Executive Summary – Enforcement Matter – Case No. 51286
ExxonMobil Oil Corporation
RN100542844
Docket No. 2015-1439-AIR-E

Order Type:
1660 Agreed Order
Findings Order Justification:
N/A
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. 2015-1232-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: $10,875
Amount Deferred for Expedited Settlement: $2,175
Amount Deferred for Financial Inability to Pay: $0
Total Paid to General Revenue: $4,350
Total Due to General Revenue: $0
Payment Plan: N/A
Supplemental Environmental Project ("SEP") Conditional Offset: $4,350
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: N/A
Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 51286
ExxonMobil Oil Corporation
RN100542844
Docket No. 2015-1439-AIR-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: June 25, 2015
Date(s) of NOE(s): August 18, 2015

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 834.84 pounds ("lbs") of nitrogen oxides, 6,031.45 lbs of carbon monoxide ("CO"), and 6,575.27 lbs of volatile organic compounds ("VOC") from the High Pressure Flare, Emission Point Number ("EPN") 11FLR_042, and released 12.50 lbs of CO and 479.10 lbs of VOC from the Ethylene Unit Process Fugitives, EPN 01FUG_001, during an avoidable emissions event (Incident No. 214455) that began on May 19, 2015 and lasted for 11 hours and 10 minutes. The event occurred when the Process Gas Compressor tripped due to a sudden decrease in the lube oil system pressure when the turbine driven lube oil pump tripped unexpectedly and resulted in flaring. 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:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

2. The Order will also require the Respondent to:

a. Within 30 days, implement measures and/or procedures to prevent recurrence of emissions events due to the same or similar causes as Incident No. 214455; and

b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 51286
ExxonMobil Oil Corporation
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Docket No. 2015-1439-AIR-E

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Amancio R. Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Christopher J. Birdsall, Site Manager, ExxonMobil Oil Corporation, P.O. Box 3868, Beaumont, Texas 77704
Charles Roccaforte, Environmental Department Head, ExxonMobil Oil Corporation, P.O. Box 3868, Beaumont, Texas 77704
Respondent's Attorney: N/A

Attachment A

Docket Number: 2015-1439-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**ExxonMobil Oil Corporation**
Penalty Amount:	**Eight Thousand Seven Hundred Dollars ($8,700)**
SEP Offset Amount:	**Four Thousand Three Hundred Fifty Dollars ($4,350)**
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:

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	25-Aug-2015					
PCW	2-Sep-2015	Screening	2-Sep-2015	EPA Due		

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.	51286	No. of Violations	1
Docket No.	2015-1439-AIR-E	Order Type	1660
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*: $7,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 45.0% Adjustment — *Subtotals 2, 3, & 7*: $3,375

Notes: Enhancement for one NOV with same/similar violations and two orders containing a denial of liability.

Culpability No 0.0% Enhancement — *Subtotal 4*: $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5*: $0

Economic Benefit 0.0% Enhancement* — *Subtotal 6*: $0

**Capped at the Total EB $ Amount*

Total EB Amounts: $421
Estimated Cost of Compliance: $10,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: $10,875

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount: $10,875

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: $10,875

DEFERRAL 20.0% Reduction — *Adjustment*: -$2,175

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY: $8,700

Screening Date 2-Sep-2015 **Docket No.** 2015-1439-AIR-E **PCW**

Respondent ExxonMobil Oil Corporation *Policy Revision 4 (April 2014)*

Case ID No. 51286 *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 (*number of NOVs meeting criteria*)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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 (*number of judgments or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	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 2-Sep-2015 **Docket No.** 2015-1439-AIR-E **PCW**

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Respondent ExxonMobil Oil Corporation

Case ID No. 51286

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 834.84 pounds ("lbs") of nitrogen oxides, 6,031.45 lbs of carbon monoxide ("CO"), and 6,575.27 lbs of volatile organic compounds ("VOC") from the High Pressure Flare, Emission Point Number ("EPN") 11FLR_042, and released 12.50 lbs of CO and 479.10 lbs of VOC from the Ethylene Unit Process Fugitives, EPN 01FUG_001, during an avoidable emissions event (Incident No. 214455) that began on May 19, 2015 and lasted for 11 hours and 10 minutes. The event occurred when the Process Gas Compressor tripped due to a sudden decrease in the lube oil system pressure when the turbine driven lube oil pump tripped unexpectedly and resulted in flaring. 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

	Release	Harm: Major	Moderate	Minor
OR	Actual		x	
	Potential			

Percent 30.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or 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 — 1 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

0.0% (Before NOE/NOV; NOE/NOV to EDPRP/Settlement Offer)

Reduction $0

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

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

Violation Subtotal $7,500

Economic Benefit (EB) for this violation

Estimated EB Amount $421

Statutory Limit Test

Violation Final Penalty Total $10,875

This violation Final Assessed Penalty (adjusted for limits) $10,875

Economic Benefit Worksheet

Respondent ExxonMobil Oil Corporation
Case ID No. 51286
Reg. Ent. Reference No. RN100542844
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$10,000	19-May-2015	21-Mar-2016	0.84	$421	n/a	$421
Notes for DELAYED costs	Estimated cost to implement measures and/or procedures to prevent recurrence of emissions events due to the same or similar causes as Incident No. 214455. The Date Required is the date of the emissions event and the Final Date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $10,000

TOTAL $421

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

PENDING Compliance History Report for CN600920748, RN100542844, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN600920748, ExxonMobil Oil Corporation **Classification:** SATISFACTORY **Rating:** 2.49

Regulated Entity: RN100542844, EXXONMOBIL OIL BEAUMONT CHEMICAL PLANT **Classification:** SATISFACTORY **Rating:** 1.59

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 2201
AIR OPERATING PERMITS PERMIT 2292
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1230089
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 135589
AIR NEW SOURCE PERMITS REGISTRATION 133866
AIR OPERATING PERMITS PERMIT 1173
AIR OPERATING PERMITS ACCOUNT NUMBER JE0064O
POLLUTION PREVENTION PLANNING ID NUMBER P00436
WASTEWATER PERMIT WQ0000462000
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 108229
AIR NEW SOURCE PERMITS REGISTRATION 107301

AIR NEW SOURCE PERMITS REGISTRATION 111104
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

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

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD000449694

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015
Date Compliance History Report Prepared: September 21, 2015
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: September 21, 2010 to September 21, 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	October 28, 2010	(871197)
Item 2	November 04, 2010	(871712)
Item 3	November 12, 2010	(872445)
Item 4	November 17, 2010	(870942)
Item 5	December 27, 2010	(884783)
Item 6	January 03, 2011	(886798)
Item 7	January 18, 2011	(885987)
Item 8	January 19, 2011	(887395)
Item 9	January 24, 2011	(902282)

Item 10	February 02, 2011	(885247)
Item 11	February 03, 2011	(885236)
Item 12	February 17, 2011	(909056)
Item 13	February 22, 2011	(895250)
Item 14	February 28, 2011	(892197)
Item 15	March 14, 2011	(902202)
Item 16	March 17, 2011	(905489)
Item 17	March 21, 2011	(916320)
Item 18	March 22, 2011	(899381)
Item 19	March 31, 2011	(938000)
Item 20	April 28, 2011	(906476)
Item 21	June 10, 2011	(914813)
Item 22	June 20, 2011	(945324)
Item 23	July 20, 2011	(924344)
Item 24	July 21, 2011	(952598)
Item 25	August 22, 2011	(997941)
Item 26	September 15, 2011	(965312)
Item 27	October 14, 2011	(952176)
Item 28	October 20, 2011	(971352)
Item 29	November 21, 2011	(977512)
Item 30	December 21, 2011	(1010028)
Item 31	January 17, 2012	(962871)
Item 32	January 19, 2012	(990580)
Item 33	January 31, 2012	(981248)
Item 34	February 22, 2012	(982351)
Item 35	March 19, 2012	(1003465)
Item 36	April 30, 2012	(995358)
Item 37	May 14, 2012	(1016423)
Item 38	May 16, 2012	(1002737)
Item 39	May 25, 2012	(1001559)
Item 40	June 15, 2012	(1024143)
Item 41	July 20, 2012	(1031539)
Item 42	July 27, 2012	(1016190)
Item 43	August 20, 2012	(1021841)
Item 44	August 22, 2012	(1021677)
Item 45	August 28, 2012	(1037915)
Item 46	September 17, 2012	(1046643)
Item 47	October 01, 2012	(1023099)
Item 48	October 12, 2012	(1060791)
Item 49	October 29, 2012	(1030123)
Item 50	November 12, 2012	(1042493)
Item 51	November 15, 2012	(1042829)
Item 52	November 30, 2012	(1046356)
Item 53	December 17, 2012	(1060793)
Item 54	December 27, 2012	(1044517)
Item 55	January 15, 2013	(1078915)
Item 56	February 22, 2013	(1078914)
Item 57	March 22, 2013	(1089281)
Item 58	April 15, 2013	(1095675)
Item 59	May 10, 2013	(1117159)
Item 60	June 18, 2013	(1095599)
Item 61	June 25, 2013	(1110276)
Item 62	July 18, 2013	(1117160)
Item 63	August 13, 2013	(1124916)
Item 64	September 13, 2013	(1129516)
Item 65	October 21, 2013	(1135246)
Item 66	October 31, 2013	(1123738)
Item 67	November 20, 2013	(1140646)
Item 68	December 16, 2013	(1147103)
Item 69	December 19, 2013	(1134302)
Item 70	January 16, 2014	(1143533)
Item 71	January 21, 2014	(1140371)
Item 72	February 10, 2014	(1146177)
Item 73	February 18, 2014	(1139436)
Item 74	March 13, 2014	(1152620)
Item 75	March 16, 2014	(1167153)
Item 76	April 04, 2014	(1151712)
Item 77	April 06, 2014	(1157653)
Item 78	April 10, 2014	(1158941)
Item 79	April 15, 2014	(1174286)
Item 80	April 16, 2014	(1159801)
Item 81	April 24, 2014	(1164120)
Item 82	April 28, 2014	(1164291)

Item 83	May 15, 2014	(1166684)
Item 84	May 19, 2014	(1180474)
Item 85	June 13, 2014	(1170849)
Item 86	July 23, 2014	(1198493)
Item 87	August 13, 2014	(1198494)
Item 88	September 12, 2014	(1193627)
Item 89	September 18, 2014	(1205777)
Item 90	October 13, 2014	(1212189)
Item 91	November 10, 2014	(1202697)
Item 92	November 21, 2014	(1218441)
Item 93	December 16, 2014	(1224220)
Item 94	December 22, 2014	(1216030)
Item 95	January 15, 2015	(1216304)
Item 96	January 17, 2015	(1230747)
Item 97	February 18, 2015	(1242257)
Item 98	March 06, 2015	(1248586)
Item 99	April 16, 2015	(1255486)
Item 100	May 12, 2015	(1262196)
Item 101	May 28, 2015	(1252934)
Item 102	May 29, 2015	(1252765)
Item 103	June 15, 2015	(1269365)
Item 104	July 17, 2015	(1261673)
Item 105	July 20, 2015	(1276911)
Item 106	July 24, 2015	(1261441)
Item 107	August 18, 2015	(1269120)
Item 108	September 17, 2015	(1274216)

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. 2015-1439-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 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. 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 August 23, 2015.

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 Ten Thousand Eight Hundred Seventy-Five Dollars ($10,875) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Three Hundred

Fifty Dollars ($4,350) of the administrative penalty and Two Thousand One Hundred Seventy-Five Dollars ($2,175) 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. Four Thousand Three Hundred Fifty Dollars ($4,350) 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 may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to 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, as documented during a record review conducted on June 25, 2015. Specifically, the Respondent released 834.84 pounds ("lbs") of nitrogen oxides, 6,031.45 lbs of carbon monoxide ("CO"), and 6,575.27 lbs of volatile organic compounds ("VOC") from the High Pressure Flare, Emission Point Number ("EPN") 11FLR_042, and released 12.50 lbs of CO and 479.10 lbs of VOC from the Ethylene Unit Process Fugitives, EPN 01FUG_001, during an avoidable emissions event (Incident No. 214455) that began on May 19, 2015 and lasted for 11 hours and 10 minutes. The event occurred when the Process Gas Compressor tripped due to a sudden decrease in the lube oil system pressure when the turbine driven lube oil pump tripped unexpectedly and resulted in flaring. 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.

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. 2015-1439-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, Four Thousand Three Hundred Fifty Dollars ($4,350) 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. It is further ordered that the Respondent shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, implement measures and/or procedures to prevent recurrence of emissions events due to the same or similar causes as Incident No. 214455; and

   b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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 — Date 5/16/16

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

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

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

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

Signature — Date 1/6/16

Christopher J. Birdsall — Site Manager

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

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: 2015-1439-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**ExxonMobil Oil Corporation**
Penalty Amount:	**Eight Thousand Seven Hundred Dollars ($8,700)**
SEP Offset Amount:	**Four Thousand Three Hundred Fifty Dollars ($4,350)**
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:

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.