

**Executive Summary – Enforcement Matter – Case No. 46493**  
**ExxonMobil Oil Corporation**  
**RN102450756**  
**Docket No. 2013-0587-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**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: Yes, Docket Nos. 2013-1906-AIR-E, 2013-1364-AIR-E, and 2013-0809-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 17, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$13,563

**Amount Deferred for Expedited Settlement:** \$2,712

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$5,426

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$5,425

Name of SEP: Southeast Texas Regional Planning Commission

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 46493**  
**ExxonMobil Oil Corporation**  
**RN102450756**  
**Docket No. 2013-0587-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** December 13, 2012

**Date(s) of NOE(s):** February 21, 2013

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 184,208.71 pounds ("lbs") of volatile organic compounds ("VOC"), 152,471.22 lbs of carbon monoxide ("CO"), and 29,622.98 lbs of nitrogen oxides ("NOx") from the Low Pressure Flare, Emission Point Number ("EPN") 60FLR\_005, and 2,942.25 lbs of VOC, 1,810.02 lbs of CO, and 247.71 lbs of NOx from the High Pressure Flare, EPN 60FLR\_003, during an avoidable emissions event (Incident No. 173638) that began on September 13, 2012 and lasted for 357 hours and 48 minutes. The event occurred due to the loss of the PTR4 Booster Compressor, which was caused by the over-heating of the motor pole crossover. Since the emissions event could have been avoided through better operational practices and was reported late, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDT992M1, Special Conditions No. 1 and Federal Operating Permit ("FOP") No. 01871, Special Terms and Conditions ("STC") No. 7].

2. Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery. Specifically, Incident No. 173638 was discovered on September 13, 2012 but was not reported until September 18, 2012 [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 01871, STC No. 2(F)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. On September 18, 2012, submitted the initial report for Incident No. 173638;
- b. By September 27, 2012, repaired and re-installed the motor pole to prevent recurrence of emissions events due to same or similar causes as Incident No. 173638; and;
- c. On October 12, 2012, conducted training to ensure that proper calculations are made when evaluating emissions events to determine permit limit exceedances and reportable quantity exceedances.

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**Technical Requirements:**

The Order will require the 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:** Jessica Schildwachter, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2617; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

**Respondents:** Stephanie Kinsey, Enforcement Coordinator, ExxonMobil Oil Corporation, 1795 Burt Street, Beaumont, Texas 77701

Gerald S. Frey, Refinery Manager, ExxonMobil Oil Corporation, 1795 Burt Street, Beaumont, Texas 77701

**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2013-0587-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>ExxonMobil Oil Corporation</b>
<b>Penalty Amount:</b>	<b>Ten Thousand Eight Hundred Fifty-One Dollars (\$10,851)</b>
<b>SEP Amount:</b>	<b>Five Thousand Four Hundred Twenty-Five Dollars (\$5,425)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission - Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

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

**1. Project Description**

a. Project

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

1. Beaumont Continuous Air Monitoring ("CAM") #2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640

ExxonMobil Oil Corporation  
Agreed Order - Attachment A

8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Administrator and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency ("EPA") guidelines.

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

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display ("LEADS") system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Administrator. The Third-Party Administrator may use contractors to perform the monitoring project, subject to special conditions concerning costs.

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

b. Environmental Benefit

Particulate matter, sulfides, nitrogen oxides, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-

ExxonMobil Oil Corporation  
Agreed Order - Attachment A

butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the TCEQ, industry, and the public at [http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site\\_info.pl](http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl).

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

c. Minimum Expenditure

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

**2. Performance Schedule**

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

Southeast Texas Regional Planning Commission  
Bob Dickinson, Director of Transportation & Environmental Resources  
Attention: SEP  
2210 Eastex Freeway  
Beaumont, Texas 77703

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in No. 3 above, the Executive Director may require immediate payment of all or part of the SEP

ExxonMobil Oil Corporation  
Agreed Order - Attachment A

amount.

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

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

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in No. 3 above.

**5. Publicity**

Any public statements concerning this SEP 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 identified in this Agreed Order has not been, and shall not be, included as an 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

<b>DATES</b>	<b>Assigned</b>	25-Feb-2013	<b>Screening</b>	20-Mar-2013	<b>EPA Due</b>	
	<b>PCW</b>	4-Oct-2013				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	46493	<b>No. of Violations</b>	2
<b>Docket No.</b>	2013-0587-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jessica Schildwachter
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$7,750</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	100.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$7,750</b>
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Notes: Enhancement for five NOV's with same/similar violations, seven orders with denial of liability, and five orders without denial of liability. Reduction for one Notice of Intent to conduct an audit and two Disclosures of Violations submitted.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$1,937</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$11  
 Approx. Cost of Compliance: \$4,250  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$13,563</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$13,563</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$13,563</b>
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	<b>-\$2,712</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$10,851</b>
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Screening Date 20-Mar-2013

Docket No. 2013-0587-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 3 (September 2011)

Case ID No. 46493

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

### 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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	7	140%
	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	5	125%
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> )	1	-1%
	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%

Please Enter Yes or No

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) 285%

>> 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/similar violations, seven orders with denial of liability, and five orders without denial of liability. Reduction for one Notice of Intent to conduct an audit and two Disclosures of Violations submitted.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 285%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

Screening Date 20-Mar-2013

Docket No. 2013-0587-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 3 (September 2011)

Case ID No. 46493

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions No. 1, and Federal Operating Permit ("FOP") No. O1871, Special Terms and Conditions ("STC") No. 7

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 184,208.71 pounds ("lbs") of volatile organic compounds ("VOC"), 152,471.22 lbs of carbon monoxide ("CO"), and 29,622.98 lbs of nitrogen oxides ("NOx") from the Low Pressure Flare, Emission Point Number ("EPN") 60FLR\_005, and 2,942.25 lbs of VOC, 1,810.02 lbs of CO, and 247.71 lbs of NOx from the High Pressure Flare, EPN 60FLR\_003, during an avoidable emissions event (Incident No. 173638) that began on September 13, 2012 and lasted for 357 hours and 48 minutes. The event occurred due to the loss of the PTR4 Booster Compressor, which was caused by the over-heating of the motor pole crossover. Since the emissions event could have been avoided through better operational practices and was reported late, 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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		x		30.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Based on the Air Quality Analysis of modeling provided by the Respondent, human health and the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 15 Number of violation days

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

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

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

Notes The Respondent completed the corrective actions by September 27, 2012, prior to the February 21, 2013 NOE date.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

# Economic Benefit Worksheet

**Respondent** ExxonMobil Oil Corporation  
**Case ID No.** 46493  
**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
No commas or \$							

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	13-Sep-2012	27-Sep-2012	0.04	\$5	n/a	\$5

**Notes for DELAYED costs**

Estimated cost to repair and re-install the motor pole. The Date Required is the date the emissions event began. The Final Date is the date of compliance.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$2,500

**TOTAL**

\$5

Screening Date 20-Mar-2013

Docket No. 2013-0587-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 3 (September 2011)

Case ID No. 46493

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. 01871, STC No. 2(F)

Violation Description

Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery, as documented during a record review conducted on December 13, 2012. Specifically, Incident No. 173638 was discovered on September 13, 2012 but was not reported until September 18, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

The Respondent met at least 70% of the rule requirement.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

4 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended for the late notification.

Good Faith Efforts to Comply

25.0% Reduction

\$62

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

Notes The Respondent completed the corrective actions on October 12, 2012, prior to the February 21, 2013 NOE date.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$438

This violation Final Assessed Penalty (adjusted for limits) \$438

# Economic Benefit Worksheet

**Respondent:** ExxonMobil Oil Corporation  
**Case ID No.:** 46493  
**Reg. Ent. Reference No.:** RN102450756  
**Media:** Air  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	14-Sep-2012	12-Oct-2012	0.08	\$6	n/a	\$6
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	14-Sep-2012	18-Sep-2012	0.01	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to submit the emissions event initial notification and provide training to ensure that proper calculations are made when evaluating emissions events to determine permit limit exceedances and reportable quantity exceedances. The Dates Required are the date the notification was due and the Final Dates are the dates of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**

<b>Approx. Cost of Compliance</b>	\$1,750	<b>TOTAL</b>	\$6
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To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# TCEQ Compliance History Report

**PENDING** Compliance History Report for CN600920748, RN102450756, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600920748, ExxonMobil Oil Corporation **Classification:** SATISFACTORY **Rating:** 5.52

**Regulated Entity:** RN102450756, EXXONMOBIL BEAUMONT REFINERY **Classification:** SATISFACTORY **Rating:** 15.59

**Complexity Points:** 44 **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 SOLID WASTE REGISTRATION # (SWR) 30587**

**AIR NEW SOURCE PERMITS REGISTRATION 10291**  
**AIR NEW SOURCE PERMITS REGISTRATION 12139**  
**AIR NEW SOURCE PERMITS REGISTRATION 13120**  
**AIR NEW SOURCE PERMITS REGISTRATION 22999**  
**AIR NEW SOURCE PERMITS REGISTRATION 26121**  
**AIR NEW SOURCE PERMITS REGISTRATION 26860**  
**AIR NEW SOURCE PERMITS REGISTRATION 26859**  
**AIR NEW SOURCE PERMITS REGISTRATION 31227**  
**AIR NEW SOURCE PERMITS REGISTRATION 33907**  
**AIR NEW SOURCE PERMITS REGISTRATION 34963**  
**AIR NEW SOURCE PERMITS REGISTRATION 40837**  
**AIR NEW SOURCE PERMITS REGISTRATION 42730**  
**AIR NEW SOURCE PERMITS REGISTRATION 42951**  
**AIR NEW SOURCE PERMITS REGISTRATION 43433**  
**AIR NEW SOURCE PERMITS REGISTRATION 44038**  
**AIR NEW SOURCE PERMITS PERMIT 49138**  
**AIR NEW SOURCE PERMITS REGISTRATION 102097**  
**AIR NEW SOURCE PERMITS REGISTRATION 90127**  
**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX768**  
**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX992**  
**AIR NEW SOURCE PERMITS REGISTRATION 72569**  
**AIR NEW SOURCE PERMITS REGISTRATION 74552**  
**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX799**  
**AIR NEW SOURCE PERMITS REGISTRATION 92941**  
**AIR NEW SOURCE PERMITS REGISTRATION 79641**  
**AIR NEW SOURCE PERMITS REGISTRATION 86452**  
**AIR NEW SOURCE PERMITS REGISTRATION 85990**  
**AIR NEW SOURCE PERMITS REGISTRATION 88261**  
**AIR NEW SOURCE PERMITS REGISTRATION 90845**  
**AIR NEW SOURCE PERMITS REGISTRATION 90733**  
**AIR NEW SOURCE PERMITS REGISTRATION 89878**  
**AIR NEW SOURCE PERMITS REGISTRATION 89318**  
**AIR NEW SOURCE PERMITS REGISTRATION 85988**  
**AIR NEW SOURCE PERMITS REGISTRATION 90917**  
**AIR NEW SOURCE PERMITS REGISTRATION 87903**  
**AIR NEW SOURCE PERMITS REGISTRATION 90328**

**INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD990797714**

**AIR NEW SOURCE PERMITS PERMIT 7208**

**AIR NEW SOURCE PERMITS REGISTRATION 11306**  
**AIR NEW SOURCE PERMITS REGISTRATION 12817**  
**AIR NEW SOURCE PERMITS REGISTRATION 15261**  
**AIR NEW SOURCE PERMITS REGISTRATION 24159**  
**AIR NEW SOURCE PERMITS REGISTRATION 27000**  
**AIR NEW SOURCE PERMITS REGISTRATION 27539**  
**AIR NEW SOURCE PERMITS REGISTRATION 30543**  
**AIR NEW SOURCE PERMITS REGISTRATION 33642**  
**AIR NEW SOURCE PERMITS REGISTRATION 34543**  
**AIR NEW SOURCE PERMITS REGISTRATION 37234**  
**AIR NEW SOURCE PERMITS REGISTRATION 42051**  
**AIR NEW SOURCE PERMITS REGISTRATION 42852**  
**AIR NEW SOURCE PERMITS REGISTRATION 43132**  
**AIR NEW SOURCE PERMITS REGISTRATION 43675**  
**AIR NEW SOURCE PERMITS REGISTRATION 47175**  
**AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE00671**  
**AIR NEW SOURCE PERMITS AFS NUM 4824500018**  
**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX932**  
**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX768M1**  
**AIR NEW SOURCE PERMITS REGISTRATION 54487**  
**AIR NEW SOURCE PERMITS REGISTRATION 56428**  
**AIR NEW SOURCE PERMITS REGISTRATION 75172**  
**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX802**  
**AIR NEW SOURCE PERMITS REGISTRATION 78516**  
**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX992M1**  
**AIR NEW SOURCE PERMITS REGISTRATION 85876**  
**AIR NEW SOURCE PERMITS REGISTRATION 87029**  
**AIR NEW SOURCE PERMITS REGISTRATION 87499**  
**AIR NEW SOURCE PERMITS REGISTRATION 90470**  
**AIR NEW SOURCE PERMITS REGISTRATION 91409**  
**AIR NEW SOURCE PERMITS REGISTRATION 90859**  
**AIR NEW SOURCE PERMITS REGISTRATION 87985**  
**AIR NEW SOURCE PERMITS REGISTRATION 90462**  
**AIR NEW SOURCE PERMITS REGISTRATION 91236**  
**AIR NEW SOURCE PERMITS REGISTRATION 89728**  
**AIR NEW SOURCE PERMITS REGISTRATION 88089**



**AIR NEW SOURCE PERMITS** REGISTRATION 79540  
**WASTEWATER PERMIT** WQ0003426000  
**AIR OPERATING PERMITS PERMIT** 1999  
**AIR OPERATING PERMITS PERMIT** 1871  
**AIR OPERATING PERMITS ACCOUNT NUMBER** JE0067I  
**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** JE0067I  
**AIR OPERATING PERMITS PERMIT** 1870  
**AIR OPERATING PERMITS PERMIT** 1998  
**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  
**STORMWATER PERMIT** TXR05K942

**AIR EMISSIONS INVENTORY ACCOUNT NUMBER** JE0067I

**AIR NEW SOURCE PERMITS REGISTRATION** 108777  
**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** 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** 12825  
**IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION**  
# (SWR) 30587  
**POLLUTION PREVENTION PLANNING ID NUMBER**  
P00441

**Compliance History Period:** September 01, 2008 to August 31, 2013      **Rating Year:** 2013      **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** October 04, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 04, 2008 to October 04, 2013

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

**Name:** Jessica Schildwachter

**Phone:** (512) 239-2617

### **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: 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.
- 2      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.

3 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 THSC 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 SO<sub>2</sub>, 3,490 lbs of VOC, 307 lbs of NO<sub>x</sub>, 990 lbs of H<sub>2</sub>S, 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 THSC 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 SO<sub>2</sub>, 7,873 lbs of VOC, 906 lbs of NO<sub>x</sub>, 1,806 lbs of H<sub>2</sub>S, and 6,544 lbs of CO.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC 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 THSC 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 hours and 50 minutes, releasing 13,796.40 lbs of SO<sub>2</sub>, 419.20 lbs of CO, 149.90 lbs of H<sub>2</sub>S, 57.70 lbs of NO<sub>x</sub>, 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 THSC 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 SO<sub>2</sub>, 1,062.60 lbs of CO, 365.50 lbs of H<sub>2</sub>S, 147.10 lbs of NO<sub>x</sub>, 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 SO<sub>2</sub>, 3,750 lbs of VOC, 2,438 lbs of CO, and 865 lbs of H<sub>2</sub>S.

4 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.

5 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 THSC 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 THSC 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 THSC 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 THSC 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 THSC 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 THSC 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

- 6 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.
- 7 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.
- 8 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 l  
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.

9

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.

10 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

11 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.

12 Effective Date: 06/03/2013 ADMINORDER 2012-2329-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 G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 of NSR 49138 PERMIT

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	February 05, 2009	(721835)
Item 2	March 03, 2009	(736939)
Item 3	March 06, 2009	(773109)
Item 4	March 27, 2009	(739156)
Item 5	April 06, 2009	(741350)
Item 6	April 16, 2009	(773110)
Item 7	May 14, 2009	(744739)

Item 8	May 18, 2009	(773112)
Item 9	May 22, 2009	(773111)
Item 10	July 16, 2009	(747896)
Item 11	July 22, 2009	(819506)
Item 12	July 23, 2009	(759123)
Item 13	August 20, 2009	(819507)
Item 14	August 28, 2009	(760750)
Item 15	August 31, 2009	(765941)
Item 16	September 03, 2009	(766203)
Item 17	September 08, 2009	(819508)
Item 18	September 28, 2009	(777659)
Item 19	October 01, 2009	(764862)
Item 20	October 23, 2009	(780020)
Item 21	October 29, 2009	(777718)
Item 22	November 03, 2009	(780848)
Item 23	November 11, 2009	(778662)
Item 24	December 22, 2009	(819511)
Item 25	December 23, 2009	(782616)
Item 26	February 19, 2010	(819504)
Item 27	February 24, 2010	(789976)
Item 28	March 22, 2010	(792703)
Item 29	April 14, 2010	(836078)
Item 30	April 26, 2010	(796278)
Item 31	May 07, 2010	(800781)
Item 32	May 19, 2010	(800571)
Item 33	May 20, 2010	(836079)
Item 34	May 26, 2010	(798629)
Item 35	June 21, 2010	(847869)
Item 36	June 22, 2010	(824891)
Item 37	July 12, 2010	(862277)
Item 38	August 15, 2010	(843986)
Item 39	August 17, 2010	(868889)
Item 40	August 18, 2010	(868888)
Item 41	September 02, 2010	(875747)
Item 42	October 12, 2010	(883318)
Item 43	October 18, 2010	(842428)
Item 44	October 29, 2010	(872164)
Item 45	November 10, 2010	(873621)
Item 46	November 12, 2010	(889719)
Item 47	November 15, 2010	(872170)
Item 48	December 15, 2010	(898089)
Item 49	December 31, 2010	(903989)
Item 50	January 03, 2011	(886717)
Item 51	February 12, 2011	(894965)
Item 52	February 22, 2011	(910870)
Item 53	February 28, 2011	(887885)
Item 54	March 06, 2011	(918136)
Item 55	March 17, 2011	(893018)
Item 56	March 31, 2011	(939845)
Item 57	April 07, 2011	(930462)
Item 58	April 15, 2011	(907888)
Item 59	April 18, 2011	(912915)
Item 60	April 26, 2011	(907669)
Item 61	April 27, 2011	(907221)
Item 62	June 10, 2011	(912391)
Item 63	June 13, 2011	(880219)
Item 64	June 28, 2011	(933481)
Item 65	June 30, 2011	(947258)
Item 66	July 19, 2011	(954516)
Item 67	August 05, 2011	(944985)
Item 68	August 11, 2011	(944157)

Item 69	August 15, 2011	(961099)
Item 70	August 16, 2011	(936712)
Item 71	August 28, 2011	(948634)
Item 72	September 08, 2011	(967185)
Item 73	October 07, 2011	(957505)
Item 74	October 12, 2011	(958107)
Item 75	October 13, 2011	(973154)
Item 76	November 28, 2011	(979292)
Item 77	November 30, 2011	(969907)
Item 78	December 09, 2011	(970433)
Item 79	January 13, 2012	(992486)
Item 80	January 17, 2012	(986122)
Item 81	January 20, 2012	(975676)
Item 82	January 25, 2012	(982065)
Item 83	February 13, 2012	(999793)
Item 84	February 17, 2012	(976135)
Item 85	February 20, 2012	(982393)
Item 86	February 29, 2012	(988041)
Item 87	March 09, 2012	(990394)
Item 88	March 12, 2012	(1005336)
Item 89	March 16, 2012	(981556)
Item 90	March 19, 2012	(994229)
Item 91	March 23, 2012	(989958)
Item 92	April 16, 2012	(997030)
Item 93	April 26, 2012	(1011911)
Item 94	May 14, 2012	(1018279)
Item 95	May 24, 2012	(1002874)
Item 96	May 25, 2012	(1007314)
Item 97	June 09, 2012	(1003331)
Item 98	June 14, 2012	(1026004)
Item 99	July 16, 2012	(1015552)
Item 100	July 19, 2012	(1033363)
Item 101	August 22, 2012	(1039886)
Item 102	September 17, 2012	(1048834)
Item 103	September 26, 2012	(1030855)
Item 104	September 28, 2012	(1035478)
Item 105	October 12, 2012	(1069740)
Item 106	October 13, 2012	(1028273)
Item 107	October 29, 2012	(1030544)
Item 108	November 07, 2012	(1037821)
Item 109	November 26, 2012	(1069741)
Item 110	December 05, 2012	(1050208)
Item 111	December 11, 2012	(1069742)
Item 112	December 27, 2012	(1042292)
Item 113	January 09, 2013	(1052506)
Item 114	January 15, 2013	(1082953)
Item 115	January 22, 2013	(1053439)
Item 116	January 30, 2013	(1053350)
Item 117	February 12, 2013	(1082952)
Item 118	February 13, 2013	(1056756)
Item 119	February 21, 2013	(1054877)
Item 120	March 12, 2013	(1091221)
Item 121	April 15, 2013	(1078465)
Item 122	April 17, 2013	(1097556)
Item 123	May 07, 2013	(1087422)
Item 124	May 09, 2013	(1108583)
Item 125	June 24, 2013	(1112155)
Item 126	June 27, 2013	(1094435)
Item 127	July 12, 2013	(1100381)
Item 128	July 18, 2013	(1119106)



Special Condition 13 PERMIT

Description: Failure to submit notification within 30 days of reconstruction of Tank 1314.  
Self Report? NO 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)  
Special Condition 11 OP  
Special Condition 53(H)(2) PERMIT  
Description: Failure to have the slotted guide pole floats rest on the liquids.

3

Date: 04/04/2013 (1072885) CN600920748  
Self Report? NO Classification: Moderate  
Citation: Special Condition 29 PERMIT  
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)  
Special Condition 11 OP  
Special Condition 15 OP  
Description: Failure to maintain NOx concentration within permitted limits.  
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)  
Special Condition 15 OP  
Description: Failure to submit Permit by Rule (PBR) registration 106.261 in a timely manner.  
Self Report? NO 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)  
Special Condition 15 OP  
Special Condition 27 PERMIT  
Description: Failure to maintain NOx concentration within permitted limits.  
Self Report? NO 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)  
Special Condition 11 OP  
Special Condition 9(B) PERMIT  
Description: Failure to combust refinery fuel gas with a H2S content of less than 162 ppm.  
Self Report? NO 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)  
General Condition 7 PERMIT  
Special Condition 13 OP  
Special Condition 3(A)(iii) OP  
Description: Failure to maintain annual visible emissions observation records.  
Self Report? NO 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)  
Special Condition 11 OP  
Special Condition 60(A) PERMIT  
Description: Failure to conduct AVO checks for ammonia leaks every four hours in the Power Plant 4 fugitive area.  
Self Report? NO 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)  
Special Condition 11 OP  
Special Condition 60(C) PERMIT  
Description: Failure to maintain accurate AVO records for ammonia leak checks in the Power Plant 4 fugitive area.  
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 all instances of deviations and accurately certify the Permit Compliance Certification.

Date: 05/01/2013 (1086470) 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 15(H) PERMIT  
Special Condition 7 OP

Description: Failure to operate flares in accordance with the requirements of 40 CFR Part 60, Subpart J.

Self Report? NO Classification: Moderate

Citation: Special Condition 15(B) PERMIT  
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)  
Special Condition 7 OP

Description: Failure to operate the flare with a flame present at all times.

Self Report? NO Classification: Moderate

Citation: Special Condition 15(A) PERMIT  
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 A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 7 OP

Description: Failure to operate the flare in accordance with the specifications of minimum heating values as required by 40 CFR 60.18 and 40 CFR 63.11.

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)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 13 OP  
Special Condition 9(B) PERMIT

Description: Failure to maintain fuel specifications which states that combustion sources shall not contain more than 162 ppm of H2S as determined by a three hour rolling average.

Self Report? NO Classification: Moderate

Citation: Special Condition 1 PERMIT  
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)  
Special Condition 13 OP  
Special Condition 15 OP

Description: Failure to maintain emissions below allowable limits.

Self Report? NO 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)  
Special Condition 13 OP  
Special Condition 42 PERMIT

Description: Failure to maintain emissions from the Sulfur pits as permitted by SC 42 of Permit 49138.

Self Report? NO 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)  
Special Condition 13 OP  
Special Condition 39 PERMIT

Description: Failure to operate the thermal oxidizer with a firebox temperature no less than 950 degrees Fahrenheit.

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)(2)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 13 OP  
Special Condition 36(A) PERMIT

Description: Failure to maintain H2S concentration below allowable limits.

Date: 08/22/2013 (1114152)  
Self Report? NO

CN600920748

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 60, Subpart VV 60.482-2  
5C THSC Chapter 382 382.085(b)  
Special Condition 14 OP  
Special Condition 59(H) PERMIT  
Description: Failure to repair a leaking component in a timely manner.

#### **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  
ENFORCEMENT ACTION  
CONCERNING  
EXXONMOBIL OIL  
CORPORATION  
RN102450756**

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

**AGREED ORDER  
DOCKET NO. 2013-0587-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, 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 together stipulate that:

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. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 26, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirteen Thousand Five Hundred Sixty-Three Dollars (\$13,563) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Four

Hundred Twenty-Six Dollars (\$5,426) of the administrative penalty and Two Thousand Seven Hundred Twelve Dollars (\$2,712) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Five Thousand Four Hundred Twenty-Five Dollars (\$5,425) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On September 18, 2012, submitted the initial report for Incident No. 173638;
  - b. By September 27, 2012, repaired and re-installed the motor pole to prevent recurrence of emissions events due to same or similar causes as Incident No. 173638; and
  - c. On October 12, 2012, conducted training to ensure that proper calculations are made when evaluating emissions events to determine permit limit exceedances and reportable quantity exceedances.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and

PSDTX992M1, Special Conditions No. 1, and Federal Operating Permit ("FOP") No. O1871, Special Terms and Conditions ("STC") No. 7, as documented during a record review conducted on December 13, 2012. Specifically, the Respondent released 184,208.71 pounds ("lbs") of volatile organic compounds ("VOC"), 152,471.22 lbs of carbon monoxide ("CO"), and 29,622.98 lbs of nitrogen oxides ("NOx") from the Low Pressure Flare, Emission Point Number ("EPN") 60FLR\_005, and 2,942.25 lbs of VOC, 1,810.02 lbs of CO, and 247.71 lbs of NOx from the High Pressure Flare, EPN 60FLR\_003, during an avoidable emissions event (Incident No. 173638) that began on September 13, 2012 and lasted for 357 hours and 48 minutes. The event occurred due to the loss of the PTR4 Booster Compressor, which was caused by the over-heating of the motor pole crossover. Since the emissions event could have been avoided through better operational practices and was reported late, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1871, STC No. 2(F), as documented during a record review conducted on December 13, 2012. Specifically, Incident No. 173638 was discovered on September 13, 2012 but was not reported until September 18, 2012.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ExxonMobil Oil Corporation, Docket No. 2013-0587-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 I, Paragraph 6 above, Five Thousand Four Hundred Twenty-Five Dollars (\$5,425) 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. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*Ramona Garcia*  
For the Executive Director

2/10/14  
Date

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

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

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

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

*Gerald S. Frey*  
Signature

Nov 22, 2013  
Date

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

Refinery Manager  
Title

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



**Attachment A**  
**Docket Number: 2013-0587-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>ExxonMobil Oil Corporation</b>
<b>Penalty Amount:</b>	<b>Ten Thousand Eight Hundred Fifty-One Dollars (\$10,851)</b>
<b>SEP Amount:</b>	<b>Five Thousand Four Hundred Twenty-Five Dollars (\$5,425)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission - Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

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

**1. Project Description**

a. Project

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

1. Beaumont Continuous Air Monitoring ("CAM") #2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640

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8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Administrator and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency ("EPA") guidelines.

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

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display ("LEADS") system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Administrator. The Third-Party Administrator may use contractors to perform the monitoring project, subject to special conditions concerning costs.

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

b. Environmental Benefit

Particulate matter, sulfides, nitrogen oxides, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-

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butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the TCEQ, industry, and the public at [http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site\\_info.pl](http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl).

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

c. Minimum Expenditure

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

**2. Performance Schedule**

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

Southeast Texas Regional Planning Commission  
Bob Dickinson, Director of Transportation & Environmental Resources  
Attention: SEP  
2210 Eastex Freeway  
Beaumont, Texas 77703

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in No. 3 above, the Executive Director may require immediate payment of all or part of the SEP

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amount.

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

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

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in No. 3 above.

**5. Publicity**

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