

Executive Summary – Enforcement Matter – Case No. 40825

Exxon Mobil Corporation

RN100211077

Docket No. 2010-1975-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Trawick Central Treating Station, County Road 935, approximately one mile north of State Highway 204, near Nacogdoches, Nacogdoches County

Type of Operation:

Oil and gas treatment and compressor station

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 29, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$6,550

Amount Deferred for Expedited Settlement: \$1,310

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,240

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 40825

Exxon Mobil Corporation

RN100211077

Docket No. 2010-1975-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 12, 2010

Date(s) of NOE(s): November 30, 2010

Violation Information

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with hourly emissions limits. Specifically, from March 26, 2010 through July 31, 2010, the Respondent exceeded the hourly emissions limit of 2.52 pounds per hour ("lbs/hr") of volatile organic compounds from Truck Loading, Emission Point Number ("EPN") VENTLOAD, by an average rate of 22.71 lbs/hr, due to closure of the pressure control valve on the truck loading emissions control system, resulting in 2.29 tons of volatile organic compound emissions [30 TEX. ADMIN. CODE §§ 116.115(b), 116.615(2) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Oil and Gas General Operating Permit No. O-390, Site-Wide Requirements (b)(7)(B) and Standard Permit Registration No. 32928, Maximum Emission Rates Table].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

- a. Within 30 days after the effective date of this Agreed Order, implement procedures to control the emissions from Truck Loading, EPN VENTLOAD, in order to comply with the volatile organic compound emission limit of 2.52 lbs/hr; and
- b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: Click to choose date

Contact Information

TCEQ Attorney: N/A

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

Executive Summary – Enforcement Matter – Case No. 40825
Exxon Mobil Corporation
RN100211077
Docket No. 2010-1975-AIR-E

TCEQ SEP Coordinator: N/A

Respondent: Mr. Kevin D. Bailey, Air Compliance Supervisor, P.O. Box 4358,
Houston, Texas 77210

Mr. Andrew W. Bishop, Operations Superintendent, P.O. Box 4358, Houston, Texas
77210

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	6-Dec-2010	Screening	8-Dec-2010	EPA Due	4-Sep-2011
	PCW	9-Dec-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	Exxon Mobil Corporation	
Reg. Ent. Ref. No.	RN100211077	
Facility/Site Region	10-Beaumont	Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No.	40825	No. of Violations	1
Docket No.	2010-1975-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	\$5,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	31.0% Enhancement	Subtotals 2, 3, & 7	\$1,550
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Notes: Enhancement due to one same/similar NOV, three dissimilar NOVs, and one order with denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$392
Approx. Cost of Compliance	\$6,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,550
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$6,550
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,550
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,310
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$5,240
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Screening Date 8-Dec-2010

Docket No. 2010-1975-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 40825

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100211077

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>)	1	5%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<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>)	0	0%
	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) 31%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement due to one same/similar NOV, three dissimilar NOVs, and one order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 31%

Screening Date 8-Dec-2010

Docket No. 2010-1975-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 40825

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100211077

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b), 116.615(2) and 122.143(4), and Tex. Health & Safety Code § 382.085(b), Oil and Gas General Operating Permit No. O-390, Site Wide Requirements (b)(7)(B), and Standard Permit Registration No. 32928, Maximum Emission Rates Table

Violation Description Failed to comply with hourly emissions limits. Specifically, from March 26, 2010 through July 31, 2010, the Respondent exceeded the hourly emissions limit of 2.52 pounds per hour ("lbs/hr") of volatile organic compounds from Truck Loading, Emission Point Number ("EPN") VENTLOAD, by an average rate of 22.71 lbs/hr, due to closure of the pressure control valve on the truck loading emissions control system, resulting in 2.29 tons of volatile organic compound emissions.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	25%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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 2 127 Number of violation days

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

Violation Base Penalty \$5,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$392

Violation Final Penalty Total \$6,550

This violation Final Assessed Penalty (adjusted for limits) \$6,550

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 40825
Req. Ent. Reference No. RN100211077
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)	\$6,500	26-Mar-2010	9-Jun-2011	1.21	\$392	n/a	\$392

Notes for DELAYED costs

Estimated costs to implement procedures to control the emissions from Truck Loading, EPN VENTLOAD, in order to comply with the volatile organic compound emission limit of 2.52 lbs/hr. The date required is the initial date of non-compliance. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,500

TOTAL

\$392

Compliance History

Customer/Respondent/Owner-Operator: CN600123939 Exxon Mobil Corporation Classification: AVERAGE Rating: 2.78

Regulated Entity: RN100211077 TRAWICK CENTRAL TREATING STATION Classification: AVERAGE Site Rating: 5.45

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	NA0100L
AIR OPERATING PERMITS	PERMIT	390
AIR NEW SOURCE PERMITS	AFS NUM	4834700027
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NA0100L
AIR NEW SOURCE PERMITS	REGISTRATION	32928
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	NA0100L

Location: COUNTY ROAD 935, APPROXIMATELY ONE MILE NORTH OF STATE HIGHWAY 204 NEAR NACOGDOCHES

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: December 06, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 06, 2005 to December 06, 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: 11/27/2009 ADMINORDER 2009-0958-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Site-wide Requirements(b)(2) OP

Description: Failed to prevent unauthorized emissions, as documented during a record review conducted on April 14, 2009. Specifically, from August 1, 2007 through January 31, 2009, 26,544 pounds of unauthorized volatile organic compounds were released from Truck Loading Fugitives (Emission Point Number: VENTLOAD) caused by an increased production rate of condensate.

- 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 02/24/2006 (456791)
- 2 10/12/2006 (512770)
- 3 10/15/2007 (593376)
- 4 12/19/2007 (609336)
- 5 03/27/2008 (637700)
- 6 06/16/2009 (727130)
- 7 10/07/2009 (765603)
- 8 02/19/2010 (786265)
- 9 01/28/2010 (786978)
- 10 05/07/2010 (800625)
- 11 11/30/2010 (878137)

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

Date: 12/20/2007 (609336)CN600123939
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.620(a)(14)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKKK 60.4375(b)
5C THSC Chapter 382 382.085(b)
O-00390, Special Condition (b)(2) OP
O-00390, Special Condition (b)(7)(F)(ii) OP
Description: Failure to submit initial performance test results in a timely manner. MOD(2)(B)
EIC C3
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter W 106.512(2)(C)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-00390, Special Condition (b)(2) OP
O-00390, Special Condition (b)(7)(B) OP
O-00390, Special Condition(b)(7)(D)(xlvi) OP
Description: Failure to perform quarterly oxygen sensor replacement. MOD(2)(G) EIC B18

Date: 06/16/2009 (727130) CN600123939
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 THSC Chapter 382 382.085(b)
Site-wide Requirements(b)(2) OP
Description: Failure to report all instances of deviations in a Semi-annual Deviation Report.

Date: 02/19/2010 (786265) CN600123939
Self Report? NO Classification: Moderate
Citation: 30 TAC 122.514(b)(27)(F) OP
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter F 122.514(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit an emissions event in a timely manner.
Self Report? NO Classification: Moderate
Citation: 30 TAC 122.514(b)(7)(E)(ii) OP
30 TAC 122.514(b)(7)(F)(ii) OP
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 116, SubChapter F 116.620
30 TAC Chapter 122, SubChapter F 122.514(b)(7)(E)
30 TAC Chapter 122, SubChapter F 122.514(b)(7)(F)
5C THSC Chapter 382 382.085(b)

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

Date: 11/30/2010 (878137) CN600123939
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter E 117.3345(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition (b)(8) OP

Description: Failure to submit stack testing results in a timely manner. EIC C3 Min (3)(C)

- F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EXXON MOBIL CORPORATION
RN100211077

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-1975-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates an oil and gas treatment and compressor station on County Road 935, approximately one mile north of State Highway 204 near Nacogdoches, Nacogdoches 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 December 5, 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 Six Thousand Five Hundred Fifty Dollars (\$6,550) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Two Hundred Forty Dollars (\$5,240) of the administrative penalty and One Thousand Three Hundred Ten Dollars (\$1,310) 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 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.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with hourly emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b), 116.615(2) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Oil and Gas General Operating Permit No. O-390, Site-Wide Requirements (b)(7)(B) and Standard Permit Registration No. 32928, Maximum Emission Rates Table, as documented during a record review conducted on November 12, 2010. Specifically, from March 26, 2010 through July 31, 2010, the Respondent exceeded the hourly emissions limit of 2.52 pounds per hour ("lbs/hr") of volatile organic compounds from Truck Loading, Emission Point Number ("EPN") VENTLOAD, by an average rate of 22.71 lbs/hr, due to closure of the pressure control valve on the truck loading emissions control system, resulting in 2.29 tons of volatile organic compound emissions.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Exxon Mobil Corporation, Docket No. 2010-1975-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. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, implement procedures to control the emissions from Truck Loading, EPN VENTLOAD, in order to comply with the volatile organic compound emission limit of 2.52 lbs/hr; and
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

4/25/2011

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

3/17/2011

Date

ANDREW W. BISHOP

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

OPERATIONS SUPERINTENDENT

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.