

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1524-AIR-E **TCEQ ID:** RN100211903 **CASE NO.:** 40412
RESPONDENT NAME: ExxonMobil Oil Corporation

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

SITE WHERE VIOLATION(S) OCCURRED: Mobil Beaumont Polyethylene Plant, 11440 Highway 90, Beaumont, Jefferson County

TYPE OF OPERATION: Polyethylene plastic manufacturing facility

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2009-1397-AIR-E.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on February 28, 2011. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732
TCEQ Enforcement Coordinator: Ms. 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, ExxonMobil Oil Corporation, P.O. Box 2295, Beaumont, Texas 77704
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" 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 Investigation Relating to this Case: July 9, 2010</p> <p>Date of NOV/NOE Relating to this Case: September 2, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failed to report an emissions event no later than 24 hours after discovery. Specifically, the initial notification of Incident No. 140058 was submitted on May 23, 2010, at 5:50 p.m., 24 hours and 27 minutes after the emissions event was discovered on May 22, 2010, at 5:23 p.m. [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") O-01243, Special Condition ("SC") No. 2(F)].</p> <p>2) Failed to prevent unauthorized emissions. Specifically, on May 22, 2010, Incident No. 140058 resulted from a crack in a reactor tube in the High Pressure Unit releasing 191 pounds of unauthorized ethylene emissions into the atmosphere for 57 minutes. Since the emissions event report was late, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01243, SC No. 10, Air Permit No. 6860, SC No. 1].</p>	<p>Total Assessed: \$4,082</p> <p>Total Deferred: \$816 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$1,633</p> <p>Total Paid to General Revenue: \$1,633</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</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>The Executive Director recognizes that the Respondent revised release reporting procedures and consolidated responsibilities for the environmental staff to ensure timely submittal of emissions event reports on July 23, 2010.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Additional ID No(s): AIR JE0065M

Attachment A
Docket Number: 2010-1524-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

The Respondent: ExxonMobil Oil Corporation
Penalty Amount: Three Thousand Two Hundred Sixty-Six Dollars (\$3,266)
SEP Offset Amount: One Thousand Six Hundred Thirty-Three Dollars (\$1,633)
Type of SEP: Pre-approved SEP
Third-Party Recipient: Southeast Texas Regional Planning Commission
Project Name: *Meteorological and Air Monitoring Network*
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 offset amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *Meteorological and Air Monitoring Network* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont CAM#2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640
8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Recipient and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be

added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines.

A TCEQ-approved Quality Assurance Project Plan containing all applicable EPA QA-R5 elements shall be maintained. Analysis of all data collected from these sites will comply with Standard Operating Procedures for the analysis and measurement of Volatile Organic Compounds in Ambient Air. The laboratory data generated by this project will be from a TCEQ accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories. For example, the Third-Party Recipient must comply with 30 Texas Administrative Code, Chapter 25, Subchapter A, relating to Environmental Testing Laboratory Accreditation and Certification, as amended.

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display (LEADS) system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Recipient. No portion of the SEP Offset Amount will be used for administrative costs or salaries of the Third-Party Recipient. The Third-Party Recipient may use contractors to perform the monitoring project, subject to special conditions concerning costs.

The project will be administered in accordance with federal, state, and local environmental laws and regulations. The Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Particulate matter (PM), sulfides (SO, SO₂), oxides of nitrogen (NO_x), volatile organic carbon (VOC) compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the Texas Commission on Environmental Quality, industry, and the public at http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

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

2. Performance Schedule

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

Southeast Texas Regional Planning Commission
Bob Dickinson, Director Transportation and Environmental Resources
Attention: SEP
South East Texas Regional Planning Commission
2210 Eastex Freeway, Beaumont, TX 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full 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:

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

The SEP 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	7-Sep-2010	Screening	15-Sep-2010	EPA Due	12-Jun-2011
	PCW	18-Oct-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	ExxonMobil Oil Corporation
Reg. Ent. Ref. No.	RN100211903
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	40412	No. of Violations	2
Docket No.	2010-1524-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** **\$2,600**

ADJUSTMENTS (+/-) TO SUBTOTAL 1
 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.
Compliance History **82.0%** Enhancement **Subtotals 2, 3, & 7** **\$2,132**

Notes: Enhancement for four same/similar NOVs, 12 NOVs for dissimilar violations and two orders with denial of liability. Reduction for two notices of audits.

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** **\$650**

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

Total EB Amounts **\$13**
 Approx. Cost of Compliance **\$1,500**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$4,082**

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

Reduces or enhances the Final Subtotal by the indicated percentage.
 Notes:

Final Penalty Amount **\$4,082**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$4,082**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$816**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)
 Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **\$3,266**

Screening Date 15-Sep-2010

Docket No. 2010-1524-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 2 (September 2002)

Case ID No. 40412

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 notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 82%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four same/similar NOVs, 12 NOVs for dissimilar violations and two orders with denial of liability. Reduction for two notices of audits.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 82%

Screening Date 15-Sep-2010

Docket No. 2010-1524-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 2 (September 2002)

Case ID No. 40412

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100211903

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") O-01243, Special Condition ("SC") No. 2(F)

Violation Description Failed to report an emissions event no later than 24 hours after discovery. Specifically, the initial notification for Incident No. 140058 was submitted on May 23, 2010, at 5:50 p.m., 24 hours and 27 minutes after the emissions event was discovered on May 22, 2010, at 5:23 p.m.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended based on the one report being late.

Good Faith Efforts to Comply

25.0% Reduction \$25

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

Notes The Respondent completed corrective actions for this violation on July 23, 2010, prior to the September 2, 2010 NOE.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$157

This violation Final Assessed Penalty (adjusted for limits) \$157

Economic Benefit Worksheet

Respondent ExxonMobil Oil Corporation
Case ID No. 40412
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	23-May-2010	23-Jul-2010	0.17	\$13	n/a	\$13

Notes for DELAYED costs

Estimated costs to revise release reporting procedures and consolidate responsibilities for the environmental staff to ensure the timely submittal of emissions event reports. The date required is the date the report was due. The final date is the date compliance was achieved.

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

\$13

Screening Date 15-Sep-2010
Respondent ExxonMobil Oil Corporation
Case ID No. 40412
Reg. Ent. Reference No. RN100211903
Media [Statute] Air
Enf. Coordinator Audra Benoit
Violation Number 2

Docket No. 2010-1524-AIR-E

PCW

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

Rule Cite(s)
 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP O-01243, SC No. 10, Air Permit No. 6860, SC No. 1

Violation Description
 Failed to prevent unauthorized emissions. Specifically, on May 22, 2010, Incident No. 140058 resulted from a crack in a reactor tube in the High Pressure Unit releasing 191 pounds of unauthorized ethylene emissions into the atmosphere for 57 minutes. Since the emissions event report was late, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>>> Programmatic Matrix

Falsification	Major	Moderate	Minor	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 the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events

 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

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

Notes
 The Respondent completed corrective actions for this violation on July 23, 2010, prior to the September 2, 2010 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,925

This violation Final Assessed Penalty (adjusted for limits) \$3,925

Economic Benefit Worksheet

Respondent ExxonMobil Oil Corporation
Case ID No. 40412
Reg. Ent. Reference No. RN100211903
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The Economic Benefit for this violation is calculated in Violation No. 1 since the loss of affirmative defense was solely due to late reporting.

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

\$0

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN600920748 ExxonMobil Oil Corporation Classification: AVERAGE Rating: 3.42
 Regulated Entity: RN100211903 MOBIL BEAUMONT POLYETHYLENE PLANT Classification: AVERAGE Site Rating: 1.71

ID Number(s):			
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0065M
	AIR OPERATING PERMITS	PERMIT	1243
	AIR OPERATING PERMITS	PERMIT	2277
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	27119
	AIR NEW SOURCE PERMITS	REGISTRATION	92263
	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	REGISTRATION	27431
	AIR NEW SOURCE PERMITS	REGISTRATION	34167
	AIR NEW SOURCE PERMITS	REGISTRATION	44210
	AIR NEW SOURCE PERMITS	REGISTRATION	79895
	AIR NEW SOURCE PERMITS	REGISTRATION	87882
	WASTEWATER	PERMIT	WQ0002029000
	WASTEWATER	EPA ID	TX0068934
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD000807909
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	31424
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0065M

Location: 11440 HIGHWAY 90, BEAUMONT, TX, 77713

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: September 16, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 16, 2005 to September 16, 2010

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: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 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.

Effective Date: 08/31/2009 ADMINORDER 2009-0193-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
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
Permit 6860 Special Condition 1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.
EIC A8(c)(2)(A)(ii) MOD(2)(D)

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.)

N/A	1	10/24/2005	(474691)
	2	11/22/2005	(474692)
	3	12/21/2005	(474693)
	4	01/18/2006	(497000)
	5	01/27/2006	(474694)
	6	02/22/2006	(474689)
	7	02/23/2006	(452285)
	8	03/27/2006	(474690)
	9	03/30/2006	(454314)
	10	04/26/2006	(502424)
	11	05/22/2006	(502425)
	12	06/23/2006	(502426)
	13	06/23/2006	(502427)
	14	06/23/2006	(502428)
	15	06/29/2006	(464328)
	16	08/22/2006	(524741)
	17	10/24/2006	(549682)
	18	11/21/2006	(549683)

19	11/29/2006	(516160)
20	12/06/2006	(531516)
21	12/08/2006	(533603)
22	12/27/2006	(549684)
23	02/08/2007	(539235)
24	02/15/2007	(537273)
25	02/16/2007	(549681)
26	02/26/2007	(540166)
27	02/26/2007	(583709)
28	03/07/2007	(540343)
29	03/15/2007	(542169)
30	03/21/2007	(583710)
31	04/24/2007	(583711)
32	05/22/2007	(583712)
33	06/01/2007	(555670)
34	06/21/2007	(583713)
35	07/26/2007	(583714)
36	07/26/2007	(583715)
37	08/24/2007	(604026)
38	09/24/2007	(604027)
39	10/25/2007	(622913)
40	11/20/2007	(598662)
41	11/26/2007	(597915)
42	11/26/2007	(622914)
43	12/17/2007	(599014)
44	12/19/2007	(674359)
45	02/13/2008	(618381)
46	02/26/2008	(674357)
47	03/17/2008	(674358)
48	04/08/2008	(637388)
49	04/08/2008	(639586)
50	04/14/2008	(637190)
51	04/22/2008	(692702)
52	05/21/2008	(692703)
53	06/11/2008	(692704)
54	06/11/2008	(692706)
55	06/11/2008	(692707)
56	07/17/2008	(692705)
57	08/02/2008	(686144)
58	08/12/2008	(713836)
59	10/17/2008	(713837)
60	11/13/2008	(729845)
61	12/03/2008	(709030)
62	12/16/2008	(753081)
63	12/18/2008	(721546)
64	01/26/2009	(724143)
65	02/17/2009	(753078)
66	03/18/2009	(753079)
67	04/15/2009	(753080)
68	05/19/2009	(770635)
69	06/11/2009	(770636)
70	06/11/2009	(770637)
71	07/16/2009	(811677)
72	08/19/2009	(811678)
73	08/21/2009	(763934)
74	08/31/2009	(763834)
75	08/31/2009	(763893)
76	08/31/2009	(763908)

77 08/31/2009 (763923)
 78 09/21/2009 (765295)
 79 10/01/2009 (765162)
 80 10/13/2009 (811679)
 81 11/09/2009 (781125)
 82 11/11/2009 (778612)
 83 11/19/2009 (811680)
 84 12/17/2009 (811681)
 85 01/20/2010 (811682)
 86 02/01/2010 (788327)
 87 02/16/2010 (811676)
 88 03/20/2010 (833294)
 89 04/19/2010 (833295)
 90 05/02/2010 (797039)
 91 05/02/2010 (797890)
 92 05/02/2010 (798217)
 93 05/23/2010 (833296)
 94 06/16/2010 (847022)
 95 06/23/2010 (803505)
 96 07/19/2010 (861505)
 97 07/31/2010 (829004)
 98 08/24/2010 (848674)
 99 09/02/2010 (830529)

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

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: 05/31/2006 (502426) CN600920748

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: 06/29/2006 (464328)

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 (549684)

CN600920748

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: 11/30/2006 (516160)

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: 12/31/2006 (502428)

CN600920748

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: 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)

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)

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: 01/31/2009 (753078)

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)

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.

Date: 09/21/2009 (765295)

Self Report? NO

Classification: Moderate

Citation: ELMR PERMIT

Description: Failure by ExxonMobil Oil Corporation to discharge effluent compliant with the permit limitations.

Self Report? NO

Classification: Minor

Citation: MRR PERMIT

Description: Failure by ExxonMobil Oil Corporation to comply with procedures specified in 30 TAC 319.11 - 319.12.

Date: 06/24/2010 (803505)

Self Report? NO

Classification: Minor

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 THSC Chapter 382 382.085(b)
SPECIAL CONDITION 4(E) PERMIT
SPECIAL CONDITION 9 OP

Description: Failure to cap an open-ended line.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SPECIAL CONDITION 10 OP
SPECIAL CONDITION 4 PERMIT

Description: Failure to comply with emission limits.

Date: 06/30/2010 (861505)

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

F. Environmental audits.

01/12/2010

(794993)

Notice of Intent Date:

No DOV Associated

01/21/2010

(795001)

Notice of Intent Date:

No DOV Associated

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
EXXONMOBIL OIL
CORPORATION
RN100211903

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-1524-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 ExxonMobil Oil Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a 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 September 7, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Four Thousand Eighty-Two Dollars (\$4,082) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Two Hundred Sixty-Six Dollars (\$3,266) of the administrative penalty and Eight Hundred Sixteen Dollars (\$816) 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.
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 revised release reporting procedures and consolidated responsibilities for the environmental staff to ensure timely submittal of emissions event reports on July 23, 2010.
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:

1. Failed to report an emissions event no later than 24 hours after discovery, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") O-01243, Special Condition ("SC") No. 2(F), as documented during an investigation conducted on July 9, 2010. Specifically, the initial notification of Incident No. 140058 was submitted on May 23, 2010, at 5:50 p.m., 24 hours and 27 minutes after the emissions event was discovered on May 22, 2010, at 5:23 p.m.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01243, SC No. 10, Air Permit No. 6860, SC No. 1, documented during an investigation conducted on July 9, 2010. Specifically, on May 22, 2010, Incident No. 140058 resulted

from a crack in a reactor tube in the High Pressure Unit releasing 191 pounds of unauthorized ethylene emissions into the atmosphere for 57 minutes. Since the emissions event report was late, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ExxonMobil Oil Corporation, Docket No. 2010-1524-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 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.
3. 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.
4. 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.

5. 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

John Szdlan
For the Executive Director

2/7/2011
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.

Perry Padden
Signature

12/2/2010
Date

Perry Padden
Name (Printed or typed)
Authorized Representative of
ExxonMobil Oil Corporation

ExxonMobil PE Plant Manager
Title

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

Attachment A
Docket Number: 2010-1524-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

The Respondent: ExxonMobil Oil Corporation

Penalty Amount: Three Thousand Two Hundred Sixty-Six Dollars
(\$3,266)

SEP Offset Amount: One Thousand Six Hundred Thirty-Three Dollars
(\$1,633)

Type of SEP: Pre-approved SEP

Third-Party Recipient: Southeast Texas Regional Planning Commission

Project Name: *Meteorological and Air Monitoring Network*

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 offset amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *Meteorological and Air Monitoring Network* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont CAM#2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640
8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Recipient and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be

added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines.

A TCEQ-approved Quality Assurance Project Plan containing all applicable EPA QA-R5 elements shall be maintained. Analysis of all data collected from these sites will comply with Standard Operating Procedures for the analysis and measurement of Volatile Organic Compounds in Ambient Air. The laboratory data generated by this project will be from a TCEQ accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories. For example, the Third-Party Recipient must comply with 30 Texas Administrative Code, Chapter 25, Subchapter A, relating to Environmental Testing Laboratory Accreditation and Certification, as amended.

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display (LEADS) system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Recipient. No portion of the SEP Offset Amount will be used for administrative costs or salaries of the Third-Party Recipient. The Third-Party Recipient may use contractors to perform the monitoring project, subject to special conditions concerning costs.

The project will be administered in accordance with federal, state, and local environmental laws and regulations. The Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Particulate matter (PM), sulfides (SO, SO₂), oxides of nitrogen (NO_x), volatile organic carbon (VOC) compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the Texas Commission on Environmental Quality, industry, and the public at http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

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

2. Performance Schedule

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

Southeast Texas Regional Planning Commission
Bob Dickinson, Director Transportation and Environmental Resources
Attention: SEP
South East Texas Regional Planning Commission
2210 Eastex Freeway, Beaumont, TX 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full 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:

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

The SEP 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.