

**Executive Summary – Enforcement Matter – Case No. 48446**

**ExxonMobil Oil Corporation**

**RN102450756**

**Docket No. 2014-0429-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

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

**Type of Operation:**

Petroleum refinery

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** November 21, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$251,073

**Amount Deferred for Expedited Settlement:** \$50,214

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

**Total Paid to General Revenue:** \$100,430

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

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$100,429

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:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 48446**

**ExxonMobil Oil Corporation**

**RN102450756**

**Docket No. 2014-0429-AIR-E**

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** December 9, 2013 through December 11, 2013, January 30, 2014, February 20, 2014 through February 28, 2014, and July 21, 2014 through August 1, 2014

**Date(s) of NOE(s):** January 17, 2014, February 28, 2014, April 11, 2014, and August 28, 2014

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 0.81 pound ("lb") of ammonia, 11,761.08 lbs of carbon monoxide, 23.38 lbs of nitrogen oxides, 32.40 lbs of particulate matter, 74.30 lbs of sulfur dioxide, 3.8 lbs of sulfuric acid, and 6.9 lbs of volatile organic compounds ("VOC") from the Fluidized Catalytic Cracker ("FCC") Wet Gas Scrubber, Emission Point No. ("EPN") 06STK\_003, during an avoidable emissions event (Incident No. 191372) that began on November 26, 2013 and lasted for one hour. The event occurred due to a malfunction of the Crude Unit B Vacuum Heavy Gas Oil level instrument which led to abnormally light feed to the FCC. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. O2000, Special Terms and Conditions ("STC") No. 18].

2. Failed to conduct monthly VOC monitoring in accordance with the requirements of the TCEQ Sampling Procedures Manual, Appendix P. Specifically, the Respondent reported the failure to collect cooling tower water samples that were representative of all return waters from the FURF2 Cooling Tower No. 8, EPN 39CTL#008, from July 2008 through October 2013, the CHD1 Cooling Tower No. 18, EPN 15CTL#018, from November 2009 through September 2013, the GP5E Cooling Tower No. 13, EPN 08CTL#013, from July 2008 through October 2013, and the Coker Cooling Tower No. 6, EPN 04CTL#006, from July 2008 through October 2013 [30 TEX. ADMIN. CODE §§ 101.20(2) and (3), 113.340, 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.654(c), Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, SC No. 14, FOP No. O1356, STC No. 14, FOP No. O2039, STC No. 13, FOP No. O2040, STC No. 12, and FOP No. O2046, STC No. 14].

**Executive Summary – Enforcement Matter – Case No. 48446**

**ExxonMobil Oil Corporation**

**RN102450756**

**Docket No. 2014-0429-AIR-E**

3. Failed to comply with the requirements of 40 CFR Part 60 Appendix F, Procedure 1. Specifically, the annual Relative Accuracy Test Audits ("RATA") were not conducted on the Hyrdocracker Stabilizer Reboiler Heater, EPN 20STK\_004, for calendar years 2009, 2010, 2011, 2012, and 2013 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and 40 CFR § 60.13(a) and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, SC No. 61 and FOP No. 02043, STC No. 14].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. On September 4, 2013, began conducting monthly monitoring of the cooling tower water for VOC leakage from the CHD1 Cooling Tower No. 18, EPN 15CTL#018;
- b. On October 2, 2013, began conducting monthly monitoring of the cooling tower water for VOC leakage from the FURF2 Cooling Tower No. 8, EPN 39CTL#008;
- c. On October 11, 2013, began conducting monthly monitoring of the cooling tower water for VOC leakage from the Coker Cooling Tower No. 6, EPN 04CTL#006;
- d. On October 25, 2013, began conducting monthly monitoring of the cooling tower water for VOC leakage from the GP5E Cooling Tower No. 13, EPN 08CTL#013;
- e. On March 21, 2014, conducted training to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 191372; and
- f. On August 4, 2014, submitted a permit revision for Flexible Permit No. 49138 to clarify the RATA requirements for continuous emissions monitoring on the Hyrdocracker Stabilizer Reboiler Heater, EPN 20STK\_004.

**Technical Requirements:**

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

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

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

**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 48446**  
**ExxonMobil Oil Corporation**  
**RN102450756**  
**Docket No. 2014-0429-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Rajesh Acharya, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-0577; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

**Respondent:** Fernando G. Salazar, Agent and Attorney in Fact, ExxonMobil Beaumont Refinery, 1795 Burt Street, Beaumont, Texas 77701  
S. B. Penn, Process Manager, ExxonMobil Beaumont Refinery, 1795 Burt Street, Beaumont, Texas 77701

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

**Attachment A**  
**Docket Number: 2014-0429-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>ExxonMobil Oil Corporation</b>
<b>Penalty Amount:</b>	<b>Two Hundred Thousand Eight Hundred Fifty-Nine Dollars (\$200,859)</b>
<b>SEP Offset Amount:</b>	<b>One Hundred Thousand Four Hundred Twenty-Nine Dollars (\$100,429)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b>Meteorological and Air Monitoring Network</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for 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 which 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

ExxonMobil Oil Corporation  
Agreed Order - Attachment A

- 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:

ExxonMobil Oil Corporation  
Agreed Order - Attachment A

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 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	4-Mar-2014	<b>Screening</b>	17-Mar-2014	<b>EPA Due</b>	14-Oct-2014
	<b>PCW</b>	17-Sep-2014				

## RESPONDENT/FACILITY INFORMATION

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

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48446	<b>No. of Violations</b>	2
<b>Docket No.</b>	2014-0429-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jessica Schildwachter
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$34,500**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **332.0%** Enhancement **Subtotals 2, 3, & 7** **\$114,540**

Notes: Enhancement for five NOVs with same/similar violations, one NOV with dissimilar violations, eight orders with denial of liability, and six orders without denial of liability. Reduction for one Notice of Intent to conduct an audit and two Disclosures of Violations submitted.

**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** **-\$8,625**

**Economic Benefit** **50.0%** Enhancement\* **Subtotal 6** **\$16,272**

Total EB Amounts **\$16,272**  
 Approx. Cost of Compliance **\$16,770**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$156,687**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$156,687**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$156,687**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$31,337**

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** **\$125,350**

**Screening Date** 17-Mar-2014

**Docket No.** 2014-0429-AIR-E

**PCW**

**Respondent** ExxonMobil Oil Corporation

Policy Revision 2 (September 2002)

**Case ID No.** 48446

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN102450756

**Media [Statute]** Air

**Enf. Coordinator** Jessica Schildwachter

### Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	6	150%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of 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> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	2	-4%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 332%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for five NOVs with same/similar violations, one NOV with dissimilar violations, eight orders with denial of liability, and six orders without denial of liability. Reduction for one Notice of Intent to conduct an audit and two Disclosures of Violations submitted.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 332%

Screening Date 17-Mar-2014

Docket No. 2014-0429-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 2 (September 2002)

Case ID No. 48446

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2) and (3), 113.340, 116.715(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations ("CFR") § 63.654(c), Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions No. 14, Federal Operating Permit ("FOP") No. O1356, Special Terms and Conditions ("STC") No. 14, FOP No. O2040, STC No. 12, FOP No. O2039, STC No. 13, and FOP No. O2046, STC No. 14

Violation Description

Failed to conduct monthly volatile organic compounds ("VOC") monitoring in accordance with the requirements of the TCEQ Sampling Procedures Manual, Appendix P. Specifically, the Respondent reported the failure to collect cooling tower water samples that were representative of all return waters from the FURF2 Cooling Tower No. 8, Emission Point No. ("EPN") 39CTL#008, from July 2008 through August 2011, the CHD1 Cooling Tower No. 18, EPN 15CTL#018, from November 2009 through August 2011, the GP5E Cooling Tower No. 13, EPN 08CTL#013, from July 2008 through August 2011, and the Coker Cooling Tower No. 6, EPN 04CTL#006, from July 2008 through August 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be 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 \$7,500

\$2,500

Violation Events

Number of Violation Events 13

1156 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$32,500

Thirteen quarterly events are recommended for the period of non-compliance from July 1, 2008 through August 31, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$8,125

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

Notes

The Respondent completed corrective actions by October 25, 2013 before the January 17, 2014 NOE.

Violation Subtotal \$24,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14,126

Violation Final Penalty Total \$140,411

This violation Final Assessed Penalty (adjusted for limits) \$140,411

# Economic Benefit Worksheet

**Respondent** ExxonMobil Oil Corporation  
**Case ID No.** 48446  
**Reg. Ent. Reference No.** RN102450756  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	1-Jul-2008	25-Oct-2013	5.32	\$399	n/a	\$399
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct monthly monitoring of the cooling tower water for VOC leakage from the four cooling towers. The Date Required is the first date the monthly monitoring could have been conducted and the Final Date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$11,400	1-Jul-2008	31-Aug-2011	4.08	\$2,327	\$11,400	\$13,727
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost for not monitoring the cooling tower water for VOC leakage (\$75 per monthly monitoring x four cooling towers x 38 months missed). The Date Required is the first date the monthly monitoring could have been conducted and the Final Date is the last date the monthly monitoring could have been conducted.

Approx. Cost of Compliance

\$12,900

**TOTAL**

\$14,126

Screening Date 17-Mar-2014

Docket No. 2014-0429-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 2 (September 2002)

Case ID No. 48446

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1) and (3), 116.715(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 CFR § 60.13(a), Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, SC61, and FOP No. 02043, STC No. 14

Violation Description

Failed to comply with the requirements of 40 CFR Part 60 Appendix F, Procedure 1. Specifically, the annual Relative Accuracy Test Audits ("RATA") were not conducted on the Hydrocracker Stabilizer Reboiler Heater, EPN 20STK\_004, for calendar years 2009 and 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

729 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$2,000

Two single events are recommended (one event for each calendar year).

Good Faith Efforts to Comply

25.0% Reduction

\$500

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

Notes

The Respondent completed corrective actions on August 4, 2014, before the August 28, 2014 NOE.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,146

Violation Final Penalty Total \$16,276

This violation Final Assessed Penalty (adjusted for limits) \$16,276

# Economic Benefit Worksheet

**Respondent** ExxonMobil Oil Corporation  
**Case ID No.** 48446  
**Reg. Ent. Reference No.** RN102450756  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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	\$2,000	21-Jul-2014	4-Aug-2014	0.04	\$4	n/a	\$4
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit a permit revision for Flexible Permit No. 49138. The Date Required is the investigation date. The Final Date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,870	1-Jan-2009	31-Dec-2010	2.92	\$273	\$1,870	\$2,143
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct the annual RATA on the Hyrdocracker Stabilizer Reboiler Heater (\$935 per RATA x two missed RATA testings). The Date Required is the first date that the calendar year 2009 RATA could have been conducted and the Final Date is the last date that the calendar year 2010 RATA could have been conducted.

Approx. Cost of Compliance

\$3,870

**TOTAL**

\$2,146



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	4-Mar-2014	<b>Screening</b>	17-Mar-2014	<b>EPA Due</b>	14-Oct-2014
	<b>PCW</b>	17-Sep-2014				

## RESPONDENT/FACILITY INFORMATION

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

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48446	<b>No. of Violations</b>	3
<b>Docket No.</b>	2014-0429-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jessica Schildwachter
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$46,500**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$46,500**

Notes: Enhancement for five NOV with same/similar violations, one NOV with dissimilar violations, eight orders with denial of liability, and six orders without denial of liability. Reduction for one Notice of Intent to conduct an audit and two Disclosures of Violations submitted.

**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** **-\$10,499**

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

Total EB Amounts	\$11,924	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$12,730	

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$82,501**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **14.4%** **Adjustment** **\$11,885**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance associated with Violation Nos. 2 and 3.

**Final Penalty Amount** **\$94,386**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$94,386**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$18,877**

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** **\$75,509**

Screening Date 17-Mar-2014

Docket No. 2014-0429-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 3 (September 2011)

Case ID No. 48446

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	6	150%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	2	-4%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 332%

>> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> Compliance History Summary

**Compliance History Notes**

Enhancement for five NOVs with same/similar violations, one NOV with dissimilar violations, eight orders with denial of liability, and six orders without denial of liability. Reduction for one Notice of Intent to conduct an audit and two Disclosures of Violations submitted.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 332%

>> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 100%

Screening Date 17-Mar-2014

Docket No. 2014-0429-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 3 (September 2011)

Case ID No. 48446

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. O2000, Special Terms and Conditions ("STC") No. 18

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 0.81 pound ("lb") of ammonia, 11,761.08 lbs of carbon monoxide, 23.38 lbs of nitrogen oxides, 32.40 lbs of particulate matter, 74.30 lbs of sulfur dioxide, 3.8 lbs of sulfuric acid, and 6.9 lbs of volatile organic compounds ("VOC") from the Fluidized Catalytic Cracker ("FCC") Wet Gas Scrubber, Emission Point No. ("EPN") 06STK\_003, during an avoidable emissions event (Incident No. 191372) that began on November 26, 2013 and lasted for one hour. The event occurred due to a malfunction of the Crude Unit B Vacuum Heavy Gas Oil level instrument which led to abnormally light feed to the FCC. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (30.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0.0%).

Matrix Notes Human health and the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 1

Table for event frequency: daily, weekly, monthly (marked with x), quarterly, semiannual, annual, single event.

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction \$750

Table for Good Faith Efforts: Extraordinary, Ordinary (marked with x), N/A (marked with x).

Notes The Respondent completed corrective actions on March 21, 2014 after the February 28, 2014 NOE.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$39

Violation Final Penalty Total \$16,303

This violation Final Assessed Penalty (adjusted for limits) \$16,303

# Economic Benefit Worksheet

**Respondent** ExxonMobil Oil Corporation  
**Case ID No.** 48446  
**Reg. Ent. Reference No.** RN102450756  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

### Delayed Costs

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	\$2,500	26-Nov-2013	21-Mar-2014	0.32	\$39	n/a	\$39
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to conduct training to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 191372. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$2,500	<b>TOTAL</b>	\$39
-----------------------------------	---------	--------------	------

Screening Date 17-Mar-2014

Docket No. 2014-0429-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 3 (September 2011)

Case ID No. 48446

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(2) and (3), 113.340, 116.715(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations ("CFR") § 63.654(c), Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, SC No. 14, FOP No. O1356, STC No. 14, FOP No. O2039, STC No. 13, FOP No. O2040, STC No. 12, and FOP No. O2046, STC No. 14

Violation Description

Failed to conduct monthly VOC monitoring in accordance with the requirements of the TCEQ Sampling Procedures Manual, Appendix P. Specifically, the Respondent reported the failure to collect cooling tower water samples that were representative of all return waters from the FURF2 Cooling Tower No. 8, EPN 39CTL#008, from September 2011 through October 2013, the CHD1 Cooling Tower No. 18, EPN 15CTL#018, from September 2011 through September 2013, the GP5E Cooling Tower No. 13, EPN 08CTL#013, from September 2011 through October 2013, and the Coker Cooling Tower No. 6, EPN 04CTL#006, from September 2011 through October 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be 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 \$21,250

\$3,750

Violation Events

Number of Violation Events 9

785 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$33,750

Nine quarterly events are recommended for the periods of non-compliance from September 1, 2011 through October 25, 2013.

Good Faith Efforts to Comply

25.0% Reduction

\$8,437

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent completed corrective actions by October 25, 2013 before the January 17, 2014 NOE.

Violation Subtotal \$25,313

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8,531

Violation Final Penalty Total \$67,572

# Economic Benefit Worksheet

**Respondent** ExxonMobil Oil Corporation  
**Case ID No.** 48446  
**Req. Ent. Reference No.** RN102450756  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit is included in Violation No. 1 of the accompanying PCW.

### 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]	\$1,800	1-Sep-2011	31-Aug-2013	2.92	\$263	\$1,800	\$2,063
ONE-TIME avoided costs [3]	\$5,625	1-Sep-2011	30-Sep-2013	3.00	\$843	\$5,625	\$6,468
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost for not monitoring the cooling tower water for VOC leakage (\$75 per monthly monitoring x one cooling tower x 24 months missed and \$75 per monthly monitoring x three cooling towers x 25 months missed). The Date Required is the first date the monthly monitoring could have been conducted and the Final Dates are the last dates the monthly monitoring could have been conducted.

Approx. Cost of Compliance

\$7,425

**TOTAL**

\$8,531

**Screening Date** 17-Mar-2014  
**Respondent** ExxonMobil Oil Corporation  
**Case ID No.** 48446

**Docket No.** 2014-0429-AIR-E

**PCW**

Policy Revision 3 (September 2011)  
 PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN102450756

**Media [Statute]** Air

**Enf. Coordinator** Jessica Schildwachter

**Violation Number** 3

**Rule Cite(s)**

30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), and 40 Code of Federal Regulations ("CFR") § 60.13(a), Flexible Permit Nos. 49138, PSDTX768ML, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, SC No. 61, and FOP 2043, STC No. 14

**Violation Description**

Failed to comply with the requirements of 40 CFR Part 60 Appendix F, Procedure 1. Specifically, the annual Relative Accuracy Test Audits ("RATA") were not conducted on the Hydrocracker Stabilizer Reboiler Heater, EPN 20STK\_004, for calendar years 2011, 2012, and 2013.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$23,250

\$1,750

**Violation Events**

Number of Violation Events 3 1095 Number of violation days

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

**Violation Base Penalty** \$5,250

Three single events are recommended (one event for each calendar year).

**Good Faith Efforts to Comply**

25.0% Reduction

\$1,312

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

Notes

The Respondent completed corrective actions on August 4, 2014, before the August 28, 2014 NOE.

**Violation Subtotal** \$3,938

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

Estimated EB Amount \$3,354

**Violation Final Penalty Total** \$10,512

**This violation Final Assessed Penalty (adjusted for limits)** \$10,512

# Economic Benefit Worksheet

**Respondent** ExxonMobil Oil Corporation  
**Case ID No.** 48446  
**Reg. Ent. Reference No.** RN102450756  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit is included in Violation No. 2 of the accompanying PCW.

### 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]	\$2,805	1-Jan-2011	31-Dec-2013	3.92	\$549	\$2,805	\$3,354
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct the annual RATA on the Hydrocracker Stabilizer Reboiler Heater (\$935 per RATA x three missed RATA testings). The Date Required is the first date that the calendar year 2011 RATA could have been conducted and the Final Date is the last date that the calendar year 2013 RATA could have been conducted.

Approx. Cost of Compliance

\$2,805

**TOTAL**

\$3,354

The TCEQ is committed to accessibility.

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



# TCEQ Compliance History Report

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

**Customer, Respondent, or Owner/Operator:** CN600920748, ExxonMobil Oil Corporation **Classification:** SATISFACTORY **Rating:** 5.54

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

**Complexity Points:** 44 **Repeat Violator:** NO

**CH Group:** 02 - Oil and Petroleum Refineries

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

**TCEQ Region:** REGION 10 - BEAUMONT

### ID Number(s):

**INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50139**

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

- AIR NEW SOURCE PERMITS REGISTRATION 10291**
- AIR NEW SOURCE PERMITS REGISTRATION 12139**
- AIR NEW SOURCE PERMITS REGISTRATION 13120**
- AIR NEW SOURCE PERMITS REGISTRATION 22999**
- AIR NEW SOURCE PERMITS REGISTRATION 26121**
- AIR NEW SOURCE PERMITS REGISTRATION 26860**
- AIR NEW SOURCE PERMITS REGISTRATION 26859**
- AIR NEW SOURCE PERMITS REGISTRATION 31227**
- AIR NEW SOURCE PERMITS REGISTRATION 33907**
- AIR NEW SOURCE PERMITS REGISTRATION 34963**
- AIR NEW SOURCE PERMITS REGISTRATION 40837**
- AIR NEW SOURCE PERMITS REGISTRATION 42730**
- AIR NEW SOURCE PERMITS REGISTRATION 42951**
- AIR NEW SOURCE PERMITS REGISTRATION 43433**
- AIR NEW SOURCE PERMITS REGISTRATION 44038**
- AIR NEW SOURCE PERMITS PERMIT 49138**
- AIR NEW SOURCE PERMITS REGISTRATION 102097**
- AIR NEW SOURCE PERMITS AFS NUM 4824500018**
- AIR NEW SOURCE PERMITS EPA PERMIT PSDTX932**
- AIR NEW SOURCE PERMITS EPA PERMIT PSDTX768M1**
- AIR NEW SOURCE PERMITS REGISTRATION 54487**
- AIR NEW SOURCE PERMITS REGISTRATION 56428**
- AIR NEW SOURCE PERMITS REGISTRATION 75172**
- AIR NEW SOURCE PERMITS EPA PERMIT PSDTX802**
- AIR NEW SOURCE PERMITS REGISTRATION 78516**
- AIR NEW SOURCE PERMITS EPA PERMIT PSDTX992M1**
- AIR NEW SOURCE PERMITS REGISTRATION 85876**
- AIR NEW SOURCE PERMITS REGISTRATION 87029**
- AIR NEW SOURCE PERMITS REGISTRATION 87499**
- AIR NEW SOURCE PERMITS REGISTRATION 90470**
- AIR NEW SOURCE PERMITS REGISTRATION 91409**
- AIR NEW SOURCE PERMITS REGISTRATION 90859**
- AIR NEW SOURCE PERMITS REGISTRATION 87985**
- AIR NEW SOURCE PERMITS REGISTRATION 90462**
- AIR NEW SOURCE PERMITS REGISTRATION 91236**
- AIR NEW SOURCE PERMITS REGISTRATION 89728**

**INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD990797714**

**AIR NEW SOURCE PERMITS PERMIT 7208**

- AIR NEW SOURCE PERMITS REGISTRATION 11306**
- AIR NEW SOURCE PERMITS REGISTRATION 12817**
- AIR NEW SOURCE PERMITS REGISTRATION 15261**
- AIR NEW SOURCE PERMITS REGISTRATION 24159**
- AIR NEW SOURCE PERMITS REGISTRATION 27000**
- AIR NEW SOURCE PERMITS REGISTRATION 27539**
- AIR NEW SOURCE PERMITS REGISTRATION 30543**
- AIR NEW SOURCE PERMITS REGISTRATION 33642**
- AIR NEW SOURCE PERMITS REGISTRATION 34543**
- AIR NEW SOURCE PERMITS REGISTRATION 37234**
- AIR NEW SOURCE PERMITS REGISTRATION 42051**
- AIR NEW SOURCE PERMITS REGISTRATION 42852**
- AIR NEW SOURCE PERMITS REGISTRATION 43132**
- AIR NEW SOURCE PERMITS REGISTRATION 43675**
- AIR NEW SOURCE PERMITS REGISTRATION 47175**
- AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE00671**
- AIR NEW SOURCE PERMITS REGISTRATION 114668**
- AIR NEW SOURCE PERMITS REGISTRATION 90127**
- AIR NEW SOURCE PERMITS EPA PERMIT PSDTX768**
- AIR NEW SOURCE PERMITS EPA PERMIT PSDTX992**
- AIR NEW SOURCE PERMITS REGISTRATION 72569**
- AIR NEW SOURCE PERMITS REGISTRATION 74552**
- AIR NEW SOURCE PERMITS EPA PERMIT PSDTX799**
- AIR NEW SOURCE PERMITS REGISTRATION 92941**
- AIR NEW SOURCE PERMITS REGISTRATION 79641**
- AIR NEW SOURCE PERMITS REGISTRATION 86452**
- AIR NEW SOURCE PERMITS REGISTRATION 85990**
- AIR NEW SOURCE PERMITS REGISTRATION 88261**
- AIR NEW SOURCE PERMITS REGISTRATION 90845**
- AIR NEW SOURCE PERMITS REGISTRATION 90733**
- AIR NEW SOURCE PERMITS REGISTRATION 89878**
- AIR NEW SOURCE PERMITS REGISTRATION 89318**
- AIR NEW SOURCE PERMITS REGISTRATION 85988**
- AIR NEW SOURCE PERMITS REGISTRATION 90917**
- AIR NEW SOURCE PERMITS REGISTRATION 87903**
- AIR NEW SOURCE PERMITS REGISTRATION 90328**



**AIR NEW SOURCE PERMITS** REGISTRATION 110725  
**AIR NEW SOURCE PERMITS** REGISTRATION 109657  
**AIR NEW SOURCE PERMITS** REGISTRATION 116185  
**AIR NEW SOURCE PERMITS** REGISTRATION 112352  
**AIR NEW SOURCE PERMITS** REGISTRATION 114931  
**AIR NEW SOURCE PERMITS** REGISTRATION 115272  
**AIR NEW SOURCE PERMITS** REGISTRATION 108777  
**WASTEWATER** EPA ID TX0118737  
**AIR OPERATING PERMITS** PERMIT 1356  
**AIR OPERATING PERMITS** PERMIT 2037  
**AIR OPERATING PERMITS** PERMIT 1870  
**AIR OPERATING PERMITS** PERMIT 2000  
**AIR OPERATING PERMITS** PERMIT 2039  
**AIR OPERATING PERMITS** PERMIT 2041  
**AIR OPERATING PERMITS** PERMIT 2043  
**AIR OPERATING PERMITS** PERMIT 2045  
**AIR OPERATING PERMITS** PERMIT 2047  
**AIR OPERATING PERMITS** PERMIT 2049  
**AIR OPERATING PERMITS** PERMIT 2000  
  
**STORMWATER** PERMIT TXR05K942  
  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER JE0067I

**AIR NEW SOURCE PERMITS** REGISTRATION 108143  
**AIR NEW SOURCE PERMITS** REGISTRATION 109660  
**AIR NEW SOURCE PERMITS** REGISTRATION 108920  
**AIR NEW SOURCE PERMITS** REGISTRATION 110699  
**AIR NEW SOURCE PERMITS** REGISTRATION 107282  
**AIR NEW SOURCE PERMITS** REGISTRATION 79540  
**WASTEWATER** PERMIT WQ0003426000  
**AIR OPERATING PERMITS** PERMIT 1999  
**AIR OPERATING PERMITS** PERMIT 1871  
**AIR OPERATING PERMITS** ACCOUNT NUMBER JE0067I  
**AIR OPERATING PERMITS** PERMIT 1998  
**AIR OPERATING PERMITS** PERMIT 2036  
**AIR OPERATING PERMITS** PERMIT 2040  
**AIR OPERATING PERMITS** PERMIT 2042  
**AIR OPERATING PERMITS** PERMIT 2044  
**AIR OPERATING PERMITS** PERMIT 2046  
**AIR OPERATING PERMITS** PERMIT 2048  
**AIR OPERATING PERMITS** ACCOUNT NUMBER JE0067I  
**PETROLEUM STORAGE TANK REGISTRATION**  
 REGISTRATION 12825  
**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION  
 # (SWR) 30587  
**POLLUTION PREVENTION PLANNING** ID NUMBER  
 P00441

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

**Date Compliance History Report Prepared:** March 11, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** March 11, 2009 to March 11, 2014

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

**Name:** Jessica Schildwachter

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

**Site and Owner/Operator History:**

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

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

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

- 1      Effective Date: 03/12/2009      ADMINORDER 2008-1230-AIR-E (1660 Order-Agreed Order With Denial)  
       Classification: Moderate  
       Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
               30 TAC Chapter 122, SubChapter B 122.143(4)  
               5C THSC Chapter 382 382.085(b)  
       Rqmt Prov:19566/PSD-TX-768M1 and PSD-TX-932 PERMIT  
               O-02048 OP  
       Description: Failure to maintain an emission rate below the allowable emission limits.
  
- 2      Effective Date: 08/23/2009      ADMINORDER 2008-0153-AIR-E (Findings Order-Agreed Order Without Denial)  
       Classification: Moderate  
       Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
               30 TAC Chapter 116, SubChapter B 116.115(c)  
               5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:19566/PSD-TX-768M1/PSD-TX-49 PERMIT  
46534 PERMIT

Description: Failed to prevent unauthorized emissions from the Coker Flare (EPN 60FLR\_004) and the Fluid Catalytic Cracking Unit Scrubber (EPN 06STK\_00) during an emissions event that began on January 12, 2007 and lasted 31 hours, releasing 45.55 tons of SO<sub>2</sub>, 3,490 lbs of VOC, 307 lbs of NO<sub>x</sub>, 990 lbs of H<sub>2</sub>S, and 2,219 lbs of CO from the Coker Flare and 26.29 tons of CO from the Fluid Catalytic Cracking Unit Scrubber.

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions from the Coker Flare (EPN 60FLR\_004) during an emissions event that began on May 6, 2007 and lasted 34 hours and 15 minutes, releasing 83.127 tons of SO<sub>2</sub>, 7,873 lbs of VOC, 906 lbs of NO<sub>x</sub>, 1,806 lbs of H<sub>2</sub>S, and 6,544 lbs of CO.

Classification: Moderate

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

Rqmt Prov:49146 PERMIT

Description: Failed to prevent unauthorized emissions from the Effluent Water Treatment System (EPN 47FUG\_001) and Tank 594 (EPN 49 TIF\_0594) during an emissions event that began on April 27, 2007 and lasted 27 hours and 30 minutes, releasing 48.4 lbs of benzene, a VOC, from the Effluent Water Treatment System and 633.66 lbs of VOC were released from Tank 594.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:19566 PERMIT

O-01871 OP

Description: Failed to prevent unauthorized emissions from the Coker Flare, EPN 60FLR\_004, in the Coker Unit during an emissions event (Incident No. 95371) that occurred on August 2, 2007 and lasted three hours and 50 minutes, releasing 13,796.40 lbs of SO<sub>2</sub>, 419.20 lbs of CO, 149.90 lbs of H<sub>2</sub>S, 57.70 lbs of NO<sub>x</sub>, and 644 lbs of VOC.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:19566 PERMIT

O-01871 OP

Description: Failed to prevent unauthorized emissions from the Coker Flare, EPN 60FLR\_004, in the Coker Unit during an emissions event (Incident No. 95960) that occurred on August 14, 2007 and lasted 12 hours and 41 minutes, releasing 33,632.20 lbs of SO<sub>2</sub>, 1,062.60 lbs of CO, 365.50 lbs of H<sub>2</sub>S, 147.10 lbs of NO<sub>x</sub>, and 1,548.35 lbs of VOC.

Classification: Moderate

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

Rqmt Prov:19566 PERMIT

O-01871 OP

Description: Failed to prevent unauthorized emissions from the Coker Flare, EPN 60FLR\_004, during an emissions event that began on September 18, 2007 and lasted for 72 hours and 34 minutes, releasing 79,666 lbs of SO<sub>2</sub>, 3,750 lbs of VOC, 2,438 lbs of CO, and 865 lbs of H<sub>2</sub>S.

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

Classification: Moderate

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

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

O-02039 OP

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
Rqmt Prov:49138 PERMIT  
O-01870 OP

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov:18425 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov:O-02044 OP

Permit 46534/PSD-TX-992 PERMIT

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

event could have been avoided by better oper

- 5 Effective Date: 06/04/2010 ADMINORDER 2009-1194-IWD-E (1660 Order-Agreed Order With Denial)  
Classification: Minor  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov:Effluent Limits PERMIT  
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.  
Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)  
Rqmt Prov:24-hour Acute Biomonitoring Requirements PERMIT  
Description: Failure to timely submit effluent monitoring results at the intervals specified in the permit as documented by a TCEQ record review.
- 6 Effective Date: 10/15/2010 ADMINORDER 2010-0586-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:FOP O-02048, General Terms and Condition OP  
FOP O-02048, Special Condition 11 OP  
NSR Permit 19566, Special Condition 1 PERMIT  
Description: Failure to maintain emission rates below the allowable emission limits.
- 7 Effective Date: 11/15/2010 ADMINORDER 2010-0258-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:FOP O-01998 General Terms and Conditions OP  
FOP O-01998 Special Condition 15 OP  
NSR Permit 19566, Special Condition 1 PERMIT  
Description: Failed to maintain an emission rate below the allowable limit for CO from the Crude B Vacuum Heater [Emission Point Number ("EPN") 05STK\_002], and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the permitted rolling CO emission limit of 8.20 tpy during the January 1, 2007 through December 31, 2007 period by 15.26 tpy and during the January 1, 2008 through December 31, 2008 period by 12.92 tpy.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:FOP O-02041, General Terms and Condition OP  
FOP O-02041, Special Condition 13 OP  
NSR Permit 49151, Special Condition 1 PERMIT  
Description: Failed to maintain emission rates below the allowable limits for CO and sulfur dioxide ("SO2") from the Atmospheric Heater B1-A (EPN 36STK\_002). Specifically, the Respondent exceeded the permitted CO emission limit of 18.72 lbs/hr on February 29, 2008, May 13, 2008, May 16, 2008, and June 11, 2008 with a total exceedance of 68.02 lbs. In addition, the permitted SO2 emission limit of 6.60 lbs/hr was exceeded on February 2, 2008, February 3, 2008, and March 2, 2008 with a total exceedance of 5.80 l  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:FOP O-02041, General Terms and Condition OP  
FOP O-02041, Special Condition 13 OP  
NSR Permit 49151, Special Condition 1 PERMIT  
Description: Failed to maintain emission rates below the allowable limits for CO and SO2 from the Atmospheric Heater B1-B (EPN 36STK\_004). . Specifically, the Respondent exceeded the permitted CO emission limit of 18.72 lbs/hr on August

10, 2008 and January 18, 2009 with a total exceedance of 10.46 lbs. In addition, the permitted SO2 emission limit of 6.60 lbs/hr was exceeded on February 2, 2008 and February 3, 2008 with a total exceedance of 10.50 lbs.

Classification: Moderate

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

Rqmt Prov:FOP O-02041, General Terms and Condition OP  
FOP O-02041, Special Condition 13 OP  
NSR Permit 49151, Special Condition 1 PERMIT

Description: Failed to maintain emission rates below the allowable limits for SO2 from the Vacuum Heater B-2 (EPN 36STK\_006). Specifically, the Respondent exceeded the permitted SO2 emission limit of 2.48 lbs/hr on February 2, 2008, February 3, 2008, and March 2, 2008 with a total exceedance of 6.36 lbs.

Classification: Moderate

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

Rqmt Prov:FOP O-02045 General Terms and Conditions OP  
FOP O-02045 Special Condition No. 13 OP  
NSR Permit 49145, Special Condition 1 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov:General Terms and Conditions OP  
NSR 49151 SC 1 OP  
Special Terms and Conditions No. 13 OP

Description: Failed to maintain emission rates below the allowable limits for SO2 from the Vacuum Heater B-3 (EPN 36STK\_007), as documented during an investigation conducted on November 20, 2009. Specifically, the Respondent exceeded the permitted SO2 emission limit of 2.48 lbs/hr on February 2, 2008 and March 2, 2008 with a total exceedance of 2.34 lbs.

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

Classification: Moderate

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

Rqmt Prov:FOP O-02036 General Terms and Conditions OP  
FOP O-02036, Special Condition 2F OP

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(1)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:NSR PERMIT 49138, Special Condition 13 PERMIT  
NSR Permit 49138, Special Condition 16 PERMIT  
NSR Permit 49138, Special Condition 17 PERMIT  
NSR Permit 49138, Special Condition 18 PERMIT  
Spec. Cond. 13, 16, 17, 18 PERMIT

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

Classification: Moderate

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

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

FOP O-02036, Special Condition 11 OP  
NSR Permit 49138, Special Condition 1 PERMIT  
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

- 9 Effective Date: 10/02/2011 ADMINORDER 2011-0374-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: PSD-TX-768M1 PERMIT  
PSD-TX-932 PERMIT  
Special Condition 1 PERMIT  
Special Condition 14 OP  
Description: Failure to maintain emission rates below the allowable emission limits. EIC A8(c)(2)(A)(ii) MOD 2D
- 10 Effective Date: 10/27/2012 ADMINORDER 2012-0384-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Special Condition 11 OP  
Special Condition 13 OP  
Special Condition 7 OP  
Description: Failed to prevent unauthorized emissions.
- 11 Effective Date: 06/03/2013 ADMINORDER 2012-2329-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 of NSR 49138 PERMIT  
Description: Failed to prevent unauthorized emissions.
- 12 Effective Date: 12/19/2013 ADMINORDER 2012-1962-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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Special Condition 7 OP  
Description: Failure to prevent unauthorized emissions during incident 168311.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(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)  
Rqmt Prov: Special Condition 1 PERMIT  
Special Condition 7 OP  
Description: Failure to prevent unauthorized emissions during incident 168362.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(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)  
Rqmt Prov: Special Condition 1 PERMIT

Special Condition 7 OP

Description: Failure to prevent unauthorized emissions during incident 169695.

- 13 Effective Date: 01/02/2014 ADMINORDER 2013-0809-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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:Special Condition 1 PERMIT  
Special Condition 7 OP  
Description: Failure to maintain emissions below the allowable emissions limit during incident 176095.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:Special Condition 2(F) OP  
Description: Failure to submit the initial report for incident 176095 within 24 hours of discovery.

- 14 Effective Date: 03/06/2014 ADMINORDER 2013-1364-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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:Special Condition 1 PERMIT  
Special Condition 7 OP  
Description: Failure to maintain emissions below the allowable emissions limit during incident 180890.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	March 27, 2009	(739156)
Item 2	April 06, 2009	(741350)
Item 3	April 16, 2009	(773110)
Item 4	May 14, 2009	(744739)
Item 5	May 18, 2009	(773112)
Item 6	May 22, 2009	(773111)
Item 7	July 16, 2009	(747896)
Item 8	July 22, 2009	(819506)
Item 9	July 23, 2009	(759123)
Item 10	August 20, 2009	(819507)
Item 11	August 28, 2009	(760750)
Item 12	August 31, 2009	(765941)
Item 13	September 03, 2009	(766203)
Item 14	September 08, 2009	(819508)
Item 15	September 28, 2009	(777659)
Item 16	October 01, 2009	(764862)
Item 17	October 23, 2009	(780020)
Item 18	October 29, 2009	(777718)
Item 19	November 03, 2009	(780848)
Item 20	November 11, 2009	(778662)
Item 21	December 22, 2009	(819511)
Item 22	December 23, 2009	(782616)
Item 23	February 19, 2010	(819504)
Item 24	February 24, 2010	(789976)

Item 25	March 22, 2010	(792703)
Item 26	April 14, 2010	(836078)
Item 27	April 26, 2010	(796278)
Item 28	May 07, 2010	(800781)
Item 29	May 19, 2010	(800571)
Item 30	May 20, 2010	(836079)
Item 31	May 26, 2010	(798629)
Item 32	June 21, 2010	(847869)
Item 33	June 22, 2010	(824891)
Item 34	July 12, 2010	(862277)
Item 35	August 15, 2010	(843986)
Item 36	August 17, 2010	(868889)
Item 37	August 18, 2010	(868888)
Item 38	September 02, 2010	(875747)
Item 39	October 12, 2010	(883318)
Item 40	October 18, 2010	(842428)
Item 41	October 29, 2010	(872164)
Item 42	November 10, 2010	(873621)
Item 43	November 12, 2010	(889719)
Item 44	November 15, 2010	(872170)
Item 45	December 15, 2010	(898089)
Item 46	December 31, 2010	(903989)
Item 47	January 03, 2011	(886717)
Item 48	February 12, 2011	(894965)
Item 49	February 22, 2011	(910870)
Item 50	February 28, 2011	(887885)
Item 51	March 06, 2011	(918136)
Item 52	March 17, 2011	(893018)
Item 53	March 31, 2011	(939845)
Item 54	April 07, 2011	(930462)
Item 55	April 15, 2011	(907888)
Item 56	April 18, 2011	(912915)
Item 57	April 26, 2011	(907669)
Item 58	April 27, 2011	(907221)
Item 59	June 10, 2011	(912391)
Item 60	June 13, 2011	(880219)
Item 61	June 28, 2011	(933481)
Item 62	June 30, 2011	(947258)
Item 63	July 19, 2011	(954516)
Item 64	August 05, 2011	(944985)
Item 65	August 11, 2011	(944157)
Item 66	August 15, 2011	(961099)
Item 67	August 16, 2011	(936712)
Item 68	August 28, 2011	(948634)
Item 69	September 08, 2011	(967185)
Item 70	October 07, 2011	(957505)
Item 71	October 12, 2011	(958107)
Item 72	October 13, 2011	(973154)
Item 73	November 28, 2011	(979292)
Item 74	November 30, 2011	(969907)
Item 75	December 09, 2011	(970433)
Item 76	January 13, 2012	(992486)
Item 77	January 17, 2012	(986122)
Item 78	January 20, 2012	(975676)
Item 79	January 25, 2012	(982065)
Item 80	February 13, 2012	(999793)
Item 81	February 17, 2012	(976135)
Item 82	February 20, 2012	(982393)
Item 83	February 29, 2012	(988041)
Item 84	March 09, 2012	(990394)

Item 85	March 12, 2012	(1005336)
Item 86	March 16, 2012	(981556)
Item 87	March 19, 2012	(994229)
Item 88	March 23, 2012	(989958)
Item 89	April 16, 2012	(997030)
Item 90	April 26, 2012	(1011911)
Item 91	May 14, 2012	(1018279)
Item 92	May 24, 2012	(1002874)
Item 93	May 25, 2012	(1007314)
Item 94	June 09, 2012	(1003331)
Item 95	June 14, 2012	(1026004)
Item 96	July 16, 2012	(1015552)
Item 97	July 19, 2012	(1033363)
Item 98	August 22, 2012	(1039886)
Item 99	September 17, 2012	(1048834)
Item 100	September 26, 2012	(1030855)
Item 101	September 28, 2012	(1035478)
Item 102	October 12, 2012	(1069740)
Item 103	October 13, 2012	(1028273)
Item 104	October 29, 2012	(1030544)
Item 105	November 07, 2012	(1037821)
Item 106	November 26, 2012	(1069741)
Item 107	December 05, 2012	(1050208)
Item 108	December 11, 2012	(1069742)
Item 109	December 27, 2012	(1042292)
Item 110	January 09, 2013	(1052506)
Item 111	January 15, 2013	(1082953)
Item 112	January 22, 2013	(1053439)
Item 113	January 30, 2013	(1053350)
Item 114	February 12, 2013	(1082952)
Item 115	February 13, 2013	(1056756)
Item 116	February 21, 2013	(1054877)
Item 117	March 12, 2013	(1091221)
Item 118	April 15, 2013	(1078465)
Item 119	April 17, 2013	(1097556)
Item 120	May 07, 2013	(1087422)
Item 121	May 09, 2013	(1108583)
Item 122	June 24, 2013	(1112155)
Item 123	June 27, 2013	(1094435)
Item 124	July 12, 2013	(1100381)
Item 125	July 18, 2013	(1119106)
Item 126	August 21, 2013	(1126864)
Item 127	September 16, 2013	(1131396)
Item 128	October 16, 2013	(1137145)
Item 129	October 29, 2013	(1128235)
Item 130	November 21, 2013	(1133261)
Item 131	November 25, 2013	(1133795)
Item 132	November 26, 2013	(1142566)
Item 133	December 05, 2013	(1133991)
Item 134	December 19, 2013	(1148987)
Item 135	January 16, 2014	(1144290)
Item 136	January 21, 2014	(1155078)

**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: 04/04/2013 (1072885) CN600920748  
Self Report? NO Classification: Moderate  
Citation: Special Condition 29 PERMIT

30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 11 OP  
 Special Condition 15 OP  
 Description: Failure to maintain NOx concentration within permitted limits.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
 Special Condition 15 OP  
 Description: Failure to submit Permit by Rule (PBR) registration 106.261 in a timely manner.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 15 OP  
 Special Condition 27 PERMIT

Description: Failure to maintain NOx concentration within permitted limits.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 11 OP  
 Special Condition 9(B) PERMIT

Description: Failure to combust refinery fuel gas with a H2S content of less than 162 ppm.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 7 PERMIT  
 Special Condition 13 OP  
 Special Condition 3(A)(iii) OP

Description: Failure to maintain annual visible emissions observation records.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 11 OP  
 Special Condition 60(A) PERMIT

Description: Failure to conduct AVO checks for ammonia leaks every four hours in the Power Plant 4 fugitive area.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 11 OP  
 Special Condition 60(C) PERMIT

Description: Failure to maintain accurate AVO records for ammonia leak checks in the Power Plant 4 fugitive area.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 30 TAC Chapter 122, SubChapter B 122.146(1)  
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP

Description: Failure to report all instances of deviations and accurately certify the Permit Compliance Certification.

2 Date: 05/01/2013 (1086470) CN600920748  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 15(H) PERMIT  
 Special Condition 7 OP  
 Description: Failure to operate flares in accordance with the requirements of 40 CFR Part 60, Subpart J.  
 Self Report? NO Classification: Moderate

Citation: Special Condition 15(B) PERMIT  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 7 OP

Description: Failure to operate the flare with a flame present at all times.  
 Self Report? NO Classification: Moderate

Citation: Special Condition 15(A) PERMIT  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 7 OP

Description: Failure to operate the flare in accordance with the specifications of minimum heating values as required by 40 CFR 60.18 and 40 CFR 63.11.  
 Self Report? NO Classification: Moderate

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

Description: Failure to maintain fuel specifications which states that combustion sources shall not contain more than 162 ppm of H2S as determined by a three hour rolling average.  
 Self Report? NO Classification: Moderate

Citation: Special Condition 1 PERMIT  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 13 OP  
 Special Condition 15 OP

Description: Failure to maintain emissions below allowable limits.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 13 OP  
 Special Condition 42 PERMIT

Description: Failure to maintain emissions from the Sulfur pits as permitted by SC 42 of Permit 49138.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 13 OP  
 Special Condition 39 PERMIT

Description: Failure to operate the thermal oxidizer with a firebox temperature no less than 950 degrees Fahrenheit.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(ii)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 13 OP  
 Special Condition 36(A) PERMIT

Description: Failure to maintain H2S concentration below allowable limits.

3 Date: 08/22/2013 (1114152) CN600920748  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 60, Subpart VV 60.482-2  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 14 OP  
 Special Condition 59(H) PERMIT

Description: Failure to repair a leaking component in a timely manner.

4 Date: 11/08/2013 (1123594) CN600920748

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 3 PERMIT  
 Special Condition 11 OP  
 Description: Failure to submit a timely interruption of construction notification for Tank 1390.  
 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 60.7(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 11 OP  
 Special Condition 12 OP  
 Special Condition 13 PERMIT  
 Description: Failure to comply with the start of construction reporting requirements per 40 CFR 60.7 for Tanks 1321 and 2235.

5 Date: 01/17/2014 (1138439) CN600920748  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2386(b)(1)(ii)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1(A) OP  
 Special Condition 1(E) OP  
 Description: Failure to submit the first compliance report per the requirements of 40 CFR Part 63 Subpart EEEE in a timely manner.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A)  
 30 TAC Chapter 106, SubChapter K 106.262(a)(3)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 15 OP  
 Special Condition 16 OP  
 Description: Failure to submit PBR registration 30 TAC 106.261 and 262 for the NALCO tote in a timely manner.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1(A) OP  
 Special Condition 12 OP  
 Special Condition 59(E) PERMIT  
 Description: Failure to cap open-ended lines.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1(A) OP  
 Special Condition 12 OP  
 Special Condition 59(H) PERMIT  
 Description: Failure to make a first attempt to repair a leaking pump within 5 days.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 13 OP  
 Special Condition 70 PERMIT  
 Description: Failure to conduct the thermal oxidizer annual flow-meter calibration in 2012.  
 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)

Description: General Terms and Conditions OP  
Failure to report all instances of deviations and accurately certify the Permit Compliance Certification.

6 Date: 01/23/2014 (1140355) CN600920748  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter D 115.354(11)  
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)  
5C THSC Chapter 382 382.085(b)

Description: Special Condition 11 OP  
Special Condition 15 OP  
Special Condition 59(E) PERMIT  
Failure to monitor a valve and two connectors within 15 and 30 days of being placed into service and failure to cap open-ended lines.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 10 PERMIT  
Special Condition 1(A) OP  
Special Condition 12 OP

Description: Failure to monitor a Pressure Relief Valve (PRV) in the wharf fugitive area within 24 hours of venting to the atmosphere.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 10 PERMIT  
Special Condition 1(A) OP  
Special Condition 12 OP

Description: Failure to document visible emissions checks from the wharf flare from July 31, 2008, through October 23, 2013.

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)  
Special Condition 12 OP  
Special Condition 66(C) PERMIT

Description: Failure to change the carbon canister in the wharf area within four hours of breakthrough.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to report all instances of deviations and accurately certify the Permit Compliance Certification.

#### F. Environmental audits:

Disclosure Date: 06/15/2009

Viol. Classification: Moderate

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

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

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

Disclosure Date: 01/04/2010

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

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

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
EXXONMOBIL OIL  
CORPORATION  
RN102450756**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2014-0429-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ExxonMobil Oil Corporation ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery at 1795 Burt Street in Beaumont, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about January 22, 2014, March 5, 2014, April 16, 2014, and September 2, 2014.
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 Two Hundred Fifty-One Thousand Seventy-Three Dollars (\$251,073) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Thousand

Four Hundred Thirty Dollars (\$100,430) of the administrative penalty and Fifty Thousand Two Hundred Fourteen Dollars (\$50,214) 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. One Hundred Thousand Four Hundred Twenty-Nine Dollars (\$100,429) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On September 4, 2013, began conducting monthly monitoring of the cooling tower water for volatile organic compounds ("VOC") leakage from the CHD1 Cooling Tower No. 18, Emission Point No. ("EPN") 15CTL#018;
  - b. On October 2, 2013, began conducting monthly monitoring of the cooling tower water for VOC leakage from the FURF2 Cooling Tower No. 8, EPN 39CTL#008;
  - c. On October 11, 2013, began conducting monthly monitoring of the cooling tower water for VOC leakage from the Coker Cooling Tower No. 6, EPN 04CTL#006;
  - d. On October 25, 2013, began conducting monthly monitoring of the cooling tower water for VOC leakage from the GP5E Cooling Tower No. 13, EPN 08CTL#013;
  - e. On March 21, 2014, conducted training to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 191372; and
  - f. On August 4, 2014, submitted a permit revision for Flexible Permit No. 49138 to clarify the Relative Accuracy Test Audit ("RATA") requirements for continuous emissions monitoring on the Hydrocracker Stabilizer Reboiler Heater, EPN 20STK\_004.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

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

## II. ALLEGATIONS

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

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. O2000, Special Terms and Conditions ("STC") No. 18, as documented during a record review conducted on January 30, 2014. Specifically, the Respondent released 0.81 pound ("lb") of ammonia, 11,761.08 lbs of carbon monoxide, 23.38 lbs of nitrogen oxides, 32.40 lbs of particulate matter, 74.30 lbs of sulfur dioxide, 3.8 lbs of sulfuric acid, and 6.9 lbs of VOC from the Fluidized Catalytic Cracker ("FCC") Wet Gas Scrubber, Emission Point No. ("EPN") o6STK\_003, during an avoidable emissions event (Incident No. 191372) that began on November 26, 2013 and lasted for one hour. The event occurred due to a malfunction of the Crude Unit B Vacuum Heavy Gas Oil level instrument which led to abnormally light feed to the FCC. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to conduct monthly VOC monitoring in accordance with the requirements of the TCEQ Sampling Procedures Manual, Appendix P, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and (3), 113.340, 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.654(c), Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, SC No. 14, FOP No. O1356, STC No. 14, FOP No. O2039, STC No. 13, FOP No. O2040, STC No. 12, and FOP No. O2046, STC No. 14, as documented during record reviews conducted from December 9 through 11, 2013 and February 20 through 28, 2014, and an investigation conducted from July 21 through August 1, 2014. Specifically, the Respondent reported the failure to collect cooling tower water samples that were representative of all return waters from the FURF2 Cooling Tower No. 8, EPN 39CTL#008, from July 2008 through October 2013, the CHD1 Cooling Tower No. 18, EPN 15CTL#018, from November 2009 through September 2013, the GP5E Cooling Tower No. 13, EPN o8CTL#013, from July 2008 through October 2013, and the Coker Cooling Tower No. 6, EPN o4CTL#006, from July 2008 through October 2013.
3. Failed to comply with the requirements of 40 CFR Part 60 Appendix F, Procedure 1, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and 40 CFR § 60.13(a), Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, SC No. 61 and FOP No. o2043, STC No. 14, as documented during an investigation conducted from July 21, 2014 through August 1, 2014. Specifically, the annual RATAs were not conducted on the Hydrocracker Stabilizer Reboiler Heater, EPN 20STK\_004, for calendar years 2009, 2010, 2011, 2012, and 2013.

### 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. 2014-0429-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, One Hundred Thousand Four Hundred Twenty-Nine Dollars (\$100,429) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. 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

  
For the Executive Director

9/29/16  
Date

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

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

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

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

  
S. B. PENN  
RD. FERNANDO SALAZAR  
Signature

3/12/2015  
Date

S. B. PENN  
Name (Printed or typed)  
Authorized Representative of  
ExxonMobil Oil Corporation

PROCESS MANAGER  
Title

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

**Attachment A**  
**Docket Number: 2014-0429-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>ExxonMobil Oil Corporation</b>
<b>Penalty Amount:</b>	<b>Two Hundred Thousand Eight Hundred Fifty-Nine Dollars (\$200,859)</b>
<b>SEP Offset Amount:</b>	<b>One Hundred Thousand Four Hundred Twenty-Nine Dollars (\$100,429)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b>Meteorological and Air Monitoring Network</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for 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 which 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

ExxonMobil Oil Corporation  
Agreed Order - Attachment A

- 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:

ExxonMobil Oil Corporation  
Agreed Order - Attachment A

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.