

Executive Summary – Enforcement Matter – Case No. 45442
ExxonMobil Oil Corporation
RN102450756
Docket No. 2012-2329-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

ExxonMobil Beaumont Refinery, 1795 Burt Street, Beaumont, Jefferson County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 22, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$25,000

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$12,500

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$12,500

Name of SEP: Texas Air Research Center

Compliance History Classifications:

Person/CN - N/A

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: \$18,750

Applicable Penalty Policy: September 2011

**Executive Summary – Enforcement Matter – Case No. 45442
ExxonMobil Oil Corporation
RN102450756
Docket No. 2012-2329-AIR-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: July 25, 2012
Date(s) of NOE(s): October 26, 2012

Violation Information

Failed to prevent unauthorized emissions. Since the emissions event could have been avoided by better operational practices, Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On May 29, 2012, Respondent retrained personnel on loading/unloading procedures to prevent recurrence of emissions events due to same or similar causes as Incident No. 167178.

Technical Requirements:

The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

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: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Amancio R. Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Gerald S. Frey, Refinery Manager, ExxonMobil Oil Corporation, P.O. Box 3311, Beaumont, Texas 77704

Executive Summary – Enforcement Matter – Case No. 45442
ExxonMobil Oil Corporation
RN102450756
Docket No. 2012-2329-AIR-E

Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-2329-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ExxonMobil Oil Corporation
Penalty Amount:	Twenty-Five Thousand Dollars (\$25,000)
SEP Offset Amount:	Twelve Thousand Five Hundred Dollars (\$12,500)
Type of SEP:	Contribution to Pre-Approved Third-Party Recipient
Third-Party Recipient:	Texas Air Research Center
Project Name:	<i>Flare Speciation and Air Quality Modeling</i>
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 Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas Air Research Center** for the *Flare Speciation and Air Quality Modeling* project. The contribution will be used in accordance with the SEP Agreement executed on October 30, 2009 between the Third-Party Recipient and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to employ advanced modeling techniques to identify speciated volatile organic compounds (“VOC”) emissions from the flaring operations of various chemical processes under various conditions, which will, in turn, provide a more accurate estimate of VOC emissions that include speciated VOC emissions. The Project will also identify the Combustion Efficiency (“CE”) and Destruction and Removal Efficiency (“DRE”) of flares under specific operating conditions and environmental conditions, which will enhance industrial expertise as to flare operation and provide TCEQ with a more accurate emissions inventory for flaring operations. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, as described in the SEP Agreement including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The SEP will utilize modeling and simulations to identify the VOC species generated and emitted at the flare under various operating conditions and environmental conditions, as well as determine the CE and DRE of the flares. This will allow better quantification of actual emissions from flaring operations. The information is expected to assist in identifying and developing strategies to reduce emissions from industrial sources.

c. Minimum Expenditure

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, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall make the check payable to **Texas Air Research Center at Lamar University SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Air Research Center at Lamar University
Attention: Dr. Thomas Ho, Interim Director
P.O. Box 10613
Beaumont, Texas 77710

3. Records and Reporting

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

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

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount as described in Section 2 above, and submittal of the required reporting as described in Sections 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

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

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of 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

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

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for 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 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	29-Oct-2012	Screening	7-Nov-2012	EPA Due	
	PCW	7-Nov-2012				

RESPONDENT/FACILITY INFORMATION	
Respondent	ExxonMobil Oil Corporation
Reg. Ent. Ref. No.	RN102450756
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION		No. of Violations	1
Enf./Case ID No.	45442	Order Type	Findings
Docket No.	2012-2329-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Amancio R. Gutierrez
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$25,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$25,000**

Notes: Enhancement for five NOV's with same or similar violations, two NOV's with dissimilar violations, 11 orders containing a denial of liability, and six orders without a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$6,250**

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

Total EB Amounts \$9
Approx. Cost of Compliance \$1,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$43,750**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$43,750**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$25,000**

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

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$25,000**

Screening Date 7-Nov-2012

Docket No. 2012-2329-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 3 (September 2011)

Case ID No. 45442

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

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>)	5	25%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	11	220%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	6	150%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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>)	2	-4%
<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) 393%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for five NOVs with same or similar violations, two NOVs with dissimilar violations, 11 orders containing a denial of liability, and six orders without a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 393%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date 7-Nov-2012

Docket No. 2012-2329-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 3 (September 2011)

Case ID No. 45442

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Tex. Health & Safety Code § 382.085(b), and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions No. 1

Violation Description Failed to prevent unauthorized emissions, as documented during a record review conducted on July 25, 2012. Specifically, the Respondent released 478.25 pounds ("lbs") of hydrogen sulfide, 688.23 lbs of nitrogen oxides, 44,049.89 lbs of sulfur dioxide, 345.86 lbs of ethylene, 5,017.03 lbs of carbon monoxide, 7,165.94 lbs of other volatile organic compounds, and 1,353.87 lbs of propylene from the FCC Flare, Emission Point No. 60FLR_008, during an avoidable emissions event (Incident No. 167178) that began on April 13, 2012 and lasted for 10 hours and 45 minutes. The event occurred when a delivery truck struck an electrical pole during loading/unloading procedures, causing a power interruption. This caused the High Pressure ("HP") Carrier and HP DeLaval compressors to shut down. As a result, high pressure vapors were routed to the FCC Flare when they could no longer be processed by the HP compressors. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OK

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	X			100.0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events	1	1	Number of violation days
mark only one with an x	daily	X	Violation Base Penalty \$25,000
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
single event			

One daily event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$6,250

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

Notes The Respondent completed corrective measures on May 29, 2012, prior to the October 26, 2012 NOE date.

Violation Subtotal \$18,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9 Violation Final Penalty Total \$43,750

This violation Final Assessed Penalty (adjusted for limits) \$25,000

Economic Benefit Worksheet

Respondent ExxonMobil Oil Corporation
Case ID No. 45442
Reg. Ent. Reference No. RN102450756
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	\$1,500	13-Apr-2012	29-May-2012	0.13	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to retrain personnel on loading/unloading procedures. The Date Required is the date the emissions event began and the Final Date is the 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

\$1,500

TOTAL

\$9



Compliance History Report

PUBLISHED Compliance History Report for CN600920748, RN102450756, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600920748, ExxonMobil Oil Corporation **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN102450756, EXXONMOBIL BEAUMONT REFINERY **Classification:** SATISFACTORY **Rating:** 25.49

Complexity Points: 0 **Repeat Violator:** NO

CH Group: 02 - Oil and Petroleum Refineries

Location: 1795 BURT ST BEAUMONT, TX 77701-6312, JEFFERSON COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50139

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD990797714

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30587

AIR NEW SOURCE PERMITS PERMIT 7208

AIR NEW SOURCE PERMITS REGISTRATION 10291

AIR NEW SOURCE PERMITS REGISTRATION 11306

AIR NEW SOURCE PERMITS REGISTRATION 12139

AIR NEW SOURCE PERMITS REGISTRATION 12817

AIR NEW SOURCE PERMITS REGISTRATION 13120

AIR NEW SOURCE PERMITS REGISTRATION 15261

AIR NEW SOURCE PERMITS REGISTRATION 22999

AIR NEW SOURCE PERMITS REGISTRATION 24159

AIR NEW SOURCE PERMITS REGISTRATION 26121

AIR NEW SOURCE PERMITS REGISTRATION 27000

AIR NEW SOURCE PERMITS REGISTRATION 26860

AIR NEW SOURCE PERMITS REGISTRATION 27539

AIR NEW SOURCE PERMITS REGISTRATION 26859

AIR NEW SOURCE PERMITS REGISTRATION 30543

AIR NEW SOURCE PERMITS REGISTRATION 31227

AIR NEW SOURCE PERMITS REGISTRATION 33642

AIR NEW SOURCE PERMITS REGISTRATION 33907

AIR NEW SOURCE PERMITS REGISTRATION 34543

AIR NEW SOURCE PERMITS REGISTRATION 34963

AIR NEW SOURCE PERMITS REGISTRATION 37234

AIR NEW SOURCE PERMITS REGISTRATION 40837

AIR NEW SOURCE PERMITS REGISTRATION 42051

AIR NEW SOURCE PERMITS REGISTRATION 42730

AIR NEW SOURCE PERMITS REGISTRATION 42852

AIR NEW SOURCE PERMITS REGISTRATION 42951

AIR NEW SOURCE PERMITS REGISTRATION 43132

AIR NEW SOURCE PERMITS REGISTRATION 43433

AIR NEW SOURCE PERMITS REGISTRATION 43675

AIR NEW SOURCE PERMITS REGISTRATION 44038

AIR NEW SOURCE PERMITS REGISTRATION 47175

AIR NEW SOURCE PERMITS PERMIT 49138

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0067I

AIR NEW SOURCE PERMITS REGISTRATION 102097

AIR NEW SOURCE PERMITS AFS NUM 4824500018

AIR NEW SOURCE PERMITS REGISTRATION 90127

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX932

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX768

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX768M1

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX992

AIR NEW SOURCE PERMITS REGISTRATION 54487

AIR NEW SOURCE PERMITS REGISTRATION 72569

AIR NEW SOURCE PERMITS REGISTRATION 56428

AIR NEW SOURCE PERMITS REGISTRATION 74552

AIR NEW SOURCE PERMITS REGISTRATION 75172

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX799

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX802

AIR NEW SOURCE PERMITS REGISTRATION 92941

AIR NEW SOURCE PERMITS REGISTRATION 78516

AIR NEW SOURCE PERMITS REGISTRATION 79641

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX992M1

AIR NEW SOURCE PERMITS REGISTRATION 86452

AIR NEW SOURCE PERMITS REGISTRATION 85876

AIR NEW SOURCE PERMITS REGISTRATION 85990

AIR NEW SOURCE PERMITS REGISTRATION 87029

AIR NEW SOURCE PERMITS REGISTRATION 88261

AIR NEW SOURCE PERMITS REGISTRATION 87499

AIR NEW SOURCE PERMITS REGISTRATION 90845

AIR NEW SOURCE PERMITS REGISTRATION 90470

AIR NEW SOURCE PERMITS REGISTRATION 90733

AIR NEW SOURCE PERMITS REGISTRATION 91409

AIR NEW SOURCE PERMITS REGISTRATION 89878

AIR NEW SOURCE PERMITS REGISTRATION 90859

AIR NEW SOURCE PERMITS REGISTRATION 89318

AIR NEW SOURCE PERMITS REGISTRATION 87985

AIR NEW SOURCE PERMITS REGISTRATION 85988

AIR NEW SOURCE PERMITS REGISTRATION 90462

AIR NEW SOURCE PERMITS REGISTRATION 90917

AIR NEW SOURCE PERMITS REGISTRATION 91236

AIR NEW SOURCE PERMITS REGISTRATION 87903

AIR NEW SOURCE PERMITS REGISTRATION 89728

AIR NEW SOURCE PERMITS REGISTRATION 90328

AIR NEW SOURCE PERMITS REGISTRATION 88089

AIR NEW SOURCE PERMITS REGISTRATION 91148

AIR NEW SOURCE PERMITS REGISTRATION 87414

AIR NEW SOURCE PERMITS REGISTRATION 88127

AIR NEW SOURCE PERMITS REGISTRATION 87735

AIR NEW SOURCE PERMITS REGISTRATION 89812
AIR NEW SOURCE PERMITS REGISTRATION 91227
AIR NEW SOURCE PERMITS REGISTRATION 88020
AIR NEW SOURCE PERMITS REGISTRATION 91496
AIR NEW SOURCE PERMITS REGISTRATION 91853
AIR NEW SOURCE PERMITS REGISTRATION 92674
AIR NEW SOURCE PERMITS REGISTRATION 93142
AIR NEW SOURCE PERMITS REGISTRATION 92106
AIR NEW SOURCE PERMITS REGISTRATION 92401
AIR NEW SOURCE PERMITS REGISTRATION 92399
AIR NEW SOURCE PERMITS REGISTRATION 93090
AIR NEW SOURCE PERMITS REGISTRATION 93383
AIR NEW SOURCE PERMITS REGISTRATION 93629
AIR NEW SOURCE PERMITS REGISTRATION 93639
AIR NEW SOURCE PERMITS REGISTRATION 93761
AIR NEW SOURCE PERMITS REGISTRATION 93764
AIR NEW SOURCE PERMITS REGISTRATION 93964
AIR NEW SOURCE PERMITS REGISTRATION 93475
AIR NEW SOURCE PERMITS REGISTRATION 93477
AIR NEW SOURCE PERMITS REGISTRATION 93767
AIR NEW SOURCE PERMITS REGISTRATION 94162
AIR NEW SOURCE PERMITS REGISTRATION 94161
AIR NEW SOURCE PERMITS REGISTRATION 94279
AIR NEW SOURCE PERMITS REGISTRATION 94417
AIR NEW SOURCE PERMITS REGISTRATION 94612
AIR NEW SOURCE PERMITS REGISTRATION 94564
AIR NEW SOURCE PERMITS REGISTRATION 94562
AIR NEW SOURCE PERMITS REGISTRATION 94797
AIR NEW SOURCE PERMITS REGISTRATION 95642
AIR NEW SOURCE PERMITS REGISTRATION 95993
AIR NEW SOURCE PERMITS REGISTRATION 95866
AIR NEW SOURCE PERMITS REGISTRATION 98418
AIR NEW SOURCE PERMITS REGISTRATION 99039
AIR NEW SOURCE PERMITS REGISTRATION 96587
AIR NEW SOURCE PERMITS REGISTRATION 100731
AIR NEW SOURCE PERMITS REGISTRATION 102792
AIR NEW SOURCE PERMITS REGISTRATION 98893
AIR NEW SOURCE PERMITS REGISTRATION 99038
AIR NEW SOURCE PERMITS REGISTRATION 100673
AIR NEW SOURCE PERMITS REGISTRATION 99913
AIR NEW SOURCE PERMITS REGISTRATION 96630
AIR NEW SOURCE PERMITS REGISTRATION 100527
AIR NEW SOURCE PERMITS REGISTRATION 102188
AIR NEW SOURCE PERMITS REGISTRATION 103591
AIR NEW SOURCE PERMITS REGISTRATION 103059
AIR NEW SOURCE PERMITS REGISTRATION 106444
WASTEWATER PERMIT WQ0003426000
AIR OPERATING PERMITS PERMIT 1999
AIR OPERATING PERMITS PERMIT 1871
AIR OPERATING PERMITS ACCOUNT NUMBER JE00671
AIR OPERATING PERMITS PERMIT 1998
AIR OPERATING PERMITS PERMIT 2036
AIR OPERATING PERMITS PERMIT 2040
AIR OPERATING PERMITS PERMIT 2042
AIR OPERATING PERMITS PERMIT 2044
AIR OPERATING PERMITS PERMIT 2046
AIR OPERATING PERMITS PERMIT 2048
AIR OPERATING PERMITS ACCOUNT NUMBER JE00671
AIR OPERATING PERMITS PERMIT 1870
AIR OPERATING PERMITS PERMIT 1998

AIR NEW SOURCE PERMITS REGISTRATION 87500
AIR NEW SOURCE PERMITS REGISTRATION 92224
AIR NEW SOURCE PERMITS REGISTRATION 92943
AIR NEW SOURCE PERMITS REGISTRATION 92851
AIR NEW SOURCE PERMITS REGISTRATION 86449
AIR NEW SOURCE PERMITS REGISTRATION 93188
AIR NEW SOURCE PERMITS REGISTRATION 92299
AIR NEW SOURCE PERMITS REGISTRATION 92539
AIR NEW SOURCE PERMITS REGISTRATION 93199
AIR NEW SOURCE PERMITS REGISTRATION 91602
AIR NEW SOURCE PERMITS REGISTRATION 93179
AIR NEW SOURCE PERMITS REGISTRATION 93721
AIR NEW SOURCE PERMITS REGISTRATION 94048
AIR NEW SOURCE PERMITS REGISTRATION 93623
AIR NEW SOURCE PERMITS REGISTRATION 93474
AIR NEW SOURCE PERMITS REGISTRATION 93578
AIR NEW SOURCE PERMITS REGISTRATION 94027
AIR NEW SOURCE PERMITS REGISTRATION 93762
AIR NEW SOURCE PERMITS REGISTRATION 93570
AIR NEW SOURCE PERMITS REGISTRATION 93478
AIR NEW SOURCE PERMITS REGISTRATION 94294
AIR NEW SOURCE PERMITS REGISTRATION 94268
AIR NEW SOURCE PERMITS REGISTRATION 94354
AIR NEW SOURCE PERMITS REGISTRATION 94804
AIR NEW SOURCE PERMITS REGISTRATION 94425
AIR NEW SOURCE PERMITS REGISTRATION 94341
AIR NEW SOURCE PERMITS REGISTRATION 94731
AIR NEW SOURCE PERMITS REGISTRATION 95575
AIR NEW SOURCE PERMITS REGISTRATION 95832
AIR NEW SOURCE PERMITS REGISTRATION 96019
AIR NEW SOURCE PERMITS REGISTRATION 95647
AIR NEW SOURCE PERMITS REGISTRATION 97520
AIR NEW SOURCE PERMITS REGISTRATION 98792
AIR NEW SOURCE PERMITS REGISTRATION 97110
AIR NEW SOURCE PERMITS REGISTRATION 99410
AIR NEW SOURCE PERMITS REGISTRATION 100219
AIR NEW SOURCE PERMITS REGISTRATION 99652
AIR NEW SOURCE PERMITS REGISTRATION 101372
AIR NEW SOURCE PERMITS REGISTRATION 97833
AIR NEW SOURCE PERMITS REGISTRATION 100526
AIR NEW SOURCE PERMITS REGISTRATION 98064
AIR NEW SOURCE PERMITS REGISTRATION 98524
AIR NEW SOURCE PERMITS REGISTRATION 103755
AIR NEW SOURCE PERMITS REGISTRATION 101878
AIR NEW SOURCE PERMITS REGISTRATION 102332
AIR NEW SOURCE PERMITS REGISTRATION 105875
WASTEWATER EPA ID TX0118737
AIR OPERATING PERMITS PERMIT 1356
AIR OPERATING PERMITS PERMIT 2037
AIR OPERATING PERMITS PERMIT 1870
AIR OPERATING PERMITS PERMIT 2000
AIR OPERATING PERMITS PERMIT 2039
AIR OPERATING PERMITS PERMIT 2041
AIR OPERATING PERMITS PERMIT 2043
AIR OPERATING PERMITS PERMIT 2045
AIR OPERATING PERMITS PERMIT 2047
AIR OPERATING PERMITS PERMIT 2049
AIR OPERATING PERMITS PERMIT 1356
AIR OPERATING PERMITS PERMIT 1871
AIR OPERATING PERMITS PERMIT 1999

AIR OPERATING PERMITS PERMIT 2000
AIR OPERATING PERMITS PERMIT 2037
AIR OPERATING PERMITS PERMIT 2040
AIR OPERATING PERMITS PERMIT 2042
AIR OPERATING PERMITS PERMIT 2044
AIR OPERATING PERMITS PERMIT 2047
AIR OPERATING PERMITS PERMIT 2049

AIR OPERATING PERMITS PERMIT 2036
AIR OPERATING PERMITS PERMIT 2039
AIR OPERATING PERMITS PERMIT 2041
AIR OPERATING PERMITS PERMIT 2043
AIR OPERATING PERMITS PERMIT 2046
AIR OPERATING PERMITS PERMIT 2048
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION
12825
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION #
(SWR) 30587
POLLUTION PREVENTION PLANNING ID NUMBER P00441

STORMWATER PERMIT TXR05K942

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0067I

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: December 10, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 07, 2007 to November 07, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Amancio R. Gutierrez

Phone: (512) 239-3921

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 11/19/2007 ADMINORDER 2005-1906-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to comply with an emissions limitation.

- 2 Effective Date: 01/12/2008 ADMINORDER 2007-0729-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Self-reporting Requirements PERMIT
Description: Failure to submit monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

- 3 Effective Date: 02/18/2008 ADMINORDER 2007-0812-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC 1 PERMIT
Description: Failed to comply with permitted emission limits. Specifically, vacuum tower off gas was rerouted to the B-2 and B-3 vacuum heaters for combustion due to the shutdown of a transfer piping line from April 11 through May 16, 2007, resulting in a total emissions release of 219,430 pounds of sulfur dioxide ("SO2") over a period of 839 hours and 43 minutes, or approximately 261 pounds per hour. The permitted hourly limit for SO2 is 2.48 pounds per hour.

Published Compliance History Report for CN600920748, RN102450756, Rating Year 2012 which includes Compliance History (CH) components from November 07, 2007, through November 07, 2012.

- 4 Effective Date: 05/22/2008 ADMINORDER 2007-1658-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter M 116.1520(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to submit a completed Best Available Retrofit Technology ("BART") analysis by April 30, 2007.
- 5 Effective Date: 06/05/2008 ADMINORDER 2007-1547-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 49138 PERMIT
Description: Failed to maintain the annual 12 month rolling average limit for Volatile Organic Compound ("VOC") emissions for the CHD-1 flare, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 49138 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted April 27, 2007. Specifically, the CHD-1 flare exceeded its permitted limit of 17.98 tons per year ("tpy") during January 2006 and February 2006 with rolling averages o
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: NSR Permit 49138 PERMIT
Description: Failed to maintain the annual 12 month rolling average limit for VOC emissions for the Low Pressure ("LP") flare, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 49138 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted April 27, 2007. Specifically, the LP flare exceeded the permitted limit of 13.13 tpy in March 2006 with a rolling average of 37.85 tpy.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 49138 PERMIT
Description: Failed to maintain the annual 12 month rolling average limit for VOC emissions for the High Pressure ("HP") flare. Specifically, the HP flare exceeded the permitted limit of 15.1 tpy in March 2006 with a rolling average of 17.7 tpy.
- 6 Effective Date: 06/19/2008 ADMINORDER 2007-1606-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent a nuisance condition.
- 7 Effective Date: 02/08/2009 ADMINORDER 2008-0821-AIR-E (1660 Order-Agreed Order With Denial)
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: 49151 PERMIT
O-02041 OP
Description: Failure to limit emissions from Crude Unit A to the authorized limit found in Permit 49151.
- 8 Effective Date: 03/12/2009 ADMINORDER 2008-1230-AIR-E (1660 Order-Agreed Order With Denial)
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: 19566/PSD-TX-768M1 and PSD-TX-932 PERMIT
O-02048 OP
Description: Failure to maintain an emission rate below the allowable emission limits.
- 9 Effective Date: 08/23/2009 ADMINORDER 2008-0153-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 19566/PSD-TX-768M1/PSD-TX-49 PERMIT

46534 PERMIT

Description: Failed to prevent unauthorized emissions from the Coker Flare (EPN 60FLR_004) and the Fluid Catalytic Cracking Unit Scrubber (EPN 06STK_00) during an emissions event that began on January 12, 2007 and lasted 31 hours, releasing 45.55 tons of SO2, 3,490 lbs of VOC, 307 lbs of NOx, 990 lbs of H2S, and 2,219 lbs of CO from the Coker Flare and 26.29 tons of CO from the Fluid Catalytic Cracking Unit Scrubber.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 19566/PSD-TX-768M1/PSD-TX-49 PERMIT

Description: Failed to prevent unauthorized emissions from the Coker Flare (EPN 60FLR_004) during an emissions event that began on May 6, 2007 and lasted 34 hours and 15 minutes, releasing 83.127 tons of SO2, 7,873 lbs of VOC, 906 lbs of NOx, 1,806 lbs of H2S, and 6,544 lbs of CO.

Classification: Moderate

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

Rqmt Prov: 49146 PERMIT

Description: Failed to prevent unauthorized emissions from the Effluent Water Treatment System (EPN 47FUG_001) and Tank 594 (EPN 49 TIF_0594) during an emissions event that began on April 27, 2007 and lasted 27 hours and 30 minutes, releasing 48.4 lbs of benzene, a VOC, from the Effluent Water Treatment System and 633.66 lbs of VOC were released from Tank 594.

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 D 382.085(b)

Rqmt Prov: 19566 PERMIT
O-01871 OP

Description: Failed to prevent unauthorized emissions from the Coker Flare, EPN 60FLR_004, in the Coker Unit during an emissions event (Incident No. 95371) that occurred on August 2, 2007 and lasted three thours and 50 minutes, releasing 13,796.40 lbs of SO2, 419.20 lbs of CO, 149.90 lbs of H2S, 57.70 lbs of NOx, and 644 lbs of VOC.

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 D 382.085(b)

Rqmt Prov: 19566 PERMIT
O-01871 OP

Description: Failed to prevent unauthorized emissions from the Coker Flare, EPN 60FLR_004, in the Coker Unit during an emissions event (Incident No. 95960) that occurred on August 14, 2007 and lasted 12 hours and 41 minutes, releasing 33,632.20 lbs of SO2, 1,062.60 lbs of CO, 365.50 lbs of H2S, 147.10 lbs of NOx, and 1,548.35 lbs of VOC.

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: 19566 PERMIT
O-01871 OP

Description: Failed to prevent unauthorized emissions from the Coker Flare, EPN 60FLR_004, during an emissions event that began on September 18, 2007 and lasted for 72 hours and 34 minutes, releasing 79,666 lbs of SO2, 3,750 lbs of VOC, 2,438 lbs of CO, and 865 lbs of H2S.

10 Effective Date: 10/04/2009 ADMINORDER 2009-0568-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 19566/PSD-TX-768M1 and PSD-TX-932 PERMIT
O-02039 OP

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

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: 49138 PERMIT
O-01870 OP

Description: Failure to limit emissions from the CHD-1 Flare to the authorized limit found in Permit 49138.

11 Effective Date: 10/18/2009 ADMINORDER 2009-0153-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(9)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly report on a September 28, 2003 shut down requiring two reports and seven other reports on emissions events beginning on September 4, 2003 through December 22, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions during an emissions event in the Gas Plant 5 East (GP5E) Unit Debutanizer Tower that began on October 8, 2003 and lasted 2 hours 51 minutes, releasing 162,511.4 lbs of butane, 165,029.5 lbs of n-isobutane, and 89.62 lbs of NOx. Since the emissions event was not properly reported, ExxonMobil failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions during an emissions event in the Catalyst HydroDesulfurization - 1 Flare that began on September 23, 2003 and lasted 2 hours 23 minutes, releasing 1,113,30 lbs of H2S. Since this emissions event was not properly reported, ExxonMobil failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Minor

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

Description: Failed to properly report within 24 hrs of an emissions event at the FCC Unit discovered on 11/11/2003 at 19:10, but not reported to the TCEQ until 11/14/2003 at 21:01; and an emissions event at the FGR Unit discovered on 02/11/2004 at 09:10, but not reported until 02/12/2004 at 14:24. ExxonMobil also failed to submit a copy of the final report to the TCEQ no later than within two weeks after the end of the emissions event at the FCC Unit which ended on 11/11/2003 at 13:27.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18425 PERMIT

Description: Failed to prevent unauthorized emissions from the FGR Unit that began on February 11, 2004 at 09:10 hours and lasted till 16:40 hours (7 hours 30 minutes) releasing 28.18 lbs of H2S. Since the emissions event was avoidable, ExxonMobil failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.3(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions during an emissions event at the Sulfur Plant 3 that began on March 9, 2004 and lasted 1 hour and 23 minutes, releasing 50.00 lbs of CO, 516.47 lbs of H2S, 6.95 lbs of NOx, 49,374.20 lbs of SO2, and 19.98 lbs of VOC. In addition, results from a TCEQ air dispersion modeling audit showed the maximum predicted SO2 ground level concentration was 0.61 ppmv during the emissions event; therefore the 30-minute average SO2 net ground level concentration standard

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-02044 OP

Permit 46534/PSD-TX-992 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, ExxonMobil released 171,709.43 lbs of unauthorized carbon monoxide and 1,551.28 lbs of unauthorized ammonia from the Carbon Monoxide Boiler Unit during an avoidable emissions event that began May 10, 2008 and lasted seven hours and 18 minutes. The root cause of the event was the boiler water feed level dropping below a safe level, causing the unit to automatically shut down. Since this emissions event could have been avoided by better oper

12 Effective Date: 06/04/2010 ADMINORDER 2009-1194-IWD-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Classification: Moderate

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

Rqmt Prov: 24-hour Acute Biomonitoring Requirements PERMIT

Description: Failure to timely submit effluent monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

13 Effective Date: 10/15/2010 ADMINORDER 2010-0586-AIR-E (Findings Order-Agreed Order Without Denial)

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: FOP O-02048, General Terms and Condition OP

FOP O-02048, Special Condition 11 OP

NSR Permit 19566, Special Condition 1 PERMIT

Description: Failure to maintain emission rates below the allowable emission limits.

14 Effective Date: 11/15/2010 ADMINORDER 2010-0258-AIR-E (1660 Order-Agreed Order With Denial)

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: FOP O-01998 General Terms and Conditions OP

FOP O-01998 Special Condition 15 OP

NSR Permit 19566, Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the allowable limit for CO from the Crude B Vacuum Heater [Emission Point Number ("EPN") 05STK_002], and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the permitted rolling CO emission limit of 8.20 tpy during the January 1, 2007 through December 31, 2007 period by 15.26 tpy and during the January 1, 2008 through December 31, 2008 period by 12.92 tpy.

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: FOP O-02041, General Terms and Condition OP

FOP O-02041, Special Condition 13 OP

NSR Permit 49151, Special Condition 1 PERMIT

Description: Failed to maintain emission rates below the allowable limits for CO and sulfur dioxide ("SO2") from the Atmospheric Heater B1-A (EPN 36STK_002). Specifically, the Respondent exceeded the permitted CO emission limit of 18.72 lbs/hr on February 29, 2008, May 13, 2008, May 16, 2008, and June 11, 2008 with a total exceedance of 68.02 lbs. In addition, the permitted SO2 emission limit of 6.60 lbs/hr was exceeded on February 2, 2008, February 3, 2008, and March 2, 2008 with a total exceedance of 5.80 lbs.

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: FOP O-02041, General Terms and Condition OP

FOP O-02041, Special Condition 13 OP

NSR Permit 49151, Special Condition 1 PERMIT

Description: Failed to maintain emission rates below the allowable limits for CO and SO2 from the Atmospheric Heater B1-B (EPN 36STK_004). Specifically, the Respondent exceeded the permitted CO emission limit of 18.72 lbs/hr on August 10, 2008 and January 18, 2009 with a total exceedance of 10.46 lbs. In addition, the permitted SO2 emission limit of 6.60 lbs/hr was exceeded on February 2, 2008 and February 3, 2008 with a total exceedance of 10.50 lbs.

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: FOP O-02041, General Terms and Condition OP

FOP O-02041, Special Condition 13 OP

NSR Permit 49151, Special Condition 1 PERMIT

Description: Failed to maintain emission rates below the allowable limits for SO₂ from the Vacuum Heater B-2 (EPN 36STK_006). Specifically, the Respondent exceeded the permitted SO₂ emission limit of 2.48 lbs/hr on February 2, 2008, February 3, 2008, and March 2, 2008 with a total exceedance of 6.36 lbs.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-02045 General Terms and Conditions OP

FOP O-02045 Special Condition No. 13 OP

NSR Permit 49145, Special Condition 1 PERMIT

Description: Failed to comply with permitted emission limits. Specifically, during an emissions event (Incident No. 129619) that began on September 18, 2009, the Respondent failed to prevent a back-flow between the No. 1 Deethanizer Tower and No. 2 Deethanizer Tower, causing the unauthorized release of 7,957.50 lbs of propane, 21.20 lbs of ethylene, 63.50 lbs of propylene, 2,105 lbs of isobutane, 1,535.50 lbs of butane, 42.3 lbs of butene, 217.80 lbs of pentane, and 490.20 lbs of isopentane from the No. 1 De

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)

Rqmt Prov: General Terms and Conditions OP

NSR 49151 SC 1 OP

Special Terms and Conditions No. 13 OP

Description: Failed to maintain emission rates below the allowable limits for SO₂ from the Vacuum Heater B-3 (EPN 36STK_007), as documented during an investigation conducted on November 20, 2009. Specifically, the Respondent exceeded the permitted SO₂ emission limit of 2.48 lbs/hr on February 2, 2008 and March 2, 2008 with a total exceedance of 2.34 lbs.

15 Effective Date: 03/19/2011 ADMINORDER 2010-1114-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-02036 General Terms and Conditions OP

FOP O-02036, Special Condition 2F OP

Description: Failed to report an emissions event within 24 hours after the discovery. RE had an emissions event on January 9, 2010 that was not reported until January 11, 2010.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(1)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR PERMIT 49138, Special Condition 13 PERMIT

NSR Permit 49138, Special Condition 16 PERMIT

NSR Permit 49138, Special Condition 17 PERMIT

NSR Permit 49138, Special Condition 18 PERMIT

Spec. Cond. 13, 16, 17, 18 PERMIT

Description: Failed to maintain emission levels below 1.0 lb of PM per 1,000 lbs of coke burned.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-02036, General Terms and Condition OP

FOP O-02036, Special Condition 11 OP

NSR Permit 49138, Special Condition 1 PERMIT

Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

16 Effective Date: 10/02/2011 ADMINORDER 2011-0374-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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: PSD-TX-768M1 PERMIT
PSD-TX-932 PERMIT
Special Condition 1 PERMIT
Special Condition 14 OP

Description: Failure to maintain emission rates below the allowable emission limits. EIC A8(c)(2)(A)(ii) MOD 2D

17 Effective Date: 10/27/2012 ADMINORDER 2012-0384-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 11 OP
Special Condition 13 OP
Special Condition 7 OP

Description: Failed to prevent unauthorized emissions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	November 19, 2007	(631303)
Item 2	November 20, 2007	(595467)
Item 3	December 13, 2007	(631304)
Item 4	December 28, 2007	(610948)
Item 5	January 17, 2008	(613632)
Item 6	February 25, 2008	(677292)
Item 7	February 29, 2008	(614701)
Item 8	March 03, 2008	(613306)
Item 9	March 06, 2008	(614501)
Item 10	March 14, 2008	(639150)
Item 11	March 20, 2008	(695967)
Item 12	April 21, 2008	(695968)
Item 13	April 22, 2008	(640288)
Item 14	April 25, 2008	(653577)
Item 15	May 20, 2008	(695969)
Item 16	June 06, 2008	(682314)
Item 17	June 17, 2008	(683447)
Item 18	June 18, 2008	(670745)
Item 19	June 19, 2008	(671251)
Item 20	June 24, 2008	(717575)
Item 21	July 10, 2008	(685796)
Item 22	August 02, 2008	(684254)
Item 23	August 25, 2008	(685007)
Item 24	August 27, 2008	(700540)
Item 25	September 30, 2008	(732905)
Item 26	February 05, 2009	(721835)
Item 27	March 03, 2009	(736939)
Item 28	March 06, 2009	(773109)
Item 29	March 27, 2009	(739156)
Item 30	April 06, 2009	(741350)

Item 31	April 16, 2009	(773110)
Item 32	May 14, 2009	(744739)
Item 33	May 18, 2009	(773112)
Item 34	May 22, 2009	(773111)
Item 35	July 16, 2009	(747896)
Item 36	July 22, 2009	(819506)
Item 37	July 23, 2009	(759123)
Item 38	August 20, 2009	(819507)
Item 39	August 28, 2009	(760750)
Item 40	August 31, 2009	(765941)
Item 41	September 03, 2009	(766203)
Item 42	September 08, 2009	(819508)
Item 43	September 28, 2009	(777659)
Item 44	October 01, 2009	(764862)
Item 45	October 23, 2009	(780020)
Item 46	October 29, 2009	(777718)
Item 47	November 03, 2009	(780848)
Item 48	November 11, 2009	(778662)
Item 49	December 22, 2009	(819511)
Item 50	December 23, 2009	(782616)
Item 51	February 19, 2010	(819504)
Item 52	February 24, 2010	(789976)
Item 53	March 22, 2010	(792703)
Item 54	April 14, 2010	(836078)
Item 55	April 26, 2010	(796278)
Item 56	May 07, 2010	(800781)
Item 57	May 19, 2010	(800571)
Item 58	May 20, 2010	(836079)
Item 59	May 26, 2010	(798629)
Item 60	June 21, 2010	(847869)
Item 61	June 22, 2010	(824891)
Item 62	July 12, 2010	(862277)
Item 63	August 15, 2010	(843986)
Item 64	August 17, 2010	(868889)
Item 65	August 18, 2010	(868888)
Item 66	September 02, 2010	(875747)
Item 67	October 12, 2010	(883318)
Item 68	October 18, 2010	(842428)
Item 69	October 29, 2010	(872164)
Item 70	November 10, 2010	(873621)
Item 71	November 12, 2010	(889719)
Item 72	November 15, 2010	(872170)
Item 73	December 15, 2010	(898089)
Item 74	December 31, 2010	(903989)
Item 75	January 03, 2011	(886717)
Item 76	February 12, 2011	(894965)
Item 77	February 22, 2011	(910870)
Item 78	February 28, 2011	(887885)
Item 79	March 06, 2011	(918136)
Item 80	March 17, 2011	(893018)
Item 81	March 31, 2011	(939845)
Item 82	April 07, 2011	(930462)
Item 83	April 15, 2011	(907888)
Item 84	April 18, 2011	(912915)
Item 85	April 26, 2011	(907669)
Item 86	April 27, 2011	(907221)
Item 87	June 10, 2011	(912391)
Item 88	June 13, 2011	(880219)
Item 89	June 28, 2011	(933481)
Item 90	June 30, 2011	(947258)

Item 91	July 19, 2011	(954516)
Item 92	August 05, 2011	(944985)
Item 93	August 11, 2011	(944157)
Item 94	August 15, 2011	(961099)
Item 95	August 16, 2011	(936712)
Item 96	August 28, 2011	(948634)
Item 97	September 08, 2011	(967185)
Item 98	October 07, 2011	(957505)
Item 99	October 12, 2011	(958107)
Item 100	October 13, 2011	(973154)
Item 101	November 28, 2011	(979292)
Item 102	November 30, 2011	(969907)
Item 103	December 09, 2011	(970433)
Item 104	January 13, 2012	(992486)
Item 105	January 17, 2012	(986122)
Item 106	January 20, 2012	(975676)
Item 107	January 25, 2012	(982065)
Item 108	February 13, 2012	(999793)
Item 109	February 17, 2012	(976135)
Item 110	February 20, 2012	(982393)
Item 111	February 29, 2012	(988041)
Item 112	March 09, 2012	(990394)
Item 113	March 12, 2012	(1005336)
Item 114	March 16, 2012	(981556)
Item 115	March 19, 2012	(994229)
Item 116	March 23, 2012	(989958)
Item 117	April 16, 2012	(997030)
Item 118	April 26, 2012	(1011911)
Item 119	May 14, 2012	(1018279)
Item 120	May 24, 2012	(1002874)
Item 121	May 25, 2012	(1007314)
Item 122	June 09, 2012	(1003331)
Item 123	June 14, 2012	(1026004)
Item 124	July 16, 2012	(1015552)
Item 125	July 19, 2012	(1033363)
Item 126	August 22, 2012	(1039886)
Item 127	September 17, 2012	(1048834)
Item 128	September 26, 2012	(1030855)
Item 129	September 28, 2012	(1035478)
Item 130	October 13, 2012	(1028273)
Item 131	October 29, 2012	(1030544)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	12/16/2011	(970134)		
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 5C THSC Chapter 382 382.085(b) General terms and Conditions OP			
	Description:	Failure to submit semi-annual deviation reports for Federal Operating Permit (FOP)-O-02043; FOP-O-02044; FOP-O-02046; and, FOP-O-02047; for period of August 1, 2010, through January 31, 2011, in a timely manner.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 115, SubChapter D 115.354(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart VV 60.482-6 5C THSC Chapter 382 382.085(b) Special Condition 14 OP Special Condition 59(F) PERMIT			
	Description:	Failure to conduct fugitive monitoring on 44 valves in the Hydrocracker (HDC)			

Unit during the 2nd and 3rd quarters of 2010.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 1 OP

Description: Failure to monitor valves within 30 days of installation.

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 J 60.104(a)
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP
Special Condition 14 OP
Special Condition 9(B) PERMIT

Description: Failure to maintain refinery fuel gas to no more than 162 ppmv of H2S as permitted by Special Condition 9(B) of Permit 49138.

Self Report? NO Classification: Moderate

Citation: Special Condition 20 PERMIT
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 11 OP

Description: Failure to maintain the wet gas scrubber liquid to gas ratio above 87.7 gallons per standard cubic feet (gal/kscf) as required to be maintained per the last stack test.

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)
40 CFR Part 60, Subpart VV 60.482-6
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP
Special Condition 59(E) PERMIT

Description: Failure to equip open-ended lines with an appropriate sized cap, blind flange, plug, or a second valve to seal the line.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 3 PERMIT
Special Condition 11 OP

Description: Failure to submit notification within 15 days of start of construction for the FCCU light slop to main column project.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 1 OP

Description: Failure to conduct daily high span calibrations for approximately 40 days on the Continuous Emissions Monitoring System (CEMS) on Isom Pretreater Charge Heater (Unit ID: 25HTR#001).

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 1 PERMIT
Special Condition 14 OP

Description: Failure to maintain NOx emissions at 11.76 pounds per hour (lbs/hr) as permitted by SC 1 of Permit 49138.

Self Report? NO Classification: Moderate

Citation: Special Condition 16 PERMIT
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 11 OP

Description: Failure to maintain CO emissions at 500 ppmvd as permitted by SC 16 of Permit 49138.

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)

30 TAC Chapter 122, SubChapter B 122.146(1)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to report deviations in a timely manner and accurately certify the Permit Compliance Certification.

2 Date: 02/21/2012 (982076) CN600920748
 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 13 OP
 Special Condition 41(A) PERMIT
 Description: Failure to control visible emissions from the Sulfur Plant 3 Sulfur pit.
 Self Report? NO Classification: Moderate
 Citation: Special Condition 36(B) PERMIT
 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 J 60.104(a)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 13 of FOP-O-01870 stat OP
 Description: Failure to maintain Sulfur dioxide (SO2) emissions below the permitted limit.
 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 13 OP
 Special Condition 39 PERMIT
 Description: Failure to operate SRU thermal oxidizer as permitted be Special Condition 39 of Permit 49138.
 Self Report? NO Classification: Moderate
 Citation: Special Condition 66(A) PERMIT
 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 13 OP
 Special Condition 14 OP
 Description: Failure to conduct weekly carbon canister monitoring on the CAS.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1(A) OP
 Description: Failure to monitor 3 valves within 30 days of installation.
 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)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to report deviations in a timely manner and accurately certify the Permit Compliance Certification.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Condition 3 PERMIT
 Special Condition 14 OP
 Description: Failure to submit notification prior to the startup of the CHD-1 Kerosene Product Cooling project.
 Self Report? NO Classification: Moderate
 Citation: General Condition 3 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 14 OP
 Description: Failure to submit notification within 15 days after the end of construction of the CHD-1 Kerosene Product Cooling project.
 Self Report? NO Classification: Moderate

Citation: Special Condition 75(A) PERMIT
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 14 OP

Description: Failure to notify TCEQ at least 45 days prior to conducting stack testing on CHD 2 B-1 and B-2 heaters.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(g)
5C THSC Chapter 382 382.085(b)
Special Condition 1(A) OP

Description: Failure to repair holes discovered on the roof of Tank 4029 within 15 days of discovery.

Self Report? NO Classification: Moderate

Citation: Special Condition 9(B) PERMIT
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 J 60.104(a)
5C THSC Chapter 382 382.085(b)
Special Condition 12 OP
Special Condition 13 OP

Description: Failure to comply with the H2S emissions limit of 162 ppm, as specified in Special Condition 9(B) of Permit 49138.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
General terms and Conditions OP

Description: Failure to conduct daily high span calibrations for approximately 40 days on the Continuous Emissions Monitoring System (CEMS) on the south fuel gas drum.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General terms and Conditions OP

Description: Failure to submit 30 TAC 106.261 registration for piping modifications and lube tank throughput increases by March 31, 2010.

Self Report? NO Classification: Moderate

Citation: Special Condition 1 PERMIT
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 12 OP

Description: Failure to comply with the Nitrogen oxides emissions limits as specified in the MAERT of Permit 49138.

3 Date: 03/01/2012 (987884) CN600920748

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT K 60.113(b)
5C THSC Chapter 382 382.085(b)
Special Condition 53(D) PERMIT

Description: Failure to submit tank seal gap measurement notification 30 days prior to testing.

4 Date: 05/30/2012 (1003343) CN600920748

Self Report? NO Classification: Moderate

Citation: Special Condition 1 PERMIT
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 15 OP

Description: Failure to maintain Nitrogen oxides (NOx) emissions within permitted limits as specified in the Maximum Allowable Emissions Rate Table (MAERT) of Permit 49138.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP

Description: Failure to collect monthly benzene samples from the North Benzene Recovery Unit

(NBRU) for the monthly of June and July 2011.

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 J 60.104(a)
5C THSC Chapter 382 382.085(b)
Special Condition 13 OP
Special Condition 15 OP
Special Condition 16 OP
Special Condition 9(B) PERMIT

Description: Failure to maintain refinery fuel gas to no more than 162 ppmv of H2S as permitted by Special Condition 9(B) of Permit 49138.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
Special Condition 13 OP

Description: Failure to submit notification within 10 days of installation of a new vent.

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)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report deviations in a timely manner and accurately certify the Permit Compliance Certification.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 1 OP

Description: Failure to conduct daily high span calibrations for approximately 40 days on the Continuous Emissions Monitoring System (CEMS) on Heaters Unit IDs: 36HTR#'s 002; 004; 006; and 007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 3 PERMIT
Special Condition 13 OP
Special Condition 16 OP

Description: Failure to submit notification within 15 days of start and end of construction.

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 12 OP
Special Condition 66(A) PERMIT

Description: Failure to conduct weekly carbon canister monitoring on the CAS.

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 11 OP
Special Condition 59(c) PERMIT

Description: Failure to have a buried flange welded.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP

Description: Failure to monitor valves within 30 days of installation.

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 11 OP
Special Condition 82(A) PERMIT

Description: Failure to continuously drain liquid level in tank 1351 during change of service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP

Description: Failure to maintain tank vapor pressure below 11 pounds per square inch (psia) in Tank 1000.

Self Report? NO Classification: Moderate

Citation: Special Condition 53(H)(2) PERMIT
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 12 OP

Description: Failure to maintain gauge pole float on the liquid on tank 2239.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.698(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP

Description: Failure to include the exception and corresponding corrective actions in the 40 CFR Part 60 subpart QQQ semi-annual report.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 4 PERMIT
Special Condition 16 OP

Description: Failure to submit notification prior to the startup of the PTR3 naptha and Heavy duty crude heavy naptha to blending project.

5 Date: 08/07/2012 (1019333) CN600920748
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 Part 60, Subpart A 60.18
40 CFR Part 63, Subpart A 63.11
5C THSC Chapter 382 382.085(b)
Special Condition 15(A) PERMIT
Special Condition 7 OP

Description: Failure to maintain the net heating value of the flare at 300 British thermal units per Standard Cubic Feet (Btu/Scf).

Self Report? NO Classification: Moderate

Citation: Special Condition 15(C) PERMIT
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
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 A 60.18(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
Special Condition 7 OP

Description: Failure to have a smokeless flare.

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 J 60.104(a)
5C THSC Chapter 382 382.085(b)
Special Condition 15(H) PERMIT
Special Condition 7 OP

Description: Failure to maintain Hydrogen sulfide (H2S) emissions below 230 milligrams per dry standard cubic meters (mg/dscm) or, 0.10 grains per dry standard cubic feet (gr/dscf).

Self Report? NO Classification: Moderate

Citation: Special Condition 15(B) PERMIT
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 A 60.18(e)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(3)
5C THSC Chapter 382 382.085(b)
Special Condition 7 OP

Description: Failure to have a pilot flame on Number 5 flare.

Self Report? NO Classification: Moderate

Citation: Special Condition 66(A) PERMIT
 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 15 OP

Description: Failure to conduct weekly carbon canister monitoring on the CAS.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
 5C THSC Chapter 382 382.085(b)
 General terms and Conditions OP

Description: Failure to conduct daily high span calibrations for approximately 40 days on the Continuous Emissions Monitoring System (CEMS) on the south fuel gas drum.

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 J 60.104(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 OP
 Special Condition 15 OP
 Special Condition 9(B) PERMIT

Description: Failure to comply with the H2S emissions limit of 162 ppm, as specified in Special Condition 9(B) of Permit 49138.

Self Report? NO Classification: Moderate

Citation: Special Condition 29 PERMIT
 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 11 OP

Description: Failure to comply with the NOx and NH3 emissions limits as specified in Special Condition 29 of Permit 49138.

6 Date: 09/05/2012 (1023355) CN600920748
 Self Report? NO Classification: Moderate

Citation: OpR 11(a) PERMIT
 OpR 11(b) PERMIT

Description: Failure by ExxonMobil Oil Corporation to handle industrial wastewater in accordance with 30 TAC Chapter 335.

7 Date: 10/12/2012 (1035797) CN600920748
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 OP
 Special Condition 12 OP
 Special Condition 13 PERMIT
 Special Condition 14 OP
 Special Condition 47 PERMIT
 Special Condition 9(B) PERMIT

Description: Failure to comply with the H2S emissions limit of 162 ppm, as specified in Special Condition 9(B) of Permit 49138.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

Description: Failure to report the late submittal of the semi-annual deviation report for FOP- O-02042 for the period of August 1, 2010, through January 31, 2011, in a timely manner and failure to accurately certify the Annual Compliance Certification (ACC) for the period of August 1, 2010 through July 31, 2011.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 OP

Special Condition 14 OP
Special Condition 59(E) PERMIT
Description: Failure to plug an open-ended line.

F. Environmental audits:

Notice of Intent Date: 06/10/2008 (766059)

Disclosure Date: 06/15/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)

Description: Failure to include some Management of Changes in the appropriate annual registration for the years 2002-2006.

Notice of Intent Date: 07/06/2009 (762209)

Disclosure Date: 01/04/2010

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to obtain authorization for a portable diesel powered engine utilized to supplement Coker Unit Compressed Air Supply.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to obtain authorization for a portable diesel powered water pump utilized to transfer collected storm water from the old inlet canal following the landfall of Hurricane Ike.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to obtain authorization for a portable diesel powered water pump utilized to temporarily replace No. 1 Lift Station Electrical Pumps damaged during the landfall of Hurricane Ike.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to obtain authorization for a portable diesel powered water pump utilized to replace permanent pumps at the 55 Pump Station.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to obtain authorization for four portable air compressors used to provide compressed air to the Refinery's Instrument Air System.

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
EXXONMOBIL OIL CORPORATION	§	
RN102450756	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2012-2329-AIR-E

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 ("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 presented this agreement to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a petroleum refinery at 1795 Burt Street 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. During a record review conducted on July 25, 2012, TCEQ staff documented that the Respondent released 478.25 pounds ("lbs") of hydrogen sulfide, 688.23 lbs of nitrogen oxides, 44,049.89 lbs of sulfur dioxide, 345.86 lbs of ethylene, 5,017.03 lbs of carbon monoxide, 7,165.94 lbs of other volatile organic compounds, and 1,353.87 lbs of propylene from the FCC Flare, Emission Point No. 60FLR_008, during an avoidable emissions event (Incident No. 167178) that began on April 13, 2012 and lasted for 10 hours and 45 minutes. The event occurred when a delivery truck struck an electrical pole during loading/unloading procedures, causing a power interruption. This caused the High Pressure ("HP") Carrier and HP DeLaval compressors to shut down. As a result, high pressure vapors were routed to the FCC Flare when they could no longer be processed by the HP compressors. The TCEQ determined that the emissions event could have been avoided through better operational practices.
4. The Respondent received notice of the violations on October 31, 2012. ✓
5. The Executive Director recognizes that on May 29, 2012, the Respondent retrained personnel on loading/unloading procedures to prevent recurrence of emissions events due to same or similar causes as Incident No. 167178.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions No. 1. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Twenty-Five Thousand Dollars (\$25,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Twelve Thousand Five Hundred Dollars (\$12,500) of the administrative penalty. Twelve Thousand Five

Hundred Dollars (\$12,500) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Twenty-Five Thousand Dollars (\$25,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that 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. 2012-2329-AIR-E" to:

Financial Administration Division, Revenue Operations 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 II, Paragraph 4 above, Twelve Thousand Five Hundred Dollars (\$12,500) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Moran
For the Executive Director

4/9/13
Date

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

I understand that by entering into this Agreed Order, ExxonMobil Oil Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

Gerald S. Frey
Signature

January 27, 2013
Date

Gerald S Frey
Name (Printed or typed)
Authorized Representative of
ExxonMobil Oil Corporation

ExxonMobil Beaumont Refinery Mgr.
Title
Agent and Attorney-in-Fact

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

Attachment A
Docket Number: 2012-2329-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ExxonMobil Oil Corporation
Penalty Amount:	Twenty-Five Thousand Dollars (\$25,000)
SEP Offset Amount:	Twelve Thousand Five Hundred Dollars (\$12,500)
Type of SEP:	Contribution to Pre-Approved Third-Party Recipient
Third-Party Recipient:	Texas Air Research Center
Project Name:	<i>Flare Speciation and Air Quality Modeling</i>
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 Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas Air Research Center** for the *Flare Speciation and Air Quality Modeling* project. The contribution will be used in accordance with the SEP Agreement executed on October 30, 2009 between the Third-Party Recipient and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to employ advanced modeling techniques to identify speciated volatile organic compounds (“VOC”) emissions from the flaring operations of various chemical processes under various conditions, which will, in turn, provide a more accurate estimate of VOC emissions that include speciated VOC emissions. The Project will also identify the Combustion Efficiency (“CE”) and Destruction and Removal Efficiency (“DRE”) of flares under specific operating conditions and environmental conditions, which will enhance industrial expertise as to flare operation and provide TCEQ with a more accurate emissions inventory for flaring operations. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, as described in the SEP Agreement including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The SEP will utilize modeling and simulations to identify the VOC species generated and emitted at the flare under various operating conditions and environmental conditions, as well as determine the CE and DRE of the flares. This will allow better quantification of actual emissions from flaring operations. The information is expected to assist in identifying and developing strategies to reduce emissions from industrial sources.

c. Minimum Expenditure

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, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall make the check payable to **Texas Air Research Center at Lamar University SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Air Research Center at Lamar University
Attention: Dr. Thomas Ho, Interim Director
P.O. Box 10613
Beaumont, Texas 77710

3. Records and Reporting

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

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

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount as described in Section 2 above, and submittal of the required reporting as described in Sections 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

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

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of 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

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

7. Other SEPs by TCEQ or Other Agencies

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