and analyze the ambient air for a wide range of hydrocarbon species in accordance with Environmental Protection Agency's recommended "TO-14" list. SEP monies will be used for the cost of purchasing, installing, operating, and maintaining the air monitoring station along with its ancillary equipment.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by offering continuous assessment of ambient air quality in a sensitive area of Port Arthur that is not currently covered by existing ambient air monitoring stations. Monitoring this area of the community will help the TCEQ and local government better respond to citizen's questions about public health as it related to air quality and will enable TCEQ to identify emission sources.

C. Minimum Expenditure

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

2. Performance Schedule

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

South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, TX 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

Mobil Chemical Company Inc.
Agreed Order – Attachment A

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

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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