

Executive Summary – Enforcement Matter – Case No. 51102
ExxonMobil Oil Corporation
RN100542844
Docket No. 2015-1232-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 Oil Beaumont Chemical Plant, 2775 Gulf States Road, Beaumont, Jefferson County

Type of Operation:

Chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2015-1439-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 19, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$50,000

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$25,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$25,000

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: \$10,000

Applicable Penalty Policy: April 2014

**Executive Summary – Enforcement Matter – Case No. 51102
ExxonMobil Oil Corporation
RN100542844
Docket No. 2015-1232-AIR-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: June 17, 2015
Date(s) of NOE(s): July 22, 2015

Violation Information

Failed to prevent unauthorized emissions. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115 (b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O2292, Special Terms and Conditions No. 25, and New Source Review Permit Nos. 83702, PSDTX843, PSDTX860, and PAL15, Special Conditions No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By April 13, 2015, conducted operations training on how to identify a double seated gate valve and the risks associated with them; and
- b. By May 1, 2015, conducted a survey to identify similar valves and to either replace them, take them out of service, or clearly mark to not apply heat to them until they can be replaced.

Technical Requirements:

The Order will require the Respondent to implement and complete a 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

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Amancio R. Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483

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

Respondent: Charles Roccaforte, Environmental Department Head, ExxonMobil Oil Corporation, P.O. Box 3868, Beaumont, Texas 77704

Christopher J. Birdsall, Site Manager, ExxonMobil Oil Corporation, P.O. Box 3868, Beaumont, Texas 77704

Respondent's Attorney: N/A

Attachment A
Docket Number: 2015-1232-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ExxonMobil Oil Corporation
Penalty Amount:	Fifty Thousand Dollars (\$50,000)
SEP Offset Amount:	Twenty-Five Thousand Dollars (\$25,000)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	Meteorological and Air Monitoring Network
Location of SEP:	Jefferson County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network that includes nine monitoring stations currently at the following locations:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136
- Sabine Pass CAM #C640
- Southeast Texas Regional Airport CAM #C643
- West Orange CAM #C9

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

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

b. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, 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-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

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

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

ExxonMobil Oil Corporation
Agreed Order - Attachment A

Southeast Texas Regional Planning Commission
Attention: Bob Dickinson, Director
2210 Eastex Freeway
Beaumont, Texas 77703-4929

3. Records and Reporting

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

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the 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, the 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 the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP 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 the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	27-Jul-2015	Screening	12-Aug-2015	EPA Due	
	PCW	15-Dec-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	ExxonMobil Oil Corporation		
Reg. Ent. Ref. No.	RN100542844		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	51102	No. of Violations	1
Docket No.	2015-1232-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amancio R. Gutierrez
		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
Estimated Cost of Compliance

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 12-Aug-2015

Docket No. 2015-1232-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 4 (April 2014)

Case ID No. 51102

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542844

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>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

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) 45%

>> 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 one NOV with same/similar violations and two orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date 12-Aug-2015
Respondent ExxonMobil Oil Corporation
Case ID No. 51102

Docket No. 2015-1232-AIR-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542844
Media [Statute] Air
Enf. Coordinator Amancio R. Gutierrez
Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O2292, Special Terms and Conditions No. 25, and New Source Review Permit Nos. 83702, PSDTX843, PSDTX860, and PAL15, Special Conditions No. 1

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 87,600 pounds ("lbs") of propylene, 2,801.2 lbs of carbon monoxide, and 257.4 lbs of nitrogen oxides from the Olefins Offsite Area Fugitives, Emission Point Number 11FUG_001, during an emissions event (Incident No. 211996) that began on March 29, 2015 and lasted for 48 hours. The event occurred due to failure of a discharge block valve that caused the leaking propylene to ignite, resulting in a process shutdown. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input checked="" type="checkbox"/>			100.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes 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 Number of violation days

<i>mark only one with an x</i>	daily	<input checked="" type="checkbox"/>
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$50,000

Two daily events are recommended.

Good Faith Efforts to Comply

Reduction
 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	<input checked="" type="checkbox"/>
N/A	(mark with x)

Notes The Respondent completed corrective measures on May 1, 2015, before the July 22, 2015 Notice of Enforcement.

Violation Subtotal \$37,500

Economic Benefit (EB) for this violation

Estimated EB Amount \$42

Statutory Limit Test

Violation Final Penalty Total \$60,000

This violation Final Assessed Penalty (adjusted for limits) \$50,000

Economic Benefit Worksheet

Respondent ExxonMobil Oil Corporation
Case ID No. 51102
Reg. Ent. Reference No. RN100542844
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$5,000	29-Mar-2015	1-May-2015	0.09	\$2	\$30	\$32
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	\$5,000	29-Mar-2015	13-Apr-2015	0.04	\$10	n/a	\$10
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 conduct operations training on how to identify a double seated gate valve and the risks associated with them and to conduct a survey to identify similar valves and to either replace them, take them out of service, or clearly mark to not apply heat to them until they can be replaced to prevent recurrence of emissions events due to the same or similar causes as Incident No. 211996. 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

\$10,000

TOTAL

\$42

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600920748, RN100542844, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600920748, ExxonMobil Oil Corporation

Classification: SATISFACTORY

Rating: 3.34

Regulated Entity: RN100542844, EXXONMOBIL OIL BEAUMONT CHEMICAL PLANT

Classification: SATISFACTORY

Rating: 1.32

Complexity Points: 28

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 2775 GULF STATES RD BEAUMONT, TX 77701-2045, JEFFERSON COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0062S

AIR OPERATING PERMITS PERMIT 1173

AIR OPERATING PERMITS PERMIT 2201

AIR OPERATING PERMITS ACCOUNT NUMBER JE00640

AIR OPERATING PERMITS PERMIT 2292

POLLUTION PREVENTION PLANNING ID NUMBER P00436

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1230089

WASTEWATER PERMIT WQ0000462000

WASTEWATER EPA ID TX0004227

AIR NEW SOURCE PERMITS REGISTRATION 10248
AIR NEW SOURCE PERMITS REGISTRATION 10575
AIR NEW SOURCE PERMITS REGISTRATION 11238
AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0062S
AIR NEW SOURCE PERMITS REGISTRATION 10242
AIR NEW SOURCE PERMITS REGISTRATION 11642
AIR NEW SOURCE PERMITS REGISTRATION 12362
AIR NEW SOURCE PERMITS PERMIT 83702
AIR NEW SOURCE PERMITS REGISTRATION 87214
AIR NEW SOURCE PERMITS REGISTRATION 88670
AIR NEW SOURCE PERMITS REGISTRATION 86098
AIR NEW SOURCE PERMITS REGISTRATION 84807
AIR NEW SOURCE PERMITS REGISTRATION 87749
AIR NEW SOURCE PERMITS REGISTRATION 86629
AIR NEW SOURCE PERMITS REGISTRATION 88072
AIR NEW SOURCE PERMITS REGISTRATION 86103
AIR NEW SOURCE PERMITS REGISTRATION 90584
AIR NEW SOURCE PERMITS REGISTRATION 90458
AIR NEW SOURCE PERMITS REGISTRATION 92533
AIR NEW SOURCE PERMITS REGISTRATION 92524
AIR NEW SOURCE PERMITS REGISTRATION 93201
AIR NEW SOURCE PERMITS REGISTRATION 92777
AIR NEW SOURCE PERMITS REGISTRATION 93549
AIR NEW SOURCE PERMITS REGISTRATION 93430
AIR NEW SOURCE PERMITS REGISTRATION 94227
AIR NEW SOURCE PERMITS REGISTRATION 94632
AIR NEW SOURCE PERMITS REGISTRATION 96016
AIR NEW SOURCE PERMITS REGISTRATION 96013
AIR NEW SOURCE PERMITS REGISTRATION 98803
AIR NEW SOURCE PERMITS REGISTRATION 98967
AIR NEW SOURCE PERMITS REGISTRATION 100528
AIR NEW SOURCE PERMITS REGISTRATION 98543
AIR NEW SOURCE PERMITS REGISTRATION 98541
AIR NEW SOURCE PERMITS REGISTRATION 101064
AIR NEW SOURCE PERMITS REGISTRATION 103791
AIR NEW SOURCE PERMITS REGISTRATION 103644
AIR NEW SOURCE PERMITS REGISTRATION 103646
AIR NEW SOURCE PERMITS REGISTRATION 103634
AIR NEW SOURCE PERMITS REGISTRATION 103625
AIR NEW SOURCE PERMITS REGISTRATION 104598
AIR NEW SOURCE PERMITS REGISTRATION 103662
AIR NEW SOURCE PERMITS REGISTRATION 103627
AIR NEW SOURCE PERMITS REGISTRATION 109234
AIR NEW SOURCE PERMITS REGISTRATION 108229
AIR NEW SOURCE PERMITS REGISTRATION 107301

AIR NEW SOURCE PERMITS AFS NUM 4824500009
AIR NEW SOURCE PERMITS REGISTRATION 10249
AIR NEW SOURCE PERMITS REGISTRATION 10728
AIR NEW SOURCE PERMITS REGISTRATION 11791
AIR NEW SOURCE PERMITS REGISTRATION 10194
AIR NEW SOURCE PERMITS REGISTRATION 11641
AIR NEW SOURCE PERMITS REGISTRATION 12105
AIR NEW SOURCE PERMITS REGISTRATION 89622
AIR NEW SOURCE PERMITS EPA PERMIT PAL15
AIR NEW SOURCE PERMITS REGISTRATION 88017
AIR NEW SOURCE PERMITS REGISTRATION 87219
AIR NEW SOURCE PERMITS REGISTRATION 87842
AIR NEW SOURCE PERMITS REGISTRATION 88053
AIR NEW SOURCE PERMITS REGISTRATION 87572
AIR NEW SOURCE PERMITS REGISTRATION 84781
AIR NEW SOURCE PERMITS REGISTRATION 87570
AIR NEW SOURCE PERMITS REGISTRATION 88356
AIR NEW SOURCE PERMITS REGISTRATION 88031
AIR NEW SOURCE PERMITS REGISTRATION 92650
AIR NEW SOURCE PERMITS REGISTRATION 92996
AIR NEW SOURCE PERMITS REGISTRATION 92221
AIR NEW SOURCE PERMITS REGISTRATION 91572
AIR NEW SOURCE PERMITS REGISTRATION 93373
AIR NEW SOURCE PERMITS REGISTRATION 93538
AIR NEW SOURCE PERMITS REGISTRATION 93724
AIR NEW SOURCE PERMITS REGISTRATION 94021
AIR NEW SOURCE PERMITS REGISTRATION 94716
AIR NEW SOURCE PERMITS REGISTRATION 96759
AIR NEW SOURCE PERMITS REGISTRATION 96009
AIR NEW SOURCE PERMITS REGISTRATION 96262
AIR NEW SOURCE PERMITS REGISTRATION 98128
AIR NEW SOURCE PERMITS REGISTRATION 98448
AIR NEW SOURCE PERMITS REGISTRATION 100858
AIR NEW SOURCE PERMITS REGISTRATION 100938
AIR NEW SOURCE PERMITS REGISTRATION 98534
AIR NEW SOURCE PERMITS REGISTRATION 103621
AIR NEW SOURCE PERMITS REGISTRATION 103623
AIR NEW SOURCE PERMITS REGISTRATION 103638
AIR NEW SOURCE PERMITS REGISTRATION 103620
AIR NEW SOURCE PERMITS REGISTRATION 103642
AIR NEW SOURCE PERMITS REGISTRATION 103629
AIR NEW SOURCE PERMITS REGISTRATION 103630
AIR NEW SOURCE PERMITS REGISTRATION 103624
AIR NEW SOURCE PERMITS REGISTRATION 133925
AIR NEW SOURCE PERMITS REGISTRATION 133866
AIR NEW SOURCE PERMITS REGISTRATION 111104

AIR NEW SOURCE PERMITS REGISTRATION 105610
 AIR NEW SOURCE PERMITS REGISTRATION 106580
 AIR NEW SOURCE PERMITS REGISTRATION 124509
 AIR NEW SOURCE PERMITS REGISTRATION 118725
 AIR NEW SOURCE PERMITS REGISTRATION 132694
 AIR NEW SOURCE PERMITS EPA ID PSDTX843
 AIR NEW SOURCE PERMITS REGISTRATION 111674
 AIR NEW SOURCE PERMITS REGISTRATION 118101
 AIR NEW SOURCE PERMITS REGISTRATION 115763
 AIR NEW SOURCE PERMITS REGISTRATION 123065
 AIR NEW SOURCE PERMITS REGISTRATION 124303
 IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
 # (SWR) 30047
 AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0062S

AIR NEW SOURCE PERMITS REGISTRATION 118970
 AIR NEW SOURCE PERMITS REGISTRATION 131581
 AIR NEW SOURCE PERMITS REGISTRATION 108953
 AIR NEW SOURCE PERMITS EPA PERMIT PSDTX860M1
 AIR NEW SOURCE PERMITS EPA PERMIT PSDTX843M1
 AIR NEW SOURCE PERMITS REGISTRATION 107418
 AIR NEW SOURCE PERMITS REGISTRATION 134676
 AIR NEW SOURCE PERMITS REGISTRATION 133391
 AIR NEW SOURCE PERMITS REGISTRATION 133210
 AIR NEW SOURCE PERMITS EPA PERMIT PSDTX860
 STORMWATER PERMIT TXR15NI65
 IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
 # (SWR) 31859
 INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
 REGISTRATION # (SWR) 30047
 LEAKING PETROLEUM STORAGE TANKS REMEDIATION
 ID NUMBER 105840

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
 TXD000449694

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: August 13, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 13, 2010 to August 13, 2015

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: 12/04/2010 ADMINORDER 2010-0671-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: FOP O-02292, General Terms and Condition OP
 FOP O-02292, Special Condition 10 OP
 NSR Permit 1295 Special Condition IV-6-A PERMIT
 Description: Failure to demonstrate 98.5% control of VOC for Train B during the stack test performed on December 17,
 2009. EIC A,8,c,1,H MOD 2,D

- 2 Effective Date: 09/16/2011 ADMINORDER 2011-0300-IWD-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: Eff Limitations and Mon Req No. 1 PERMIT
 Description: Failure to comply with permitted effluent limits, as documented during a record review conducted on
 November 23, 2010.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

- Item 1 August 18, 2010 (866805)
- Item 2 August 31, 2010 (873877)
- Item 3 October 28, 2010 (871197)
- Item 4 November 04, 2010 (871712)
- Item 5 November 12, 2010 (872445)
- Item 6 November 17, 2010 (870942)

Item 7	December 27, 2010	(884783)
Item 8	January 03, 2011	(886798)
Item 9	January 18, 2011	(885987)
Item 10	January 19, 2011	(887395)
Item 11	January 24, 2011	(902282)
Item 12	February 02, 2011	(885247)
Item 13	February 03, 2011	(885236)
Item 14	February 17, 2011	(909056)
Item 15	February 22, 2011	(895250)
Item 16	February 28, 2011	(892197)
Item 17	March 14, 2011	(902202)
Item 18	March 17, 2011	(905489)
Item 19	March 21, 2011	(916320)
Item 20	March 22, 2011	(899381)
Item 21	March 31, 2011	(938000)
Item 22	April 28, 2011	(906476)
Item 23	June 10, 2011	(914813)
Item 24	June 20, 2011	(945324)
Item 25	July 20, 2011	(924344)
Item 26	July 21, 2011	(952598)
Item 27	August 22, 2011	(997941)
Item 28	September 15, 2011	(965312)
Item 29	October 14, 2011	(952176)
Item 30	October 20, 2011	(971352)
Item 31	November 21, 2011	(977512)
Item 32	December 21, 2011	(1010028)
Item 33	January 17, 2012	(962871)
Item 34	January 19, 2012	(990580)
Item 35	January 31, 2012	(981248)
Item 36	February 22, 2012	(982351)
Item 37	March 19, 2012	(1003465)
Item 38	April 30, 2012	(995358)
Item 39	May 14, 2012	(1016423)
Item 40	May 16, 2012	(1002737)
Item 41	May 25, 2012	(1001559)
Item 42	June 15, 2012	(1024143)
Item 43	July 20, 2012	(1031539)
Item 44	July 27, 2012	(1016190)
Item 45	August 20, 2012	(1021841)
Item 46	August 22, 2012	(1021677)
Item 47	August 28, 2012	(1037915)
Item 48	September 17, 2012	(1046643)
Item 49	October 01, 2012	(1023099)
Item 50	October 12, 2012	(1060791)
Item 51	October 29, 2012	(1030123)
Item 52	November 12, 2012	(1042493)
Item 53	November 15, 2012	(1042829)
Item 54	November 30, 2012	(1046356)
Item 55	December 17, 2012	(1060793)
Item 56	December 27, 2012	(1044517)
Item 57	January 15, 2013	(1078915)
Item 58	February 22, 2013	(1078914)
Item 59	March 22, 2013	(1089281)
Item 60	April 15, 2013	(1095675)
Item 61	May 10, 2013	(1117159)
Item 62	June 18, 2013	(1095599)
Item 63	June 25, 2013	(1110276)
Item 64	July 18, 2013	(1117160)
Item 65	August 13, 2013	(1124916)
Item 66	September 13, 2013	(1129516)
Item 67	October 21, 2013	(1135246)
Item 68	October 31, 2013	(1123738)
Item 69	November 20, 2013	(1140646)
Item 70	December 16, 2013	(1147103)
Item 71	December 19, 2013	(1134302)
Item 72	January 16, 2014	(1143533)
Item 73	January 21, 2014	(1140371)
Item 74	February 10, 2014	(1146177)
Item 75	February 18, 2014	(1139436)
Item 76	March 13, 2014	(1152620)
Item 77	March 16, 2014	(1167153)
Item 78	April 04, 2014	(1151712)
Item 79	April 06, 2014	(1157653)
Item 80	April 10, 2014	(1158941)

Item 81	April 15, 2014	(1174286)
Item 82	April 16, 2014	(1159801)
Item 83	April 24, 2014	(1164120)
Item 84	April 28, 2014	(1164291)
Item 85	May 15, 2014	(1166684)
Item 86	May 19, 2014	(1180474)
Item 87	June 13, 2014	(1170849)
Item 88	July 23, 2014	(1198493)
Item 89	August 13, 2014	(1198494)
Item 90	September 12, 2014	(1193627)
Item 91	September 18, 2014	(1205777)
Item 92	October 13, 2014	(1212189)
Item 93	November 10, 2014	(1202697)
Item 94	November 21, 2014	(1218441)
Item 95	December 16, 2014	(1224220)
Item 96	December 22, 2014	(1216030)
Item 97	January 15, 2015	(1216304)
Item 98	January 17, 2015	(1230747)
Item 99	February 18, 2015	(1242257)
Item 100	March 06, 2015	(1248586)
Item 101	April 16, 2015	(1255486)
Item 102	May 12, 2015	(1262196)
Item 103	May 28, 2015	(1252934)
Item 104	May 29, 2015	(1252765)
Item 105	June 15, 2015	(1269365)
Item 106	July 17, 2015	(1261673)
Item 107	July 24, 2015	(1261441)

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: 02/26/2015 (1222828) 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 Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP
Special Condition 10(B) PERMIT
Special Condition 25 OP
- Description: Failure to maintain a constant pilot flame for the facility common flare, Emission Point Number (EPN) 11FLR_041.
- 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 63, SubChapter C, PT 63, SubPT F 63.104(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT XX 63.1086
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP
Special Condition 10 OP
Special Condition 38 PERMIT
- Description: Failure to conduct the mid-level calibration gas check as required by Appendix P Section 3.3.3, in the Cooling Tower Monitoring Program.
- 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)
General Terms & Conditions OP
Special Condition 22(A) PERMIT
Special Condition 25 OP
- Description: Failure to consistently collect Carbon Absorption System Samples at four hour intervals during periods in which emissions were routed to the carbon system.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP
Special Condition 1(I) OP
Special Condition 25 OP
Special Condition 5(c) PERMIT
- Description: Failure conduct Certified Gas Audit with 150 parts per million volume (ppmv)

certified gas.

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 Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b)(3)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1 OP
Special Condition 52(F) PERMIT
Special Condition 7(A) PERMIT
Special Condition 7(C) PERMIT

Description: Failure to include the Converter Secondary Outlet closed loop system station in the Leak Detection and Repair (LDAR) monitoring program.

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)
General Terms and Conditions OP
Special Condition 25 OP
Special Condition 38 PERMIT

Description: Failure to sample three Cooling Towers in the month of April 2014 due to turnaround activities.

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 63, SubChapter C, PT 63, SubPT YY 63.1110(e)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP
Special Condition 1(I) OP
Special Condition 7(C) PERMIT

Description: Failure to submit an accurate Hazardous Organic National Emission Standards for Hazardous Air Pollutants (HON) and Ethylene Maximum Achievable Control Technology (MACT) semi-annual report submitted for the compliance period of April 1, 2013, to September 30, 2013.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP
Special Condition 3(C)(i) OP

Description: Failure to comply with the applicable opacity limit.

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 & Conditions OP

Description: Failure to submit accurate Semi-annual Deviation Reports (SDR) and Annual Compliance Certifications (ACC) in a timely manner.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EXXONMOBIL OIL CORPORATION
RN100542844**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2015-1232-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 it has 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 chemical plant located at 2775 Gulf States Road 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 June 17, 2015, TCEQ staff documented that the Respondent released 87,600 pounds ("lbs") of propylene, 2,801.2 lbs of carbon monoxide, and 257.4 lbs of nitrogen oxides from the Olefins Offsite Area Fugitives, Emission Point Number 11FUG_001, during an emissions event (Incident No. 211996) that began on March 29, 2015 and lasted for 48 hours. The event occurred due to failure of a discharge block valve that caused the leaking propylene to ignite, resulting in a process shutdown. The TCEQ staff determined that this emissions event could have been avoided by better operational practices.
4. The Respondent received notice of the violations on July 28, 2015.
5. The Executive Director recognizes that the Respondent has implemented the following corrective measures to prevent recurrence of emissions events due to the same or similar causes as Incident No. 211996 at the Plant:
 - a. By April 13, 2015, conducted operations training on how to identify a double seated gate valve and the risks associated with them; and
 - b. By May 1, 2015, conducted a survey to identify similar valves and to either replace them, take them out of service, or clearly mark to not apply heat to them until they can be replaced.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382, 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), 116.115 (b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O2292, Special Terms and Conditions No. 25, and New Source Review Permit Nos. 83702, PSDTX843, PSDTX860, and PAL15, Special Conditions No. 1. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an 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 Fifty Thousand Dollars (\$50,000) 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 Twenty-Five Thousand Dollars (\$25,000) of the administrative penalty and Twenty-Five Thousand Dollars (\$25,000) 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 Fifty Thousand Dollars (\$50,000) 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. 2015-1232-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, Twenty-Five Thousand Dollars (\$25,000) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty 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 effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

5/16/16

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.



Signature

1/6/16

Date

Christopher J. Birdsell

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

Site 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 III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2015-1232-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ExxonMobil Oil Corporation
Penalty Amount:	Fifty Thousand Dollars (\$50,000)
SEP Offset Amount:	Twenty-Five Thousand Dollars (\$25,000)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	Meteorological and Air Monitoring Network
Location of SEP:	Jefferson County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network that includes nine monitoring stations currently at the following locations:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136
- Sabine Pass CAM #C640
- Southeast Texas Regional Airport CAM #C643
- West Orange CAM #C9

ExxonMobil Oil Corporation
Agreed Order - Attachment A

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

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

b. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, 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-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

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

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

ExxonMobil Oil Corporation
Agreed Order - Attachment A

Southeast Texas Regional Planning Commission
Attention: Bob Dickinson, Director
2210 Eastex Freeway
Beaumont, Texas 77703-4929

3. Records and Reporting

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

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the 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, the 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 the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP 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 the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.