

Executive Summary – Enforcement Matter – Case No. 51668
Exxon Mobil Corporation
RN102579307
Docket No. 2015-1839-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Unauthorized emissions which are excessive emissions events.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Exxon Mobil Baytown Refinery, 2800 Decker Drive, Baytown, Harris County

Type of Operation:

Petroleum refining plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, 2016-0326-PST-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 3, 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: Houston Regional Monitoring Corporation (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: \$68,674

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 19, 2015

Date(s) of NOE(s): December 10, 2015

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Exxon Mobil Corporation
RN102579307
Docket No. 2015-1839-AIR-E

Violation Information

Failed to prevent unauthorized emissions. This event was determined to be an excessive emissions event [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), Federal Operating Permit No. O1229, Special Terms and Conditions No. 30, Flexible Permit Nos. 18287, PSDTX730M4, and PAL7, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By October 24, 2014, built a scaffold to access the elevated manifold valves, installed a bypass around the section of the Booster Station 4 ("BS4") Refinery Gas System ("RGS") line where the obstruction occurred, and performed nuclear scanning of the line;
- b. By March 20, 2015, performed radiographic testing on the BS4 RGS line to identify potential areas of concern and evaluated options for removal of accumulated deposits;
- c. By September 30, 2015, replaced the entire BS4 RGS manifold during Pipestill 7 downtime, to remove the plugged section; and
- d. On February 12, 2016, submitted a Corrective Action Plan ("CAP") in accordance with the TCEQ letter dated December 10, 2015 to address the excessive emissions event that occurred on October 22, 2014 (Incident No. 205559).

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. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submitted on February 12, 2016 in connection with the October 22, 2014 excessive emissions event within 15 days after the date of such requests, or by any other deadline specified in writing;
 - b. Upon Commission approval of the CAP, implement the CAP in accordance with the approved schedule; and
 - c. Within 15 days upon completion of the CAP implementation, submit written certification to demonstrate compliance with b.

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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: Raime Hayes-Falero, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3567; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Matthew Crocker, Site Manager, Exxon Mobil Corporation, 5000 Bayway Drive, CAB Building, W-432, Baytown, Texas 77520
Respondent's Attorney: N/A

Attachment A
Docket Number: 2015-1839-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Exxon Mobil 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:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris 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 SEP Offset Amount is set forth above and such offset 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 **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. 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 a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor (“HRM”) 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed 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 it 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

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

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 contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Exxon Mobil Corporation
Agreed Order - Attachment A

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Morgan, Lewis, & Bockius, LLP
1000 Louisiana, Suite 4000
Houston, Texas 77002

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due 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 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 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	14-Dec-2015	Screening	17-Dec-2015	EPA Due	
	PCW	25-Jan-2016				

RESPONDENT/FACILITY INFORMATION

Respondent	Exxon Mobil Corporation		
Reg. Ent. Ref. No.	RN102579307		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	51668	No. of Violations	1
Docket No.	2015-1839-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Raime Hayes-Falero
		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	\$50,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0% Adjustment	Subtotals 2, 3, & 7	\$50,000
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Notes: Enhancement for one NOV with same or similar violations, four NOVs with dissimilar violations, four orders with a denial of liability, and four orders without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	50.0% Enhancement*	Subtotal 6	\$18,674
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Total EB Amounts	\$18,674
Estimated Cost of Compliance	\$309,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$118,674
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$118,674
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$50,000
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$50,000
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Screening Date 17-Dec-2015

Docket No. 2015-1839-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 4 (April 2014)

Case ID No. 51668

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102579307

Media [Statute] Air

Enf. Coordinator Raime Hayes-Falero

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	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	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	4	100%
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) 193%

>> 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 or similar violations, four NOVs with dissimilar violations, four orders with a denial of liability, and four orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 193%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 17-Dec-2015

Docket No. 2015-1839-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 4 (April 2014)

Case ID No. 51668

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102579307

Media [Statute] Air

Enf. Coordinator Raime Hayes-Falero

Violation Number 1

Rule Cite(s)

30 Texas Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Federal Operating Permit No. O1229, Special Terms and Conditions No. 30, Flexible Permit Nos. 18287, PSDTX730M4, and PAL7, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 187,927.26 pounds ("lbs") of sulfur dioxide ("SO2"), 24,165.55 lbs of volatile organic compounds, 12,906.78 lbs of carbon monoxide, 2,372.06 lbs of nitrogen oxides, and 2,043.47 lbs of hydrogen sulfide from Flare 16, Emission Point Number FLARE16, during an emissions event (Incident No. 205559) that began on October 22, 2014 and lasted for 46 hours and 53 minutes. The emission event occurred due to the failure to keep the manifold valve of the Refinery Gas System ("RGS") discharge line clear, causing a high pressure condition to develop on the discharge side of the Booster Station 4 ("BS4") RGS after a temporary diversion of a SO2 rich stream from the ALKY Unit to the BS4 RGS compressors during an unplanned maintenance event at the ALKY Unit. This event was determined to be an excessive emissions event.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>> 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 2

2 Number of violation days

mark only one with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$50,000

Two daily events are recommended.

Good Faith Efforts to Comply

0.0%

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 \$50,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18,674

Violation Final Penalty Total \$118,674

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

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 51668
Reg. Ent. Reference No. RN102579307
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	\$242,000	22-Oct-2014	30-Sep-2015	0.94	\$758	\$15,161	\$15,919
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$25,000	22-Oct-2014	20-Mar-2015	0.41	\$34	\$680	\$714
Engineering/Construction	\$17,000	22-Oct-2014	24-Oct-2014	0.01	\$0	\$6	\$7
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)	\$25,000	22-Oct-2014	7-Jun-2016	1.63	\$2,034	n/a	\$2,034

Notes for DELAYED costs

Estimated cost to build a scaffold to access the elevated manifold valves, install a bypass around the section of the BS4 RGS line where the obstruction occurred, and perform nuclear scanning of the line; perform radiographic testing of the BS4 RGS line to identify potential areas of concern and evaluate options for removal of accumulated deposits; replace the entire BS4 RGS manifold during Pipestill 7 downtime to remove the plugged section; and implement a Corrective Action Plan designed to prevent recurrence of emissions events due to the same cause as Incident No. 205559. The Date Required is date the emissions event began and the Final Dates are the dates of compliance and 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

\$309,000

TOTAL

\$18,674

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.



Compliance History Report

PUBLISHED Compliance History Report for CN600123939, RN102579307, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN600123939, Exxon Mobil Corporation

Classification: SATISFACTORY

Rating: 2.46

Regulated Entity: RN102579307, EXXON MOBIL BAYTOWN REFINERY

Classification: SATISFACTORY

Rating: 6.95

Complexity Points: 52

Repeat Violator: NO

CH Group: 02 - Oil and Petroleum Refineries

Location: 2800 DECKER DR BAYTOWN, TX 77520-2020, HARRIS COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50111

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD000782698

- AIR NEW SOURCE PERMITS PERMIT 18287**
- AIR NEW SOURCE PERMITS REGISTRATION 23378**
- AIR NEW SOURCE PERMITS REGISTRATION 26486**
- AIR NEW SOURCE PERMITS REGISTRATION 27403**
- AIR NEW SOURCE PERMITS REGISTRATION 30186**
- AIR NEW SOURCE PERMITS REGISTRATION 31008**
- AIR NEW SOURCE PERMITS REGISTRATION 31852**
- AIR NEW SOURCE PERMITS REGISTRATION 34295**
- AIR NEW SOURCE PERMITS REGISTRATION 36536**
- AIR NEW SOURCE PERMITS REGISTRATION 38532**
- AIR NEW SOURCE PERMITS REGISTRATION 40421**
- AIR NEW SOURCE PERMITS REGISTRATION 42509**
- AIR NEW SOURCE PERMITS REGISTRATION 44162**
- AIR NEW SOURCE PERMITS REGISTRATION 49893**
- AIR NEW SOURCE PERMITS REGISTRATION 11007**
- AIR NEW SOURCE PERMITS REGISTRATION 10550**
- AIR NEW SOURCE PERMITS REGISTRATION 11206**
- AIR NEW SOURCE PERMITS REGISTRATION 11380**
- AIR NEW SOURCE PERMITS REGISTRATION 11475**
- AIR NEW SOURCE PERMITS REGISTRATION 11555**
- AIR NEW SOURCE PERMITS REGISTRATION 11703**
- AIR NEW SOURCE PERMITS REGISTRATION 12226**
- AIR NEW SOURCE PERMITS REGISTRATION 12628**
- AIR NEW SOURCE PERMITS REGISTRATION 12977**
- AIR NEW SOURCE PERMITS REGISTRATION 55381**
- AIR NEW SOURCE PERMITS REGISTRATION 71553**
- AIR NEW SOURCE PERMITS REGISTRATION 71614**
- AIR NEW SOURCE PERMITS REGISTRATION 52474**
- AIR NEW SOURCE PERMITS REGISTRATION 54497**
- AIR NEW SOURCE PERMITS REGISTRATION 50582**
- AIR NEW SOURCE PERMITS REGISTRATION 74578**
- AIR NEW SOURCE PERMITS EPA PERMIT PSDTX730M3**
- AIR NEW SOURCE PERMITS EPA PERMIT PSDTX730M2**
- AIR NEW SOURCE PERMITS REGISTRATION 107643**
- AIR NEW SOURCE PERMITS REGISTRATION 137342**
- AIR NEW SOURCE PERMITS REGISTRATION 136452**
- AIR NEW SOURCE PERMITS REGISTRATION 112406**
- AIR NEW SOURCE PERMITS REGISTRATION 112413**

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30040
POLLUTION PREVENTION PLANNING ID NUMBER P00234

- AIR NEW SOURCE PERMITS REGISTRATION 22874**
- AIR NEW SOURCE PERMITS REGISTRATION 24669**
- AIR NEW SOURCE PERMITS REGISTRATION 26294**
- AIR NEW SOURCE PERMITS REGISTRATION 26443**
- AIR NEW SOURCE PERMITS REGISTRATION 31067**
- AIR NEW SOURCE PERMITS REGISTRATION 31690**
- AIR NEW SOURCE PERMITS REGISTRATION 31915**
- AIR NEW SOURCE PERMITS REGISTRATION 33875**
- AIR NEW SOURCE PERMITS REGISTRATION 36664**
- AIR NEW SOURCE PERMITS REGISTRATION 39164**
- AIR NEW SOURCE PERMITS REGISTRATION 38572**
- AIR NEW SOURCE PERMITS REGISTRATION 43489**
- AIR NEW SOURCE PERMITS REGISTRATION 47145**
- AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0232Q**
- AIR NEW SOURCE PERMITS REGISTRATION 10461**
- AIR NEW SOURCE PERMITS REGISTRATION 11053**
- AIR NEW SOURCE PERMITS REGISTRATION 11250**
- AIR NEW SOURCE PERMITS REGISTRATION 11464**
- AIR NEW SOURCE PERMITS REGISTRATION 11483**
- AIR NEW SOURCE PERMITS REGISTRATION 11624**
- AIR NEW SOURCE PERMITS REGISTRATION 11939**
- AIR NEW SOURCE PERMITS REGISTRATION 12380**
- AIR NEW SOURCE PERMITS REGISTRATION 12968**
- AIR NEW SOURCE PERMITS REGISTRATION 12994**
- AIR NEW SOURCE PERMITS AFS NUM 4820100027**
- AIR NEW SOURCE PERMITS EPA PERMIT PSDTX975**
- AIR NEW SOURCE PERMITS REGISTRATION 50429**
- AIR NEW SOURCE PERMITS REGISTRATION 54582**
- AIR NEW SOURCE PERMITS REGISTRATION 71394**
- AIR NEW SOURCE PERMITS REGISTRATION 54848**
- AIR NEW SOURCE PERMITS REGISTRATION 75186**
- AIR NEW SOURCE PERMITS EPA PERMIT PSDTX975M2**
- AIR NEW SOURCE PERMITS EPA PERMIT PAL7**
- AIR NEW SOURCE PERMITS REGISTRATION 115627**
- AIR NEW SOURCE PERMITS EPA PERMIT PSDTX474M5**
- AIR NEW SOURCE PERMITS EPA PERMIT PSDTX852**
- AIR NEW SOURCE PERMITS REGISTRATION 136500**
- AIR OPERATING PERMITS ACCOUNT NUMBER HG0232Q**

AIR OPERATING PERMITS PERMIT 1229

WASTEWATER EPA ID TX0006271

STORMWATER PERMIT TXR150022506

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0232Q

WASTEWATER PERMIT WQ0000592000

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 8309

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30040

LEAKING PETROLEUM STORAGE TANKS REMEDIATION ID NUMBER 99546

Compliance History Period: September 01, 2010 to August 31, 2015 Rating Year: 2015 Rating Date: 09/01/2015

Date Compliance History Report Prepared: December 17, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 17, 2010 to December 17, 2015

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

Name: Raime Hayes-Falero

Phone: (713) 767-3567

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3) If YES for #2, who is the current owner/operator? N/A
4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
5) If YES, when did the change(s) in owner or operator occur? N/A

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

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

1 Effective Date: 02/05/2011 ADMINORDER 2009-1848-IHW-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)

Rqmt Prov: Permit No. 50111, Provision, II.C.1. PERMIT

Permit No. 50111, Provision, II.C.2. PERMIT

V.D.1 PERMIT

V.D.3 PERMIT

Description: Failed to prevent hazardous from entering surface impoundments. Specifically, on four occasions, wastewater containing more than a 0.5 milligrams per liter of benzene was allowed to flow into the Wastewater Oxidation Unit, the Upper Outfall Canal and the Old Aeration Pond.

Classification: Moderate

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT O 268.1(a)

40 CFR Chapter 268, SubChapter I, PT 268, SubPT D 268.40(a)

Rqmt Prov: II.B. PERMIT

Description: Land Disposal Restrictions

2 Effective Date: 03/19/2011 ADMINORDER 2009-1944-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 268,879 pounds ("lbs") of carbon monoxide ("CO"), 1,928 lbs of nitrogen oxide ("NOx"), 943 lbs of ammonia ("NH3"), 667 lbs of sulfur dioxide ("SO2") and 384 lbs of hydrogen cyanide ("HCN") from Fluid Catalytic Cracking Unit 3 ("FCCU3") during an avoidable emissions event (Incident No. 118545) that began January 7, 2009 and lasted 34 hours. Forced-Draft Fan 510 ("FD-510") and Boiler A were shut down for maintenance.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SPECIAL CONDITION 1 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 61,369 lbs of CO, 3,978 lbs of SO2, 503 lbs of particulate matter, 216 lbs of NH3, 88 lbs of HCN and 15 lbs of NOx from Fluid Catalytic Cracking Unit 3 ("FCCU3") during an avoidable emissions event (Incident No. 123795) that began May 4, 2009 and lasted 32 hours and 24 minutes. FD-510 was shut down for maintenance. The air flow in FD-520 was increased so Boiler A would not shut down.

Published Compliance History Report for CN600123939, RN102579307, Rating Year 2015 which includes Compliance History (CH) components from December 17, 2010, through December 17, 2015.

Due a broken mechanical linkage

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

3 Effective Date: 04/18/2011 ADMINORDER 2010-0656-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-730M4/PAL, Special Condition 1 PERMIT
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 132322. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-730M4/PAL PERMIT
SPECIAL CONDITION 1 OP

Description: Failed to prevent unauthorized emissions during Incident No. 134509. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

4 Effective Date: 11/18/2011 ADMINORDER 2010-1036-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-730-M4/PAL PERMIT
Special Condition 1 PERMIT

Description: Exxon Mobil failed to prevent pluggage of the transfer line from BS-4 to the Girbotol Unit, resulting in an emissions event and 47,614 lbs of unauthorized SO2 emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-730M4/PAL PERMIT
Special Condition No. 1 PERMIT

Description: Failed to prevent the release of unauthorized emissions during an emissions event particularly when power failure occurred in the SCU2.

5 Effective Date: 12/19/2011 ADMINORDER 2011-0450-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Flexible Permit No. 18287, SC #1 PERMIT

Description: Failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 146177) that occurred on October 15, 2010, the Respondent released 2,252 pounds ("lbs") of sulfur dioxide from Flare Stack 20 (Emission Point Number FL20) during an emissions event that lasted approximately two hours. The event occurred when safe operating system pressure and reactor temperatures were not maintained during startup of the GoFiner 1 Unit.....

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Flexible Permit No. 18287, SC #1 PERMIT

Description: Failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions

event (Incident No. 146247) that occurred on October 18, 2010, the Respondent released 425 lbs of volatile organic compounds, 3,256 lbs of sulfur dioxide, 36 lbs of hydrogen sulfide, 223 lbs of carbon monoxide, and 43 lbs of nitrogen oxide from Flare Stacks 15 and 16 at the Pipe Still 3 and 7 Units during an emissions event that lasted approximately 51 minutes. The event occurred.....

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Flexible Permit No. 18287, SC #1 PERMIT

Description: Failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 146393) that occurred on October 20, 2010, the Respondent released 227 lbs of volatile organic compounds, 1,773 lbs of sulfur dioxide, 19 lbs of hydrogen sulfide, 121 lbs of carbon monoxide, and 22 lbs of nitrogen oxide from Flare Stacks 15 and 16 at the Pipe Still 3 and 7 Units during an emissions event that lasted approximately 37 minutes.....

6 Effective Date: 03/03/2012 ADMINORDER 2011-2336-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Federal Operating Permit No. O1229 OP
Permit Nos. 18287 and PSDTX730M4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 42,932.2 pounds ("lbs") of carbon monoxide, 5,568.16 lbs of sulfur dioxide ("SO2"), 898.97 lbs of nitrogen oxides ("NOx"), 2.25 lbs of hydrogen sulfide ("H2S"), and 8.9 lbs of volatile organic compounds ("VOC") from Flare Stack 25 and Flare Stack 26 during an emissions event (Incident No. 160475) that began on October 12, 2011 and lasted 58 hours and 15 minutes. The event occurred as the result of a breakdown of the

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Federal Operating Permit No. O1229 OP
Permit Nos. 18287 and PSDTX730M4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 47,710.11 lbs of CO, 93.59 lbs of NOx, 2,594.21 lbs of SO2, 629.76 lbs of VOC, 28.08 lbs of H2S, 60.5 lbs of particulate matter, and 35.83 lbs of ammonia from Flares 3, 4, 5, and 6, and the Fluid Catalytic Cracking Unit 2 Wet Gas Scrubber during an emissions event (Incident No. 161050) that began on October 25, 2011, and lasted one hour and 25 minutes. The event occurred when an isolation switch at a substation

7 Effective Date: 05/25/2012 ADMINORDER 2011-1584-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1229, ST&C 1.A OP

Description: Failed to maintain H2S concentrations in the fuel gas below 162 parts per million ("ppm") [230 milligrams per dry standard cubic meter] for the following emission units: Flare 3, Flare 5, Flare 6, Flare 15, Flare 16, Flare 17, Flare 20, Hydrofining Unit 9 and the Fuels North Area. Specifically, from December 13, 2009 through November 18, 2010, the 162 ppm H2S three-hour rolling average limit was exceeded for a total of 47 hours.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(10)
30 TAC Chapter 117, SubChapter B 117.345(f)(6)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1229, ST&C 11.D. OP
FOP O1229, ST&C 11.E. OP

Description: Failed to maintain the start and stop times of the operation of emergency engines during maintenance and testing. Specifically, this occurred on 17 Emission Point Nos. (UCCICE, FECCICE, LS110P1, LS243RP4, LS243RP5, LS243RP6, LS423RP7, LS423RP8, LS243RP9, RBICEP3, RBICEP4, SCU2PO54ICE, SEP12ICE1, SEP12ICE2, SRUICE, SSPICE2, and UCCICE) between November 22, 2009 and March 1, 2010.

8 Effective Date: 04/27/2013 ADMINORDER 2012-1630-IHW-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)
Rqmt Prov: Provision II.C.1.d. PERMIT
Description: Failure to prevent the disposal of IHW at an unauthorized facility.
Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.10
Rqmt Prov: Provision II.C.1.d. PERMIT
Description: Failure to properly complete all manifests for the shipment of hazardous wastes.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	December 20, 2010	(896256)
Item 2	December 28, 2010	(888043)
Item 3	January 03, 2011	(886787)
Item 4	January 04, 2011	(877576)
Item 5	January 10, 2011	(885142)
Item 6	January 18, 2011	(902319)
Item 7	January 24, 2011	(891540)
Item 8	January 27, 2011	(878096)
Item 9	January 28, 2011	(891106)
Item 10	January 31, 2011	(891464)
Item 11	February 01, 2011	(891416)
Item 12	February 02, 2011	(877369)
Item 13	February 07, 2011	(893263)
Item 14	February 11, 2011	(909099)
Item 15	February 14, 2011	(887849)
Item 16	February 28, 2011	(878104)
Item 17	March 01, 2011	(900860)
Item 18	March 16, 2011	(916356)
Item 19	March 25, 2011	(900050)
Item 20	April 05, 2011	(907025)
Item 21	April 06, 2011	(906078)
Item 22	April 12, 2011	(908848)
Item 23	April 13, 2011	(938041)
Item 24	April 21, 2011	(924829)
Item 25	May 06, 2011	(915517)
Item 26	June 08, 2011	(914765)
Item 27	June 17, 2011	(945409)
Item 28	June 22, 2011	(921491)
Item 29	July 12, 2011	(923929)
Item 30	July 15, 2011	(924334)
Item 31	July 25, 2011	(932932)
Item 32	September 19, 2011	(949097)
Item 33	October 10, 2011	(944373)
Item 34	October 11, 2011	(962097)
Item 35	October 17, 2011	(971392)
Item 36	October 19, 2011	(952007)
Item 37	November 09, 2011	(950935)
Item 38	November 17, 2011	(977551)
Item 39	November 18, 2011	(955544)
Item 40	November 21, 2011	(950913)
Item 41	December 12, 2011	(984319)
Item 42	January 17, 2012	(974673)

Item 43	February 02, 2012	(981400)
Item 44	February 09, 2012	(981400)
Item 45	March 16, 2012	(1003507)
Item 46	March 27, 2012	(982652)
Item 47	March 28, 2012	(981966)
Item 48	April 03, 2012	(977341)
Item 49	April 09, 2012	(988340)
Item 50	April 13, 2012	(988608)
Item 51	April 20, 2012	(1010068)
Item 52	May 03, 2012	(996948)
Item 53	May 04, 2012	(983877)
Item 54	May 21, 2012	(1016462)
Item 55	May 22, 2012	(1006882)
Item 56	June 18, 2012	(1024184)
Item 57	July 05, 2012	(1015165)
Item 58	July 18, 2012	(1031577)
Item 59	July 19, 2012	(1002512)
Item 60	July 24, 2012	(1014498)
Item 61	July 30, 2012	(1006801)
Item 62	August 15, 2012	(1014991)
Item 63	August 22, 2012	(1037954)
Item 64	September 18, 2012	(1046687)
Item 65	September 24, 2012	(1030640)
Item 66	October 15, 2012	(1060915)
Item 67	October 19, 2012	(1002511)
Item 68	October 30, 2012	(1036038)
Item 69	November 20, 2012	(1060916)
Item 70	December 11, 2012	(1043322)
Item 71	December 13, 2012	(1060917)
Item 72	December 14, 2012	(1049611)
Item 73	December 19, 2012	(1049614)
Item 74	January 09, 2013	(1050834)
Item 75	January 17, 2013	(1078992)
Item 76	February 08, 2013	(1049617)
Item 77	February 13, 2013	(1078991)
Item 78	February 26, 2013	(1055864)
Item 79	March 21, 2013	(1089320)
Item 80	April 18, 2013	(1095714)
Item 81	April 22, 2013	(1054895)
Item 82	May 01, 2013	(1054208)
Item 83	May 02, 2013	(1086858)
Item 84	May 10, 2013	(1074592)
Item 85	May 13, 2013	(1106639)
Item 86	May 16, 2013	(1088767)
Item 87	June 13, 2013	(1094524)
Item 88	June 25, 2013	(1110315)
Item 89	July 03, 2013	(1094148)
Item 90	July 16, 2013	(1101639)
Item 91	July 23, 2013	(1117199)
Item 92	July 25, 2013	(1100521)
Item 93	August 08, 2013	(1100525)
Item 94	August 15, 2013	(1088496)
Item 95	August 26, 2013	(1124955)
Item 96	September 12, 2013	(1129555)
Item 97	October 11, 2013	(1135285)
Item 98	October 28, 2013	(1115025)
Item 99	November 06, 2013	(1121042)
Item 100	November 18, 2013	(1122485)
Item 101	November 19, 2013	(1121653)
Item 102	November 22, 2013	(1124623)

Item 103	November 25, 2013	(1121002)
Item 104	December 06, 2013	(1134629)
Item 105	December 09, 2013	(1134413)
Item 106	December 16, 2013	(1134627)
Item 107	December 17, 2013	(1134630)
Item 108	December 23, 2013	(1147143)
Item 109	January 09, 2014	(1132672)
Item 110	January 23, 2014	(1153212)
Item 111	January 30, 2014	(1122294)
Item 112	February 19, 2014	(1116303)
Item 113	March 21, 2014	(1146283)
Item 114	April 01, 2014	(1150171)
Item 115	April 23, 2014	(1174325)
Item 116	April 25, 2014	(1150924)
Item 117	April 28, 2014	(1144013)
Item 118	May 02, 2014	(1158103)
Item 119	May 20, 2014	(1180513)
Item 120	May 21, 2014	(1157645)
Item 121	May 23, 2014	(1160214)
Item 122	May 28, 2014	(1160203)
Item 123	June 02, 2014	(1158109)
Item 124	June 05, 2014	(1160191)
Item 125	June 06, 2014	(1152150)
Item 126	June 23, 2014	(1187411)
Item 127	June 30, 2014	(1165038)
Item 128	July 16, 2014	(1163575)
Item 129	July 17, 2014	(1165039)
Item 130	July 22, 2014	(1198571)
Item 131	August 26, 2014	(1198572)
Item 132	September 08, 2014	(1185543)
Item 133	September 16, 2014	(1205816)
Item 134	October 06, 2014	(1134626)
Item 135	October 23, 2014	(1212228)
Item 136	October 30, 2014	(1198255)
Item 137	November 24, 2014	(1218480)
Item 138	December 08, 2014	(1205338)
Item 139	December 19, 2014	(1209661)
Item 140	December 22, 2014	(1224259)
Item 141	December 30, 2014	(1211844)
Item 142	January 26, 2015	(1230786)
Item 143	February 06, 2015	(1209664)
Item 144	February 18, 2015	(1222392)
Item 145	February 26, 2015	(1242296)
Item 146	March 09, 2015	(1222394)
Item 147	March 13, 2015	(1222395)
Item 148	March 18, 2015	(1228792)
Item 149	March 25, 2015	(1248625)
Item 150	April 28, 2015	(1255525)
Item 151	May 18, 2015	(1245893)
Item 152	June 16, 2015	(1269404)
Item 153	June 19, 2015	(1252269)
Item 154	July 02, 2015	(1260590)
Item 155	July 13, 2015	(1248312)
Item 156	July 23, 2015	(1276950)
Item 157	August 07, 2015	(1266225)
Item 158	August 11, 2015	(1255003)
Item 159	August 25, 2015	(1283127)
Item 160	August 26, 2015	(1247781)
Item 161	September 17, 2015	(1259046)
Item 162	September 23, 2015	(1273728)

Item 163	September 28, 2015	(1266227)
Item 164	September 29, 2015	(1266227)
Item 165	October 13, 2015	(1281159)
Item 166	October 15, 2015	(1248242)
Item 167	October 22, 2015	(1296470)
Item 168	October 29, 2015	(1221710)
Item 169	November 03, 2015	(1281908)
Item 170	November 12, 2015	(1286617)
Item 171	December 16, 2015	(1296058)

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: 04/27/2015 (1245467) CN600123939
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
2D TWC Chapter 26, SubChapter A 26.121(a)(3)
2D TWC Chapter 26, SubChapter A 26.121(b)
2D TWC Chapter 26, SubChapter A 26.121(c)
2D TWC Chapter 26, SubChapter A 26.121(d)
2D TWC Chapter 26, SubChapter A 26.121(e)
30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
Permit Conditions, No. 2.g PERMIT
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)(2)
Description: Failed to prevent the unauthorized discharge of wastewater.
- 2 Date: 04/30/2015 (1262235) CN600123939
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 08/31/2015 (1211175)
Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6602
5C THSC Chapter 382 382.085(b)
Description: Failure conduct annual oil changes on engines (EPNs DCUICE, EOCICE, & RBICEG2).
[Category C4]
- 4 Date: 08/31/2015 (1290266) CN600123939
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 08/31/2015 (1211219)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
FOP Special Term & Condition 30 OP
NSR Special Condition 34E PERMIT
Description: Failure to equip 24 open-ended valves or lines (OELs) with a cap, plug, flange or second valve. [Category C10]
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)(i)
5C THSC Chapter 382 382.085(b)

Description: FOP Special Term & Condition 10E OP
 FOP Special Term & Condition 1A OP
 Failure to monitor a valve (Tag #6821) within 30 days after being placed into HRVOC service. [Category C1]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
 FOP Special Term & Condition 30 OP
 NSR Special Condition 11B PERMIT

Description: Failure to maintain a constant pilot flame on flare (EPN: FL11). [Category C4]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 10 OP

Description: Failure to take a daily sample following eight hours of of HRVOC analyzer downtime for flares. [Category C1]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 2F OP

Description: Failure to meet the 14-day emission event recordkeeping deadline. [Category C3]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 10 OP

Description: Failure to collect samples for total and speciated HRVOC analysis following 24 hours of HRVOC analyzer downtime for cooling water tower (EPN: CT68FUG) [Category C1]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 30 OP
 NSR Special Condition 18 PERMIT

Description: Failure to collect and/or analyze weekly liquid samples of product sulfur from tank (EPN: TK1027). [Category C1]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-7a(c)(2)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP

Description: Failure to conduct monthly monitoring on 13 valves following repair of an identified leak. [Category C1]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 30 OP
 NSR Consent Decree 2A PERMIT

Description: Failure to maintain the NOX short-term concentration limit below 70 ppmvd on a 7-day rolling average basis at 0% O2. [Category B14]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(b)(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
 FOP Special Term & Condition 30 OP
 NSR Consent Decree 2A PERMIT

Description: Failure to maintain the CO concentration below the required emission limits. [Category B14]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(1)(A)

30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.126(b)(1)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
 FOP Special Term & Condition 30 OP
 NSR Special Condition 15 PERMIT
 Description: Failure to maintain the Vapor Destruction Unit (VDU) above the minimum required destruction efficiency. [Category C4]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP

Description: Failure to repair leaking exchanger head within 15 calendar days after the leak is identified. [Category C1]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.107a(a)(2)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 14 OP
 FOP Special Term & Condition 30 OP
 NSR Consent Decree 29A(4) PERMIT

Description: Failure to monitor Flare 11 and 14 (EPN: FLARE11 & FLARE14) H2S analyzers continuously. [Category C1]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(6)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
 FOP Special Term & Condition 30 OP
 NSR Consent Decree 25B PERMIT

Description: Failure to adjust Total Reduced Sulfur analyzer (EPN: SCU2T601) following a calibration drift that was greater than two times the limit of the applicable performance standard. [Category C3]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(3)(C)
 30 TAC Chapter 115, SubChapter B 115.126(1)(B)
 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(i)(B)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
 FOP Special Term & Condition 30 OP
 NSR Special Condition 11A PERMIT

Description: Failure to maintain each flare above 300 British thermal unit per standard cubic feet (Btu/scf). [Category C4]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP General Term & Condition OP

Description: Failure to report all deviations. [Category B3]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)(ii)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)(4)(ii)
 5C THSC Chapter 382 382.085(b)
 FOP Special & Term 1A OP
 FOP Special Term & Condition 30 OP

Description: Failure to use a calibration gas less than 10,000 ppm methane during Method 21 leak testing. [Category B1]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP

Description: Failure to designate less than 3.0 percent of the total number of valves as difficult-to-monitor in the Flexicoking Unit. [Category C1]

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)(i)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
FOP Special Term & Condition 30 OP
NSR Special Condition 34F PERMIT
Description: Failure to conduct quarterly monitoring of valves. [Category C1]
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 10E OP
FOP Special Term & Condition 30 OP
NSR Special Condition 30 PERMIT
NSR Special Condition 34M PERMIT
Description: Failure to conduct periodic monitoring of connectors. [Category C1]
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 19 OP
Description: Failure to conduct annual method 21 on the top hatches of vacuum trucks. [Category C1]
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 30 OP
NSR Special Condition 1 PERMIT
Description: Failure to maintain H2S emissions below the cap Maintenance, Startup, and Shutdown (MSS) MAERT lbs/hr limit. [Category B13]
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
FOP Special Term & Condition 30 OP
NSR Special Condition 11C PERMIT
Description: Failure to prevent visible emissions from flare (EPN: FLARE11). [Category B13]
Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(8)
5C THSC Chapter 382 382.085(b)
Description: Failure to include summary of potential leaks in annual NESHAP FF report. [Category C3]
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 10 OP
Description: Failure to operate the monitoring system at least 95% of the time when the flare (EPN FLARE04) was operational. [Category C4]
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
FOP Special Term & Condition 30 OP
NSR Special Condition 11D PERMIT
Description: Failure to continuously monitor the flare (EPN FLARE04) vent stream. [Category C4]
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)

5C TMS Chapter 382.085(b)
FOP Special Term & Condition 14 OP
FOP Special Term & Condition 30 OP
NSR Consent Decree 21 PERMIT
NSR Consent Decree 29A(2) PERMIT

Description:

Failure to maintain the fuel gas concentration of hydrogen sulfide (H₂S) below 162 parts per million by volume (ppmv) in a 3-hour rolling average for multiple units. [Category B13]

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

K. Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EXXON MOBIL CORPORATION
RN102579307**

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

**AGREED ORDER
DOCKET NO. 2015-1839-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 Exxon Mobil 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 petroleum refining plant at 2800 Decker Drive in Baytown, Harris 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 an investigation conducted on February 19, 2015, TCEQ staff documented that the Respondent released 187,927.26 pounds ("lbs") of sulfur dioxide ("SO₂"), 24,165.55 lbs of volatile organic compounds, 12,906.78 lbs of carbon monoxide, 2,372.06 lbs of nitrogen oxides, and 2,043.47 lbs of hydrogen sulfide from Flare 16, Emission Point Number FLARE16, during an emissions event (Incident No. 205559) that began on October 22, 2014 and lasted for 46 hours and 53 minutes. The emissions event occurred due to the failure to keep the manifold valve of the Refinery Gas System ("RGS") discharge line clear, causing a high pressure condition to develop on the discharge side of the Booster Station 4 ("BS4") RGS after a temporary diversion of a SO₂ rich stream from the ALKY Unit to the BS4 RGS compressors during an unplanned maintenance event at the ALKY Unit. TCEQ staff determined that this event was an excessive emissions event.
4. The Respondent received notice of the violations on December 14, 2015.
5. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. By October 24, 2014, built a scaffold to access the elevated manifold valves, installed a bypass around the section of the BS4 RGS line where the obstruction occurred, and performed nuclear scanning of the line;
 - b. By March 20, 2015, performed radiographic testing on the BS4 RGS line to identify potential areas of concern and evaluated options for removal of accumulated deposits;
 - c. By September 30, 2015, replaced the entire BS4 RGS manifold during Pipestill 7 downtime, to remove the plugged section; and
 - d. On February 12, 2016, submitted a Corrective Action Plan ("CAP") in accordance with the TCEQ letter dated December 10, 2015 to address the excessive emissions event that occurred on October 22, 2014 (Incident No. 205559).

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 TEXAS ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), Federal Operating Permit No. O1229, Special Terms and Conditions No. 30, Flexible Permit Nos. 18287, PSDTX730M4, and PAL7, Special Condition No. 1, and TEX.

HEALTH & SAFETY CODE § 382.085(b). This event was determined to be an excessive emissions event.

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. 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 No. 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: Exxon Mobil Corporation, Docket No. 2015-1839-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 Respondent shall undertake the following technical requirements:
- a. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submitted on February 12, 2016 in connection with the October 22, 2014 excessive emissions event within 15 days after the date of such requests, or by any other deadline specified in writing;
 - b. Upon Commission approval of the CAP, implement the CAP in accordance with the approved schedule; and
 - c. Within 15 days upon completion of the CAP implementation, 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.b. 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

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. 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.
8. 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.
9. 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.
10. 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.

11. 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



9/6/16

For the Executive Director

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Exxon Mobil Corporation. I am authorized to agree to the attached Agreed Order on behalf of Exxon Mobil 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, Exxon Mobil 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

03/31/2016
Date

MATTHEW CROCKER
Name (Printed or typed)
Authorized Representative of
Exxon Mobil 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: 2015-1839-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Exxon Mobil 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:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris 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 SEP Offset Amount is set forth above and such offset 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 **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. 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 a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor ("HRM") 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed 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.

Exxon Mobil Corporation
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that it 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

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

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 contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Exxon Mobil Corporation
Agreed Order - Attachment A

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Morgan, Lewis, & Bockius, LLP
1000 Louisiana, Suite 4000
Houston, Texas 77002

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due 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 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 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.