

**Executive Summary – Enforcement Matter – Case No. 43254**  
**Exxon Mobil Corporation**  
**RN102579307; RN102212925; RN102574803**  
**Docket No. 2011-2336-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

AIR

**Small Business:**

No

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

Baytown Refinery (RN102579307) 2800 Decker Drive, Baytown, Harris County

**Type of Operation:**

petrochemical refinery

**Other Significant Matters:**

Additional Pending Enforcement Actions: 2011-1584-AIR-E

Past-Due Penalties: None

Past-Due Fees: None

Other: The violations alleged in this Order occurred at the Baytown Refinery (RN102579307). Further, this Order establishes a structure for stipulated penalties to resolve violations for future reportable emissions events, requires specified emissions reductions, and mandates environmental improvement projects at the Baytown Complex, which includes the Baytown Olefins Plant(RN102212925), the Baytown Chemical Plant (RN102574803), as well as the Baytown Refinery.

Interested Third-Parties: None

**Texas Register Publication Date:** January 6, 2012

**Comments Received:** None

***Penalty Information***

**Total Penalty Assessed:** \$98,000

**Total Paid to General Revenue:** \$49,000

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

**SEP Conditional Offset:** \$49,000

Name of SEP: Houston Area Air Monitoring Project

**Compliance History Classifications:**

Person/CN – Average

Site/RN – Average

**Major Source:** Yes

**Statutory Limit Adjustment:** \$100,000 reduction

**Applicable Penalty Policy:** September 2011

***Investigation Information***

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** November 7 - 21, 2011; November 15 - 29, 2011  
**Date(s) of NOV(s):** See Compliance History – 27 related NOVs  
**Date(s) of NOE(s):** December 19, 2011

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, 42,932.2 pounds (“lbs”) of carbon monoxide (“CO”), 5,568.16 lbs of sulfur dioxide (“SO<sub>2</sub>”), 898.97 lbs of nitrogen oxides (“NO<sub>x</sub>”), 2.25 lbs of hydrogen sulfide (“H<sub>2</sub>S”), and 8.9 lbs of volatile organic compounds (“VOC”) were emitted from Flare Stack 25 and Flare Stack 26 during an emissions event (Incident No. 160475) that began on October 12, 2011, and lasted for 58 hours and 15 minutes. The event occurred as the result of a breakdown of the bottom pump-around circuit on the Flexicoker Fractionator, which caused the temperature in the fractionator to increase, resulting in a release of excess overhead gas from the fractionator to the flare system. The TCEQ has determined that insufficient information was provided by ExxonMobil regarding the cause of the emissions event [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4); TEX. HEALTH & SAFETY CODE § 382.085(b); Permit Nos. 18287 and PSDTX730M4; and Federal Operating Permit No. O1229].
2. Failed to prevent unauthorized emissions. Specifically, 47,710.11 lbs of CO, 93.59 lbs of NO<sub>x</sub>, 2,594.21 lbs of SO<sub>2</sub>, 629.76 lbs of VOC, 28.08 lbs of H<sub>2</sub>S, 60.5 lbs of particulate matter, and 35.83 lbs of ammonia were emitted from Flares 3, 4, 5, and 6, and the Fluid Catalytic Cracking Unit 2 Wet Gas Scrubber during an emissions event (Incident No. 161050) that began on October 25, 2011, and lasted one hour and 25 minutes. The event occurred when an isolation switch at a substation failed to achieve a closed circuit, which caused an electrical arc to occur, resulting in the shutdown of the Wet Gas Compressor. The TCEQ has determined that insufficient information was provided by ExxonMobil regarding the cause of the switch failure [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4); TEX. HEALTH & SAFETY CODE § 382.085(b); Permit Nos. 18287 and PSDTX730M4; and Federal Operating Permit No. O1229].

***Corrective Actions/Ordering Provisions***

**Corrective Actions Completed:**

1. With regard to Incident No. 160475, by October 15, 2011, ExxonMobil pulled feed from the Flexicoker unit, and through operational troubleshooting, reestablished flow in the bottom circuit of the fractionator and put feed back into the unit.
2. With regard to Incident No. 161050, by October 30, 2011, ExxonMobil upgraded and replaced the isolation switch to prevent recurrence of a same or similar event.

**Ordering Provisions:**

1. Immediately upon the effective date of this Agreed Order until the date of termination of this Agreed Order, ExxonMobil shall be liable to the Commission for stipulated penalties, as set forth in Exhibit A (attached) for each emissions event and excess opacity event, as defined in

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30 TEX. ADMIN. CODE § 101.1 (including upset events and unscheduled MSS activities) at the Baytown Complex, during which the quantity of unauthorized emissions exceeds the applicable reportable quantity ("RQ"). Stipulated penalties do not apply to: emissions caused by an act of God, war, strike, riot, or other catastrophe as provided for in TEX. WATER CODE § 7.251; emissions events that qualify as "excessive emissions events" under 30 TEX. ADMIN. CODE § 101.222; or emissions events that have adversely impacted human health and the environment but which do not otherwise qualify as "excessive emission events" under 30 TEX. ADMIN. CODE § 101.222.

2. Within 60 days after the end of an event for which stipulated penalties are due, ExxonMobil shall submit to TCEQ the stipulated penalties due for that event.
3. Through advance coordination with the TCEQ SEP Program, fifty percent (50%) of the stipulated penalties may be directed to one or more SEPs listed on the Commission's approved SEP list for the Houston/Galveston/Brazoria (including Chambers County) area.
4. If the Executive Director identifies a violation for which a stipulated penalty has not been paid, within 45 days the Executive Director will notify ExxonMobil in writing of the violation and stipulated penalty due. ExxonMobil will submit the payment no later than 60 days after receipt of notification.
5. The Executive Director may exclude an emissions event from the stipulated penalty obligation provided the Executive Director gives written notice to ExxonMobil setting forth the basis for such exclusion no later than 90 days after receipt of the stipulated penalty amount for that emissions event. ExxonMobil will have 30 days from receipt of the written notice to respond to the notice and provide reasons why such exclusion should not be made. The Executive Director will make a final decision on the exclusion within 60 days of receipt of ExxonMobil's written response.
6. In the event that the Executive Director decides to exclude an emissions event and ExxonMobil has submitted the stipulated penalty payment for that event, the funds will be returned to ExxonMobil and no payment will be deemed to have been made.
7. For all events that the Executive Director excludes from the stipulated penalty provisions of this Agreed Order, the Executive Director may seek all administrative and/or civil enforcement remedies, including injunctive relief, with respect to claims arising under or related to that emissions event, and ExxonMobil retains and may assert all defenses applicable and available to it under law or regulation, including the right to legally challenge the Executive Director's decision to exclude the event from the stipulated penalty provisions of this Agreed Order.
8. Notwithstanding any other provisions of this Agreed Order, the TCEQ reserves the right to fully pursue ExxonMobil for any and all criminal liability, even if such liability is related to a matter otherwise covered by this Agreed Order.
9. In the event that the Executive Director elects to renegotiate the terms of this Agreed Order, the Executive Director shall provide ExxonMobil with written notice within 45 days of the date that a ground for renegotiation arises. If the Executive Director and ExxonMobil are unable to reach mutual agreement on modified terms of this Agreed Order within 90 days of that notice, the Executive Director shall have the right of Early Termination of this Agreed Order. If the Executive Director elects to exercise the right of Early Termination, the Executive Director shall provide ExxonMobil with a written 15-day notice of the termination.

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10. ExxonMobil estimates that the *Ordered Environmental Improvement Projects* will achieve corresponding reductions of the following pollutants: Highly Reactive Volatile Organic Compounds (HRVOC), Carbon Monoxide (CO), Sulfur Dioxide (SO<sub>2</sub>), and Nitrogen Oxides (NO<sub>x</sub>). For each *Ordered Environmental Improvement Project*, ExxonMobil will track and report the corresponding reductions in HRVOC, CO, SO<sub>2</sub>, and NO<sub>x</sub>.
11. Identification of the Baytown Complex facilities that will be used to satisfy the emissions reduction requirement rests solely with ExxonMobil. For purposes of demonstrating compliance, ExxonMobil will calculate VOC emissions, as well as corresponding reductions from pollutants identified above, in a manner that is consistent with the annual emissions inventory required by 30 TEX. ADMIN. CODE § 101.10.
12. No later than 60 days prior to a project start date, or in cases where the project start predates the effective date of this Agreed Order, no later than 60 days after the effective date of this Agreed Order, ExxonMobil will submit to the TCEQ a project description that identifies the emission unit(s) and process area(s) involved in the project, describes the new equipment or work practices that will be implemented as part of the project, describes how the new equipment or work practices are designed to prevent and/or reduce emissions from the Baytown Complex, and establishes interim implementation dates for the project. Within 30 days of receiving ExxonMobil's project description, the Executive Director may provide comments and request modifications to the scope or implementation of a project, including project(s) commenced prior to the effective date of this Agreed Order. In the event ExxonMobil elects not to incorporate such requested modifications, the Executive Director may exercise the right to Renegotiation or Early Termination.
13. If ExxonMobil fails to achieve interim VOC emissions reduction thresholds, fails to implement one or more of the *Ordered Environmental Improvement Projects* in accordance with the project description, or elects not to incorporate the Executive Director's requested modifications to an *Ordered Environmental Improvement Project*, the Executive Director has the right of Renegotiation of the terms of this Agreed Order.
14. ExxonMobil will undertake emissions reduction projects at the Baytown Complex, including the *Ordered Environmental Improvement Projects* listed below, to reduce VOC emissions, including VOC emissions from emissions events and MSS activities, by 126 tons from a baseline emission rate determined using the affected facilities' average emissions (excluding force majeure events) reported in the 2006-2010 Emissions Inventory. The emissions reduction projects will be complete by the end of the fifth calendar year after the effective date of this Agreed Order. The emissions reductions required by this Agreed Order will occur on the following schedule:
  - a. On or before the end of the third calendar year after the effective date of this Agreed Order, VOC emissions will be reduced by 45 tons;
  - b. On or before the end of the fourth calendar year after the effective date of this Agreed Order, VOC emissions will be reduced by 71 tons; and
  - c. On or before the end of the fifth calendar year after the effective date of this Agreed Order, VOC emissions will be reduced by 126 tons.

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15. Within 5 years of the effective date of this Agreed Order, ExxonMobil will implement the following *Ordered Environmental Improvement Projects* to reduce emissions at the Baytown Complex, including emissions from emissions events and MSS activities:
- a. *Plant Automation Venture.* ExxonMobil will install computer applications to improve real-time monitoring, identification, diagnostics and online guidance/management of operations to provide early identification of potential events and/or instrumentation abnormalities, allowing proactive response. ExxonMobil shall implement the Plant Automation Venture at the Baytown Complex no later than June 30, 2012, and shall complete the Plant Automation Venture at each location as set forth below:
    - i. Baytown Refinery – No later than December 31, 2014;
    - ii. Baytown Chemical Plant – No later than December 31, 2013; and
    - iii. Baytown Olefins Plant – No later than June 30, 2016.
  - b. *Fuels North Flare System Monitoring/Minimization.* Exxon will install additional instrumentation and develop tools and procedures to more effectively monitor and troubleshoot the Baytown Refinery Fuels North Flare System (“FNFS”). Additional instrumentation, including monitoring probes and on-line analyzers, are intended to improve the identification and characterization of flaring events. The development of flare minimization practices, including practices for Equipment Clearing Scheduling and reducing flare gas generation and/or Flare Gas Recovery System Cushion Management, are intended to reduce loads on the flare system. ExxonMobil shall implement the Fuels North Flare System Monitoring/ Minimization project on or before the following dates:
    - i. Flare Minimization Practices - Implementation no later than March 1, 2012; Completion no later than September 30, 2012; and
    - ii. Monitoring Instrumentation – Implementation no later than September 30, 2013; Completion no later than December 31, 2014.
  - c. *BOP/BOPX Recovery Unit Simulators.* ExxonMobil will develop, implement and use high-fidelity process training simulators for the Recovery Unit Trains at the Baytown Olefins Plant (“BOP”) and Baytown Olefins Plant Expansion (“BOPX”). The recovery unit simulators enable realistic instruction and practice for specific scenarios such as start-ups, shutdowns and loss-of-feed, and are intended to improve operator training and competency, resulting in reduced frequency and severity of emissions events. ExxonMobil shall begin development of the simulators for the BOP/BOPX Recovery Unit Simulators project at the Baytown Olefins Plant no later than June 30, 2012, and shall complete and test the simulators for the BOP/BOPX Recovery Unit Simulators project at each location as set forth below:
    - i. BOPX Recovery Unit Simulator – No later than December 31, 2013; and
    - ii. BOP Recovery Unit Simulator – No later than December 31, 2014.
  - d. *Enhanced Fugitive Emissions Monitoring.* No later than 90 days after the effective date of this Agreed Order, ExxonMobil shall begin implementation of a program of enhanced fugitive component monitoring and repair at the Baytown Complex. The program will use infrared imaging technology to locate potential VOC and HRVOC leaks. Confirmed leaks will be subject to the repair requirements of applicable federal and state regulations. Surveys will generally be conducted in months when applicable federal and state

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monitoring is not required and during process unit startups, will be equally spaced between monitoring events required by applicable federal and state regulations to the extent practicable, and will be performed by personnel who are certified in infrared imager operation. Imagers will receive maintenance according to the manufacturer's recommendations or equivalent. The Enhanced Fugitive Emissions Monitoring Project shall be complete and in use no later than 12 months after the effective date of this Agreed Order.

16. ExxonMobil has represented that it would not have committed to the Ordered Environmental Improvement Projects at the Baytown Complex at the time this Agreed Order is executed on the schedule required by this Agreed Order and with a focus on achieving the reductions of emissions absent the requirements of this Agreed Order.
17. ExxonMobil will submit Semi-Annual Reports to the Executive Director as follows:
  - a. Semi-Annual Reports regarding compliance status with this Agreed Order will be submitted according to the following schedule:
    - i. Semi-Annual Reports covering the period from January 1 - June 30 will be submitted no later than August 31; and
    - ii. Semi-Annual Reports covering the period from July 1 - December 31 will be submitted either by March 31 or by the date on which the Annual Emissions Inventory is due, whichever is later.
  - b. Semi-Annual Reports regarding the *Ordered Environmental Improvement Projects* for which work was performed in the prior semi-annual period will include the following:
    - i. The name of the project;
    - ii. The date on which ExxonMobil began implementation of the project; and
    - iii. Either the date on which ExxonMobil completed work on the project, or the estimated date of completion if work on the project was not complete by the end of the semi-annual reporting period.
  - c. Semi-Annual Reports regarding stipulated penalties will include the following:
    - i. The total amount of stipulated penalties paid during the prior semi-annual period; and
    - ii. For each emissions event for which stipulated penalties were paid:
      - A. The STEERS report number for the event;
      - B. The amount of the stipulated penalty paid; and
      - C. A copy of each payment.
18. Beginning in 2013, ExxonMobil will also begin submitting Annual Reports to the Executive Director as set forth below:
  - a. Annual Reports regarding compliance status with this Agreed Order will be submitted either by March 31 of each year or by the date on which the Annual Emissions Inventory is due, whichever is later;

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- b. Annual Reports regarding emissions reductions will include the following:
- i. VOC, HRVOC, CO, SO<sub>2</sub> and NO<sub>x</sub> emissions reductions achieved over the prior calendar year;
  - ii. Cumulative to-date VOC, HRVOC, CO, SO<sub>2</sub> and NO<sub>x</sub> emissions reductions;
  - iii. Actual emissions data for the prior calendar year based on Emission Inventories submitted in accordance with 30 TEX. ADMIN. CODE § 101.10, with an explanation of how the most recent emissions reductions contributed to overall emissions reduction trends at the Baytown Complex; and
  - iv. A summary of activities at the Baytown Complex related to the continuing efforts to improve environmental performance at the Baytown Complex.
19. VOC emissions reductions from the *Ordered Environmental Improvement Projects* will not be used to generate emission reduction credits or discrete emission reduction credits under any TCEQ emissions credit trading program, and do not qualify as voluntary pollution reductions or early compliance programs under 30 TEX. ADMIN. CODE ch. 60.
20. The reporting requirements of this Agreed Order do not relieve ExxonMobil of any reporting obligations to the TCEQ, including 30 TEX. ADMIN. CODE §§ 101.201 and 101.211. All emissions events subject to a stipulated penalty under this Agreed Order must be reported under 30 TEX. ADMIN. CODE § 122.145.
21. This Agreed Order shall terminate five years from its effective date, subject to the Executive Director's rights of Renegotiation and Early Termination.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**Settlement Date:** December 28, 2011

***Contact Information***

**TCEQ Attorneys:** Stephanie Bergeron Perdue, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
**TCEQ SEP Coordinator:** Sharon Blue, Litigation Division, MC 175, (512) 239-2223  
**TCEQ Enforcement Coordinator:** John Muennick, Air Enforcement Section, (713) 422- 8970  
**TCEQ Regional Contact:** Jason Harris/Manuel Bautista, Houston Regional Office, (713) 767-3500  
**Respondent Contact:** Steven R. Cope, Refinery Manager, Exxon Mobil Corporation,  
P.O. Box 3950, Baytown, Texas 77522-3950

**EXHIBIT A**  
**Stipulated Penalties**

**Baytown Refinery, Baytown Olefins Plant and Baytown Chemical Plant**  
**Reportable Emissions Events and Excess Opacity Events**

<b>Magnitude of Emissions (Per Event)<sup>1</sup></b>	<b>Stipulated Penalty (for first 40 emissions events in calendar year)</b>	<b>Stipulated Penalty (for the 41st emissions event or greater in calendar year)</b>
Less than or equal to 500 lbs Or Excess Opacity Event	\$7,000 per event	\$8,250 per event
Greater than 500 lbs but less than 5000 lbs	\$13,500 per event	\$15,500 per event
Greater than or equal to 5000 lbs	\$25,000 per event	\$25,000 per event

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<sup>1</sup>The "event" subject to a stipulated penalty under this Order is the aggregate unauthorized emissions and the estimated duration set forth in the final record of reportable emissions events as required under 30 Texas Administrative Code Section 101.201(b).





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	3-Jan-2012	<b>Screening</b>	6-Jan-2012	<b>EPA Due</b>	
	<b>PCW</b>	3-Jan-2012				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Exxon Mobil Corporation		
<b>Reg. Ent. Ref. No.</b>	RN102579307		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	43254	<b>No. of Violations</b>	2
<b>Docket No.</b>	2011-2336-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	John Muennink
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$100,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	100.0%	Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$100,000
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Notes: Enhancement for 27 NOVs with same/similar violations, 13 NOVs with dissimilar violations, 10 orders with denial of liability, 20 orders without denial of liability, and one final court judgement with denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$5  
 Approx. Cost of Compliance: \$10,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$200,000
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$200,000
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$100,000
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<b>DEFERRAL</b>	2.0%	Reduction	<b>Adjustment</b>	-\$2,000
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only: e.g. 20 for 20% reduction.)

Notes:

The final assessed penalty has been reduced 2% to reflect the terms of the settlement agreement with Respondent; no portion or percentage of the final assessed penalty has been deferred.

<b>PAYABLE PENALTY</b>	\$98,000
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**Screening Date** 6-Jan-2012

**Docket No.** 2011-2336-AIR-E

**PCW**

**Respondent** Exxon Mobil Corporation

*Policy Revision 3 (September 2011)*

**Case ID No.** 43254

*PCW Revision August 3, 2011*

**Reg. Ent. Reference No.** RN102579307

**Media [Statute]** Air

**Enf. Coordinator** John Muennink

### 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> )	27	135%
	Other written NOVs	13	26%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	10	200%
	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	20	500%
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> )	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<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)** 891%

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

No

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

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for 27 NOVs with same/similar violations, 13 NOVs with dissimilar violations, 10 orders with denial of liability, 20 orders without denial of liability, and one final court judgement with denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 891%

>> **Final Compliance History Adjustment**

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

Screening Date 6-Jan-2012

Docket No. 2011-2336-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 3 (September 2011)

Case ID No. 43254

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102579307

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health and Safety Code § 382.085(b), Permit Nos. 18287 and PSDTX730M4, and Federal Operating Permit No. O1229

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 42,932.2 pounds ("lbs") of carbon monoxide, 5,568.16 lbs of sulfur dioxide ("SO2"), 898.97 lbs of nitrogen oxides ("NOx"), 2.25 lbs of hydrogen sulfide ("H2S"), and 8.9 lbs of volatile organic compounds ("VOC") from Flare Stack 25 and Flare Stack 26 during an emissions event (Incident No. 160475) that began on October 12, 2011 and lasted 58 hours and 15 minutes. The event occurred as the result of a breakdown of the bottom pump-around circuit on the Flexicoker Fractionator, which caused the temperature in the fractionator to increase, resulting in a release of excess overhead gas from the fractionator to the flare system. Since insufficient information was provided regarding the cause of the emissions event, 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

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health and the environment has been exposed to significant amounts of pollutants which exceed protective levels as a result of this violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 3 Number of violation days 3

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

Violation Base Penalty \$75,000

Three daily events are recommended for the three day emissions event.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$75,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$150,000

This violation Final Assessed Penalty (adjusted for limits) \$75,000

## Economic Benefit Worksheet

**Respondent** Exxon Mobil Corporation  
**Case ID No.** 43254  
**Req. Ent. Reference No.** RN102579307  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$5,000	12-Oct-2011	15-Oct-2011	0.01	\$2	n/a	\$2

Notes for DELAYED costs

Estimated expense to implement measures and/or procedures to prevent emissions events due to the same causes as that of Incident No. 160475. The Date Required is the date of the emissions event. The Final Date is the date that corrective measures were completed.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$2

**Screening Date** 6-Jan-2012  
**Respondent** Exxon Mobil Corporation  
**Case ID No.** 43254  
**Reg. Ent. Reference No.** RN102579307  
**Media [Statute]** Air  
**Enf. Coordinator** John Muennink

**Docket No.** 2011-2336-AIR-E

**PCW**

*Policy Revision 3 (September 2011)*

*PCW Revision August 3, 2011*

**Violation Number**   
**Rule Cite(s)**

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health and Safety Code § 382.085(b), Permit Nos. 18287 and PSDTX730M4, and Federal Operating Permit No. O1229

**Violation Description**

Failed to prevent unauthorized emissions. Specifically, the Respondent released 47,710.11 lbs of CO, 93.59 lbs of NOx, 2,594.21 lbs of SO2, 629.76 lbs of VOC, 28.08 lbs of H2S, 60.5 lbs of particulate matter, and 35.83 lbs of ammonia from Flares 3, 4, 5, and 6, and the Fluid Catalytic Cracking Unit 2 Wet Gas Scrubber during an emissions event (Incident No. 161050) that began on October 25, 2011, and lasted one hour and 25 minutes. The event occurred when an isolation switch at a substation failed to achieve a closed circuit, which caused an electrical arc to occur, resulting in the shutdown of the Wet Gas Compressor. Since insufficient information was provided regarding the cause of the emissions event, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

**Base Penalty**

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

OR

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

**Percent**

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Percent**

Matrix Notes

Human health and the environment has been exposed to significant amounts of pollutants which exceed protective levels as a result of this violation.

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

*mark only one with an x*

daily	<input checked="" type="checkbox"/>
weekly	<input type="checkbox"/>
monthly	<input type="checkbox"/>
quarterly	<input type="checkbox"/>
semiannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input type="checkbox"/>

**Violation Base Penalty**

One daily event is recommended.

**Good Faith Efforts to Comply**

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes

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

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Exxon Mobil Corporation  
**Case ID No.** 43254  
**Req. Ent. Reference No.** RN102579307  
**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
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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)	\$5,000	25-Oct-2011	30-Oct-2011	0.01	\$3	n/a	\$3

Notes for DELAYED costs

Estimated expense to implement measures and/or procedures to prevent emissions events due to the same causes as that of Incident No. 161050. The Date Required is the date of the emissions event. The Final Date is the date that corrective measures were completed.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$3

# Compliance History

Customer/Respondent/Owner-Operator: CN600123939 Exxon Mobil Corporation Classification: AVERAGE Rating: 2.71  
 Regulated Entity: RN102579307 EXXON MOBIL BAYTOWN FACILITY Classification: AVERAGE Site Rating: 10.90

ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50111
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30040
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD000782698
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00234
	AIR NEW SOURCE PERMITS	REGISTRATION	92810
	AIR NEW SOURCE PERMITS	PERMIT	18287
	AIR NEW SOURCE PERMITS	REGISTRATION	22874
	AIR NEW SOURCE PERMITS	REGISTRATION	23378
	AIR NEW SOURCE PERMITS	REGISTRATION	24669
	AIR NEW SOURCE PERMITS	REGISTRATION	26486
	AIR NEW SOURCE PERMITS	REGISTRATION	26294
	AIR NEW SOURCE PERMITS	REGISTRATION	27403
	AIR NEW SOURCE PERMITS	REGISTRATION	26443
	AIR NEW SOURCE PERMITS	REGISTRATION	30186
	AIR NEW SOURCE PERMITS	REGISTRATION	31067
	AIR NEW SOURCE PERMITS	REGISTRATION	31008
	AIR NEW SOURCE PERMITS	REGISTRATION	31690
	AIR NEW SOURCE PERMITS	REGISTRATION	31852
	AIR NEW SOURCE PERMITS	REGISTRATION	31915
	AIR NEW SOURCE PERMITS	REGISTRATION	34295
	AIR NEW SOURCE PERMITS	REGISTRATION	33875
	AIR NEW SOURCE PERMITS	REGISTRATION	36536
	AIR NEW SOURCE PERMITS	PERMIT	36664
	AIR NEW SOURCE PERMITS	REGISTRATION	38532
	AIR NEW SOURCE PERMITS	REGISTRATION	39164
	AIR NEW SOURCE PERMITS	REGISTRATION	40421
	AIR NEW SOURCE PERMITS	REGISTRATION	38572
	AIR NEW SOURCE PERMITS	REGISTRATION	42509
	AIR NEW SOURCE PERMITS	REGISTRATION	43489
	AIR NEW SOURCE PERMITS	REGISTRATION	43582
	AIR NEW SOURCE PERMITS	REGISTRATION	44162
	AIR NEW SOURCE PERMITS	REGISTRATION	47145
	AIR NEW SOURCE PERMITS	REGISTRATION	49893
	AIR NEW SOURCE PERMITS	PERMIT	50203
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0232Q
	AIR NEW SOURCE PERMITS	REGISTRATION	11007
	AIR NEW SOURCE PERMITS	REGISTRATION	10461
	AIR NEW SOURCE PERMITS	PERMIT	10550
	AIR NEW SOURCE PERMITS	REGISTRATION	11053
	AIR NEW SOURCE PERMITS	REGISTRATION	11206
	AIR NEW SOURCE PERMITS	REGISTRATION	11250
	AIR NEW SOURCE PERMITS	REGISTRATION	11380
	AIR NEW SOURCE PERMITS	REGISTRATION	11464
	AIR NEW SOURCE PERMITS	REGISTRATION	11475
	AIR NEW SOURCE PERMITS	REGISTRATION	11483
	AIR NEW SOURCE PERMITS	PERMIT	11555
	AIR NEW SOURCE PERMITS	REGISTRATION	11624
	AIR NEW SOURCE PERMITS	REGISTRATION	11703
	AIR NEW SOURCE PERMITS	REGISTRATION	11939
	AIR NEW SOURCE PERMITS	REGISTRATION	12226
	AIR NEW SOURCE PERMITS	PERMIT	12380
	AIR NEW SOURCE PERMITS	REGISTRATION	12628
	AIR NEW SOURCE PERMITS	REGISTRATION	12968
	AIR NEW SOURCE PERMITS	REGISTRATION	12977
	AIR NEW SOURCE PERMITS	REGISTRATION	12994
	AIR NEW SOURCE PERMITS	REGISTRATION	51246
	AIR NEW SOURCE PERMITS	REGISTRATION	55381
	AIR NEW SOURCE PERMITS	AFS NUM	4820100027
	AIR NEW SOURCE PERMITS	REGISTRATION	71553
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX975
	AIR NEW SOURCE PERMITS	REGISTRATION	71614
	AIR NEW SOURCE PERMITS	REGISTRATION	50429
	AIR NEW SOURCE PERMITS	REGISTRATION	53461
	AIR NEW SOURCE PERMITS	REGISTRATION	52474
	AIR NEW SOURCE PERMITS	REGISTRATION	55912
	AIR NEW SOURCE PERMITS	REGISTRATION	54582
	AIR NEW SOURCE PERMITS	REGISTRATION	54497
	AIR NEW SOURCE PERMITS	REGISTRATION	71394
	AIR NEW SOURCE PERMITS	REGISTRATION	50582
	AIR NEW SOURCE PERMITS	REGISTRATION	54848
	AIR NEW SOURCE PERMITS	REGISTRATION	53785
	AIR NEW SOURCE PERMITS	REGISTRATION	55511

AIR NEW SOURCE PERMITS	REGISTRATION	72657
AIR NEW SOURCE PERMITS	REGISTRATION	74578
AIR NEW SOURCE PERMITS	REGISTRATION	75186
AIR NEW SOURCE PERMITS	EPA ID	PSDTX730M3
AIR NEW SOURCE PERMITS	EPA ID	PSDTX975M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX730M2
AIR NEW SOURCE PERMITS	EPA ID	PAL7
AIR NEW SOURCE PERMITS	REGISTRATION	94307
AIR NEW SOURCE PERMITS	REGISTRATION	98076
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0232Q
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0232Q
AIR OPERATING PERMITS	PERMIT	1229
WASTEWATER	PERMIT	WQ0000592000
WASTEWATER	EPA ID	TX0006271
PETROLEUM STORAGE TANK	REGISTRATION	8309
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30040
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011562
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0232Q

Location: 2800 DECKER DR, BAYTOWN, TX, 77520  
TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: December 12, 2011  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: December 12, 2006 to December 12, 2011  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:  
Name: John Muennink Phone: (512) 239 – 1000

**Site Compliance History Components**

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? Yes
3. If Yes, who is the current owner/operator?

OWNOPR	Exxon Mobil Corporation
OWNOPR	Exxon Baytown Refinery
OWNOPR	Exxon Mobil Corporation
OWNOPR	ExxonMobil Oil Corporation
OWNOPR	Exxon Mobil Corporation
OWNOPR	EXXON MOBIL REFINING AND SUPPLY COMPANY
OWNOPR	Exxon Mobil Corporation
OWNOPR	TEJAS GAS PIPELINE CO
4. If Yes, who was/were the prior owner(s)/operator(s)? OWN EXXONMOBIL REFINING & SUPPLY COMPANY
5. When did the change(s) in owner or operator occur? 07/07/2010 OWNEXXONMOBIL REFINING & SUPPLY COMPANY
6. Rating Date: 9/1/2011 Repeat Violator: NO

**Components (Multimedia) for the Site :**

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
- 1 **Effective Date: 01/26/2007** **ADMINORDER 2006-0737-AIR-E**  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Rqmt Prov: TCEQ Flexible Air Permit No. 18287, SC#1 PERMIT  
Description: Failed to prevent an avoidable emissions event in the Catalytic Light Ends Unit 3 on September 3, 2004 that lasted eight minutes, releasing 14,399 pounds ("lbs") of the highly reactive volatile organic compound ("HRVOC") ethylene and 146 lbs of propane.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: TCEQ Flexible Permit #18287, SC# 1 PERMIT  
Description: Failed to prevent an avoidable emissions event in the Propane Dewaxing Unit on November 29, 2005 that lasted 12 hours and 30 minutes, releasing 11,409 pounds ("lbs") of propane, 62 lbs of hydrogen sulfide and 28 lbs of propylene.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failed to identify the permit number on the final reports that were submitted for the September 3, 2004 and November 29, 2005 emissions events.
  - 2 **Effective Date: 03/01/2007** **COURTORDER**  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715  
Rqmt Prov: General Condition 15 PERMIT  
Special Condition 1 PERMIT  
Description: Exxon Mobil violated 30 TAC § 116.715 which requires the holders of flexible permits to comply with all general and special conditions contain in the permit. Exxon Mobil could have avoided the process gas oil release by good design, operation and maintenance practices.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.4  
Description: On January 22, 2006, process gas oil from a tank at the refinery spilled onto the ground. An oily mist from the material



engulfed the nearby Archia Courts public housing neighborhood, adhering to cars and homes. This created nuisance conditions for the neighborhood and violated 30 TAC § 101.4 because the oil was emitted into the atmosphere in such concentration and of such duration as to interfere with the normal use and enjoyment of property and to adversely affect human health.

Classification: Moderate

Citation: 30 TAC Chapter 327 327.3(e)

Description: Failed to notify the TCEQ as soon as possible after discovering that process gas oil had gone off-site and affected the nearby neighborhood.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Exxon Mobil violated Tex Health and Safety Code § 382.085(a) and (b) which prohibits any person from emitting air contaminants or performing activities that cause or contribute to air pollution, except as authorized by a rule or order of the TCEQ.

3 **Effective Date: 05/25/2007** **ADMINORDER 2006-1398-AIR-E**

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Air Permit #18287, SC#1 PERMIT

Description: Failed to prevent the unauthorized release of 49,720 lbs of sulfur dioxide, 960 lbs of hydrogen sulfide, 30 lbs of nitrogen oxides, 599 lbs of total sulfur and 124 lbs of hydrogen disulfide during an emissions event that began on Nov. 23, 2004 and lasted three hours and 12 minutes.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 18287 PERMIT

Description: Failed to prevent the unauthorized release of 510 lbs of carbon monoxide, 182 lbs of hydrogen sulfide, 16,743 lbs of sulfur dioxide, 42.9 lbs of ethylene, 128.6 lbs of butane, 285.8 lbs of VOC 335.8 lbs of propane and 100 lbs of nitrogen oxides during an emissions event that started on May 16, 2006 and lasted 43 mi

4 **Effective Date: 06/29/2007** **ADMINORDER 2006-1196-AIR-E**

Classification: Moderate

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

Rqmt Prov: Special Condition Nos. 1 and 36A PERMIT

Description: Failed to keep hydrogen sulfide blend gas concentrations 3-hour average below 160 parts per million ("ppm") resulting in the unauthorized emissions of 12,051 pounds ("lbs") of sulfur dioxide, 1,080.6 lbs of nitrogen oxides and 512.5 lbs of carbon monoxide.

5 **Effective Date: 08/23/2007** **ADMINORDER 2006-2043-AIR-E**

Classification: Moderate

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

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #18287, SC1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 99,307 pounds ("lbs") of volatile organic compounds and 199 lbs of hydrogen sulfide was released from the Pipestill 8 Unit during an emissions event that began on November 16, 2004 and lasted 35 minutes.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to identify the permit number on the final report for the November 16, 2004 emissions event.

6 **Effective Date: 09/21/2007** **ADMINORDER 2007-0077-AIR-E**

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Permit #18287, SC# 1 PA

Description: Exxon Mobil failed to prevent the unauthorized release of air contaminants into the atmosphere

7 **Effective Date: 01/12/2008** **ADMINORDER 2007-0672-AIR-E**

Classification: Moderate

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

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18287/PSD-TX-703 SC 1 PA

Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 1,059 pounds ("lbs") of volatile organic compounds, 6,430 lbs of carbon monoxide ("CO"), 680 lbs of nitrogen oxide (NOx), 169 lbs of hydrogen sulfide and 15,552 lbs of sulfur dioxide ("SO2") during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 19,972 lbs of SO2 from the Fuels North Unit during an avoidable emissions event that began October 20, 2006 and lasted 201 hours. The event also resulted in 100% opacity for the duration of the event.

8 **Effective Date: 02/25/2008** **ADMINORDER 2006-0498-AIR-E**

Classification: Moderate

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

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #18287, SC #1 PERMIT

Description: Failed to prevent an avoidable emissions event in the Delayed Coker Unit ("DCU") on August 29, 2003 that lasted four hours and five minutes, releasing 40,798 pounds ("lbs") of sulfur dioxide, 2,097 lbs of volatile organic compounds ("VOCs"), 1,408 lbs of carbon monoxide, 233 lbs of nitric oxide and 438 lbs of hydrogen sulfide.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit the final notification for the August 29, 2003 emissions event in a timely manner.

- 9 **Effective Date: 02/25/2008** **ADMINORDER 2007-1403-AIR-E**  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: TCEQ Air Permit #18287, SC#1 PA  
Description: Failed to prevent the unauthorized release of 11,294 lbs of SO<sub>2</sub>, 1.5 lbs of H<sub>2</sub>S and .81 lbs of sulfur from the Low BTU Gas Fired Sources during an avoidable emissions event that began March 2, 2007 and lasted 16 hours and 27 minutes.
- 10 **Effective Date: 03/08/2008** **ADMINORDER 2007-1004-AIR-E**  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: TCEQ AIR FLEXIBLE PERMIT #18287, SC#1 PA  
Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 6.83 lbs of H<sub>2</sub>S, 37.45 lbs CO, 6.88 lbs of NO<sub>x</sub>, 7.58 lbs of propylene, 4.94 lbs of volatile organic compounds and 1,494.97 lbs of SO<sub>2</sub> from the Delayed Coker Unit during an avoidable emissions event that began January 31, 2007 and lasted 15 minutes.
- 11 **Effective Date: 06/05/2008** **ADMINORDER 2007-1637-AIR-E**  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,160 pounds ("lbs") of volatile organic compounds, 182 lbs of hydrogen sulfide, 21 lbs of the Hazardous Air Pollutant ("HAP") benzene, 124 lbs of the HAP toluene, 54 lbs of the HAP xylene and 224 lbs of the HAP ethylbenzene from Tank 998 in Oil Movements Area 1 during an avoidable emissions event that began May 17, 2007 and lasted 126 hours.
- 12 **Effective Date: 09/22/2008** **ADMINORDER 2006-0875-AIR-E**  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: TCEQ Permit No. 18287 PERMIT  
Description: Failed to prevent an avoidable emissions event in the Catalytic Light Ends Unit 3 on February 19, 2006 that lasted 5 minutes and released 9,090 lbs of ethylene.
- 13 **Effective Date: 10/06/2008** **ADMINORDER 2008-0160-AIR-E**  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,932.7 pounds ("lbs") of volatile organic compounds and 1,556 lbs of sulfur dioxide from the West Loop Flare System during an emissions event that began August 26, 2007 and lasted 41 hours and three minutes.
- Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(3)(ii)  
 5C THSC Chapter 382 382.085(b)  
Description: Failed to comply with a maximum allowable emission rate of 20 parts per million ("ppm") at 0% oxygen ("O<sub>2</sub>") for sulfur dioxide ("SO<sub>2</sub>"). Specifically, during a reference method stack test conducted on March 27, 2007, it was determined that SO<sub>2</sub> emissions from Boiler 1 (EPN No. LXU2B1) were 96.83 ppm at 0% O<sub>2</sub>.
- Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: TCEQ Air Flexible Permit No. 18287, SC#1 PA  
Description: failed to prevent unauthorized emissions. Specifically, the Respondent released 237 pounds ("lbs") of carbon monoxide, 199.31 lbs of volatile organic compounds, 40.88 lbs of hydrogen sulfide, 43.5 lbs of nitrogen oxide and 3,759.34 lbs of sulfur dioxide from the Delayed Coker Unit during an avoidable emissions event (Incident No. 98207) that began October 2, 2007 and lasted one hour and 22 minutes.
- 14 **Effective Date: 11/06/2008** **ADMINORDER 2007-0463-AIR-E**  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: Permit No. 18287, Special Cond. No. 1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 25,336 lbs of heptane, 308 lbs of toluene and 2 lbs of benzene from the Oil Movements Area 2 during an avoidable emissions event that began May 31, 2006 and lasted 15 hours and 50 minutes.
- Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: TCEQ Permit No. 18287 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 8,005 lbs of carbon monoxide, 209 lbs nitrogen oxide and 68,157 lbs of sulfur dioxide from the Flexicoker and the Sulfur Conversion Unit during an avoidable emissions event that began May 23, 2006 and lasted three hours and 47 minutes.
- Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA  
Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 28,213 pounds ("lbs") of carbon monoxide, 115 lbs of ammonia and 92 lbs of hydrogen cyanide during an avoidable emissions event that began June 16, 2005 and lasted three hours and 34 minutes.

- 15 **Effective Date: 12/04/2008** **ADMINORDER 2008-0641-AIR-E**  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,035 pounds ("lbs") of volatile organic compounds ("VOC"), 733 lbs of sulfur dioxide ("SO2"), 736 lbs of carbon monoxide ("CO"), 135 lbs of nitrogen oxide ("NOx") and 8 lbs of hydrogen sulfide ("H2S") from Catalytic Light Ends Unit 1 ("CLEU") during an avoidable emissions event that began December 5, 2007 and lasted one hour and 22 minutes.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: TCEQ Air Permit No.18287, SC#1 PA  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,736 lbs of VOCs, 2,363 lbs of SO2, 6,473 lbs of CO, 198 lbs of NOx and 25 lbs of H2S from Fluid Catalytic Cracking Unit 2 during an avoidable emissions event that began December 17, 2007 and lasted eight hours and two minutes.  
 Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
 5C THSC Chapter 382 382.085(b)  
Description: Failed to submit the final report for the emissions event that occurred December 17, 2007 within 14 days after the end of the event.
- 16 **Effective Date: 01/30/2009** **ADMINORDER 2008-0872-AIR-E**  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 88,422 lbs of VOCs, 7,319 lbs of CO, 1,705 lbs of H2S, 300 lbs of NOx and 2,178 lbs of SO2 from Hydrocracking Unit 1 during an avoidable emissions event (Incident No. 93064) that began December 14, 2007 and lasted 65 hours and 41 minutes.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: TCEQ Air flexible permit #18287, SC#1 PA  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 5,032 pounds ("lbs") of sulfur dioxide ("SO2"), 383 lbs of carbon monoxide ("CO"), 307 lbs of volatile organic compounds ("VOC"), 71 lbs of nitrogen oxide ("NOx") and 55 lbs of hydrogen sulfide ("H2S") from the Delayed Coker Unit during an avoidable emissions event (Incident No. 101349) that began December 14, 2007 and lasted 33 hours and 52 minutes.
- 17 **Effective Date: 02/08/2009** **ADMINORDER 2007-0214-AIR-E**  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(a)  
 Rqmt Prov: TCEQ Permit No. 18287 PERMIT  
Description: Failed to prevent unauthorized emissions.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(a)  
 Rqmt Prov: TCEQ Flexible Permit #18287, SC#1 PA  
Description: Failed to prevent unauthorized emissions.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(a)  
 Rqmt Prov: TCEQ Flexible Permit #18287, SC#1 PA  
Description: Failed to prevent unauthorized emissions.
- 18 **Effective Date: 07/09/2009** **ADMINORDER 2008-1163-AIR-E**  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: TCEQ Flexible Air Permit #18287, SC#1 PA  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 19,492 pounds ("lbs") of sulfur dioxide, 1,764 lbs of carbon monoxide, 1,154 lbs of volatile organic compounds, 324 lbs of nitrogen oxide and 211 lbs of hydrogen sulfide from Booster Station 4 during an avoidable emissions event that began March 8, 2008 and lasted 67 hours and 54 minutes.
- 19 **Effective Date: 07/20/2009** **ADMINORDER 2009-0132-AIR-E**  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 8,168 lbs of SO2, 1,529 lbs of VOCs, 394 lbs of CO, 182 lbs of H2S and 75 lbs of NOx from Hydrocracking Unit 1 during an avoidable emissions event that began August 11, 2008 and lasted nine hours and 37 minutes. The root cause of the event was the inadvertent activation of the compressor trip button, resulting in the shutdown of the C-701 relay system.
- 20 **Effective Date: 08/23/2009** **ADMINORDER 2007-1985-AIR-E**  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 113, SubChapter C 113.340  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)  
 5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18287/PSD-TX-730M3 PERMIT

Description: Failed to properly seal the ends of four lines associated with Tag Nos.: G833, H415, H944, and H943 which were in VOC and HAP service.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18287/PSD-TX-730M3 PERMIT

Description: Failed to equip the end of an open-ended line or valve with a cap, blind flange, plug, or a second valve. Specifically, it was documented that on May 3, 2005, the open-ended valve with Tag Number F010 was not equipped with a plug as required.

Classification: Moderate

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

Rqmt Prov: 18287 PERMIT

Description: Failed to prevent unauthorized emissions from pressure relief valve PV368 on July 27, 2004, at Catalytic Light Ends Unit 3 resulting from the failure of pressure Transmitter P368 closing and allowing the process pressure to reach the set limit of PV368.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ PERMIT #18287, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions from the Fluid Catalytic Cracking Unit 3 ("FCCU3") of Plant No. 1 during an emissions event that began on October 14, 2006 and lasted 17 hours and 34 minutes, releasing 1,125 pounds ("lbs") of ammonia, 263,767 lbs of carbon monoxide ("CO"), 900 lbs of hydrogen cyanide, 1,271 lbs of particulate matter ("PM"), and 11,441 lbs of sulfur dioxide ("SO2"). This event was determined to be an excessive emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Permit No. 18287 PERMIT

Description: Failed to prevent unauthorized emissions from the Fluid Catalytic Cracking Unit 2 ("FCCU2") of Plant No. 1 during an emissions event (incident nos. 77470 and 78472) that began June 16, 2006 and lasted 116 hours, releasing 446,831 lbs of CO, 6,013 lbs of SO2, and 313 lbs of NOx. This event was determined to be an excessive emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Permit No. 18287 PERMIT

Description: Failed to prevent unauthorized emissions from the Girbotol Unit of Plant No. 1 during an emissions event that began June 24, 2006 and lasted 18 hours and one minute, releasing 159,599 lbs of SO2, 3,293 lbs of hydrogen sulfide ("H2S"), 34 lbs of the Hazardous Air Pollutant ("HAP") carbon disulfide, 275 lbs of the HAP carbonyl sulfide ("COS") and 331 lbs of nitrogen oxide ("NOx"). This event was determined to be an excessive emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18287 SC 1 PERMIT

Description: Failed to prevent unauthorized emissions from the Fluid Catalytic Cracking Unit ("FCCU3") of Plant No. 1 during an avoidable emissions event that began November 1, 2006 and lasted 25 hours and 36 minutes, releasing 40,681 lbs of CO, 123 lbs of ammonia, 99 lbs of hydrogen cyanide, 24 lbs of NOx, 44 lbs of PM, and 685 lbs of SO2.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Flexible Permit #18287 PA

Description: Failed to prevent unauthorized emissions from the FCCU2 of Plant No. 1 during an emissions event that began June 12, 2006 and lasted 87 hours, releasing 98,121 lbs of CO.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions from Hydrocracking Unit of Plant No. 1 during an emissions event that began August 4, 2006 and lasted 43 hours, releasing 29,876 lbs of SO2, 1,121 lbs of VOCs, 1,118 lbs of CO, 423 lbs of propane, 325 lbs of H2S, 293 lbs of N-butane, 261 lbs of isobutane, 206 lbs of NOx, 33 lbs of propylene, 21 lbs of butene, 9 lbs ethylene and 1 lb of 1,3-butadiene.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Flexible Permit No. 18287 PERMIT

Description: Failed to prevent unauthorized emissions from FCCU3 of Plant No. 1 during an emissions event that began November 20, 2006 and lasted 48 hours and 24 minutes, releasing 197,548 lbs of CO, 226 lbs of ammonia and 285 lbs of hydrogen cyanide. This event was determined to be an excessive emissions event.

Classification: Minor

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

Description: Failed to submit the initial notification for the August 4, 2006 emissions event in timely manner. Specifically, the report which was due on August 5, 2006, was not submitted until August 6, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions from Power Plant 4 and Substation 29 of Plant No. 1 during an avoidable emissions event that began on October 5, 2006 and lasted 8 hours and 48 minutes, releasing 6,686.3 lbs of CO, 28.21 lbs of H2S, 431.2 lbs of NOx, 2,592 lbs of SO2, 8 lbs of the HAP COS, and 3,201 lbs of volatile organic compounds ("VOC") including 7 lbs of the Highly Reactive VOC ("HRVOC") propylene.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions from Booster Station 4 of Plant No. 1 during an avoidable emissions event that began on January 17, 2007 and lasted 27 hours and 11 minutes, releasing 23,812 lbs of SO2, 4,509 lbs of CO, 258 lbs of H2S, 829 lbs of NOx, and 1,291 lbs of VOC.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ AIR FLEXIBLE PERMIT #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions from Booster Station 4 of Plant No. 1 during an avoidable emissions event that began February 21, 2007 and lasted 25 hours and 8 minutes, releasing 18,786 lbs of SO2, 2,757.1 lbs of CO, 706.88 lbs of VOC, 506.7 lbs of NOx and 203.76 lbs of H2S.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 18287, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions from Booster Station 4, Pipestill 7, and the Flexicoker Unit of Plant No. 1 during an avoidable emissions event that began January 24, 2007 and lasted 25 hours, releasing 130.04 lbs of H2S, 12,042.08 lbs of SO2, 1,538 lbs of VOC, 3,320.03 lbs of CO, 216.01 lbs of NOx and 4 lbs sulfur, and resulting in 100% opacity averaged over a six minute period.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 18287, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions from the Flexicoker Unit of Plant No. 1 during an avoidable emissions event that began February 24, 2007 and lasted 9 hours and 11 minutes, releasing 10.89 lbs of n-butane, 19.53 lbs of butene, 9.01 lbs of ethylene, 4.67 lbs of isobutane, 28.34 lbs of propane, 18.03 lbs of propylene, 161.76 lbs of VOCs, 22.25 lbs of H2S, 2,859.05 lbs of SO2, 7806.09 lbs of CO, 192.5 lbs of NOx, and 15.43 lbs of sulfur.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions from the Flexicoker Unit, the Catalytic Light End Unit 3, the West Loop Flare System and the Flues North Flare System of Plant No. 1 during an avoidable emissions event that began April 27, 2007 and lasted 5 hours and 30 minutes, releasing 2,491.4 lbs of SO2, 1,102 lbs of CO, 26.83 lbs of H2S, 0.79 lbs of sulfur, 106.2 lbs of NOx, 2,282.3 lbs of VOC, and 1,560 lbs, 7.2 lbs, and 2.3 lbs of the HRVOCs ethylene, propylene, and 1-butene + isobutylene.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,328 pounds ("lbs") of volatile organic compounds, 89 lbs of ammonia and the following Hazardous Air Pollutants ("HAPs"): 442.1 lbs of benzene, 23 lbs of cumene, 71 lbs of ethylbenzene, 24 lbs of methyl ethyl ketone, 16 lbs of methyl isobutyl ketone, 192 lbs of naphthalene, 712 lbs of phenol, 796 lbs of toluene and 106 lbs of xylene from the Wastewater Treatment Plant during an avoidable emissions event

21 **Effective Date: 09/21/2009 ADMINORDER 2009-0073-AIR-E**

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,328 pounds ("lbs") of volatile organic compounds, 89 lbs of ammonia and the following Hazardous Air Pollutants ("HAPs"): 442.1 lbs of benzene, 23 lbs of cumene, 71 lbs of ethylbenzene, 24 lbs of methyl ethyl ketone, 16 lbs of methyl isobutyl ketone, 192 lbs of naphthalene, 712 lbs of phenol, 796 lbs of toluene and 106 lbs of xylene from the Wastewater Treatment Plant during an avoidable emissions event

22 **Effective Date: 10/18/2009 ADMINORDER 2008-1727-AIR-E**

Classification: Moderate

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

Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions. Specifically, The Respondent released 129,997 lbs of CO, 17,270 lbs of SO2, 3,020 lbs of NOx, 150 lbs of hydrogen cyanide, 381 lbs of ammonia, 803 lbs of particulate matter and resulted in 50% opacity from Fluid Catalytic Cracking Unit 3 (FCUU3) during an avoidable emissions event that began April 22, 2008 and lasted 29 hrs and 19 min. The unauthorized emissions were the result of an operator inadvertently closing the fuel gas valve to C-Boiler on FCCU3.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Flexible Permit #18287, SC#1 PA

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 28,105.8 lbs of VOCs, 6,824 lbs of SO2, 2,720 lbs of CO, 351.8 lbs of NOx, 75.9 lbs of H2S and 3,653 lbs of the HRVOC ethylene from the Utilities Control Center during an avoidable emissions event that began April 29, 2008 and lasted four hours and four minutes. The unauthorized emissions were the result of a third party contractor inadvertently piercing a live underground power cable by driving a piece of steel rib.

- 23 **Effective Date: 03/08/2010** **ADMINORDER 2009-1080-AIR-E**  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,481 pounds ("lbs") of volatile organic compounds, 1,834 lbs of sulfur dioxide, 1,091 lbs of carbon monoxide ("CO"), 146 lbs of nitrogen oxide ("NOx"), 45 lbs of hydrogen sulfide ("H2S"), 2 lbs of ammonia ("NH3") and 1 lb of hydrogen cyanide ("HCN") from Fluid Catalytic Cracking Unit 3 ("FCCU3") during an avoidable emissions event that began January 26, 2009 and lasted 37 hours and 37 minutes.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.4  
 30 TAC Chapter 112, SubChapter B 112.31  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions and nuisance conditions. Specifically, the Respondent released 15,504 lbs of VOC and 1,918 lbs of H2S from Hydrocracking Unit 1 ("HCU1") during an avoidable emissions event (Incident No. 120401) that began February 21, 2009 and lasted three hours and 28 minutes. The event was the result of a valve that began leaking during the planned start-up of HCU1. The emissions event also resulted in nuisance conditions that were confirmed during a subsequent investigation.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(a)  
 Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 34,509 lbs of CO, 247 lbs of NOx, 186 lbs of SO2, 121 lbs of NH3, 92 lbs of particulate matter and 49 lbs of HCN from FCCU3 during an avoidable emissions event that began March 6, 2009 and lasted two hours and 43minutes. The event was the result of a technician inadvertently closing a block valve, realizing the error and quickly opening the valve back up.
- 24 **Effective Date: 04/11/2010** **ADMINORDER 2009-1221-IHW-E**  
 Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)  
Description: Failed to prevent the shipment of industrial hazardous waste to an unauthorized facility, as documented during an investigation conducted on March 20, 2009. Specifically, the Respondent shipped five 55-gallon containers of RCRA listed (K049) and characteristically hazardous waste (Benzene D018) to a nonhazardous waste landfill on December 17, 2008.
- 25 **Effective Date: 04/25/2010** **ADMINORDER 2009-1677-AIR-E**  
 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: Permit Nos. 18287 and PSD-TX-730M4/PAL ORDER  
Description: Failed to prevent unauthorized emissions.
- 26 **Effective Date: 06/04/2010** **ADMINORDER 2009-1539-AIR-E**  
 Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)  
 5C THSC Chapter 382 382.085(b)  
Description: Failed to limit carbon monoxide concentrations to 400 parts per million by volume at 3% oxygen (3.0 grains per horsepower hour) for unit id nos. LXU1B5, FCCU3F103, FXKWHB301, HF3F2, HF4F402, HF4F403 and SEP12ICE12 on seven occasions during the November 22, 2007 through November 21, 2008 reporting period.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)  
 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 1A OP  
 Special Condition 30 OP  
 Special Condition 32 PA  
Description: Failed to conduct stack testing. Specifically, Furnace FCCU3F103 was down during the initial stack testing period and was not tested. The furnace ran intermittently for a total of approximately 5,769 hours from February 1, 2006 through July 25, 2008.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 8,238 pounds ("lbs") of volatile organic compounds, 4,345 lbs of carbon monoxide, 3,978 lbs of sulfur dioxide, 824 lbs of hydrogen sulfide and 233 lbs of nitrogen oxide from the Hydrocracking and Flexicoker ("FXK") Units during an avoidable emissions event that began April 24, 2009 and lasted seven hours and nine minutes. The event was the result of a drop in reactor feed steam atomization pressure in the FXK Unit.
- 27 **Effective Date: 08/30/2010** **ADMINORDER 2010-0007-AIR-E**  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions; specifically the failures of the cooling water circulation pumps could have been prevented by proper maintenance practices for the air filters for the pump motors.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: Special Condition 1 PERMIT  
Description: The RE failed to protect the DL-50 pipeline from overpressure due to thermal expansion.

- Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: SPECIAL CONDITION 1 OP  
Description: ExxonMobil failed to properly maintain Compressor C-701 which resulted in unauthorized emissions.  
28 **Effective Date: 10/25/2010 ADMINORDER 2010-0448-AIR-E**  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to comply with permitted emissions limits.  
29 **Effective Date: 02/05/2011 ADMINORDER 2009-1848-IHW-E**  
Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)  
Rqmt Prov: Permit No. 50111, Provision, II.C.1. PERMIT  
Permit No. 50111, Provision, II.C.2. PERMIT  
V.D.1 PERMIT  
V.D.3 PERMIT  
Description: Failed to prevent hazardous from entering surface impoundments. Specifically, on four occasions, wastewater containing more than a 0.5 milligrams per liter of benzene was allowed to flow into the Wastewater Oxidation Unit, the Upper Outfall Canal and the Old Aeration Pond.  
Classification: Moderate  
Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT O 268.1(a)  
40 CFR Chapter 268, SubChapter I, PT 268, SubPT D 268.40(a)  
Rqmt Prov: II.B. PERMIT  
Description: Land Disposal Restrictions  
30 **Effective Date: 03/19/2011 ADMINORDER 2009-1944-AIR-E**  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 268,879 pounds ("lbs") of carbon monoxide ("CO"), 1,928 lbs of nitrogen oxide ("NOx"), 943 lbs of ammonia ("NH3"), 667 lbs of sulfur dioxide ("SO2") and 384 lbs of hydrogen cyanide ("HCN") from Fluid Catalytic Cracking Unit 3 ("FCCU3") during an avoidable emissions event (Incident No. 118545) that began January 7, 2009 and lasted 34 hours. Forced-Draft Fan 510 ("FD-510") and Boiler A were shut down for maintenance.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: SPECIAL CONDITION 1 OP  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 61,369 lbs of CO, 3,978 lbs of SO2, 503 lb of particulate matter, 216 lbs of NH3, 88 lbs of HCN and 15 lbs of NOx from Fluid Catalytic Cracking Unit 3 ("FCCU3") during an avoidable emissions event (Incident No. 123975) that began May 4, 2009 and lasted 32 hours and 24 minutes. FD-510 was shut down for maintenance. The air flow in FD-520 was increased so Boiler A would not shut down. due a broken mechanical linkage.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions.  
31 **Effective Date: 04/18/2011 ADMINORDER 2010-0656-AIR-E**  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: PSD-TX-730M4/PAL, Special Condition 1 PERMIT  
Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions during Incident No. 132322. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: PSD-TX-730M4/PAL PERMIT  
SPECIAL CONDITION 1 OP  
Description: Failed to prevent unauthorized emissions during Incident No. 134509. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

- B. Any criminal convictions of the state of Texas and the federal government.  
N/A  
C. Chronic excessive emissions events.  
N/A

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

1	12/21/2006	(393692)	77	05/16/2007	(558902)	153	12/04/2007	(599936)
2	06/16/2008	(398344)	78	06/27/2007	(559236)	154	01/02/2008	(600208)
3	06/15/2008	(433577)	79	06/27/2007	(559573)	155	01/07/2008	(600287)
4	05/13/2008	(439155)	80	06/27/2007	(559574)	156	01/07/2008	(600300)
5	02/09/2007	(440421)	81	06/15/2007	(560235)	157	01/08/2008	(600322)
6	02/09/2007	(449579)	82	05/30/2007	(560387)	158	01/07/2008	(600335)
7	03/08/2007	(449583)	83	08/10/2007	(560522)	159	01/08/2008	(600360)
8	01/29/2007	(449587)	84	07/16/2007	(561456)	160	01/08/2008	(600399)
9	05/09/2007	(457383)	85	06/15/2007	(561789)	161	01/10/2008	(600962)
10	02/15/2007	(457902)	86	05/31/2007	(561882)	162	08/14/2007	(607564)
11	02/05/2007	(457903)	87	07/06/2007	(562588)	163	09/07/2007	(607565)
12	02/02/2007	(462413)	88	06/05/2007	(562903)	164	10/12/2007	(607566)
13	01/12/2007	(481287)	89	07/30/2007	(563075)	165	11/20/2007	(608861)
14	02/28/2007	(481875)	90	08/10/2007	(563117)	166	01/18/2008	(609246)
15	02/09/2007	(484815)	91	06/27/2007	(563272)	167	03/09/2008	(609542)
16	03/23/2007	(489664)	92	08/13/2007	(563757)	168	01/04/2008	(610570)
17	05/08/2007	(489678)	93	10/02/2007	(563996)	169	02/08/2008	(611547)
18	03/23/2007	(490037)	94	10/02/2007	(564053)	170	03/05/2008	(611632)
19	05/17/2007	(490200)	95	10/02/2007	(564057)	171	12/17/2007	(611653)
20	04/04/2007	(511045)	96	08/03/2007	(564720)	172	02/15/2008	(612403)
21	02/27/2007	(515654)	97	10/02/2007	(564825)	173	12/27/2007	(612579)
22	01/31/2007	(517160)	98	09/28/2007	(564900)	174	02/15/2008	(612684)
23	12/23/2010	(518329)	99	07/05/2007	(564964)	175	01/18/2008	(612843)
24	12/13/2006	(519183)	100	09/28/2007	(565019)	176	04/04/2008	(613406)
25	03/18/2009	(519302)	101	09/28/2007	(565214)	177	01/07/2008	(613467)
26	07/22/2008	(531928)	102	10/04/2007	(565775)	178	04/25/2008	(613756)
27	01/29/2007	(532949)	103	10/02/2007	(566406)	179	02/13/2008	(613846)
28	01/08/2007	(533556)	104	10/11/2007	(566557)	180	05/08/2008	(613978)
29	03/27/2007	(534342)	105	10/10/2007	(566719)	181	02/07/2008	(614032)
30	01/11/2007	(534949)	106	10/10/2007	(567038)	182	01/18/2008	(614380)
31	05/09/2007	(535078)	107	07/10/2007	(567169)	183	01/18/2008	(615193)
32	05/08/2007	(535299)	108	07/23/2007	(568005)	184	01/28/2008	(616174)
33	05/08/2007	(535352)	109	08/22/2007	(568350)	185	01/30/2008	(616222)
34	05/04/2007	(535563)	110	11/27/2007	(568601)	186	03/07/2008	(616312)
35	05/09/2007	(535565)	111	11/19/2007	(569267)	187	02/27/2008	(617012)
36	02/15/2007	(535801)	112	09/19/2007	(570275)	188	02/28/2008	(617220)
37	03/30/2007	(535817)	113	09/20/2007	(570276)	189	11/24/2008	(617767)
38	04/12/2007	(535873)	114	09/19/2007	(570278)	190	11/24/2008	(617773)
39	01/09/2007	(535937)	115	08/06/2007	(570695)	191	10/17/2008	(617775)
40	04/05/2007	(536574)	116	08/24/2007	(570712)	192	11/09/2007	(619552)
41	01/23/2007	(536577)	117	08/09/2007	(571423)	193	12/18/2007	(619553)
42	05/11/2007	(536591)	118	10/25/2007	(571458)	194	01/11/2008	(619554)
43	04/20/2007	(536593)	119	10/12/2007	(572311)	195	04/02/2008	(637836)
44	04/24/2007	(536941)	120	09/19/2007	(572771)	196	04/04/2008	(638369)
45	04/19/2007	(537203)	121	08/29/2007	(572924)	197	03/14/2008	(639154)
46	04/24/2007	(537438)	122	10/25/2007	(572951)	198	03/21/2008	(639445)
47	04/19/2007	(538065)	123	10/25/2007	(573665)	199	03/24/2008	(639458)
48	01/31/2007	(538653)	124	11/02/2007	(573789)	200	04/17/2008	(646246)
49	05/31/2007	(538802)	125	10/03/2007	(574482)	201	05/07/2008	(646555)
50	02/06/2007	(539165)	126	03/14/2007	(575447)	202	04/24/2008	(653934)
51	02/08/2007	(539319)	127	04/05/2007	(575448)	203	04/30/2008	(654258)
52	04/20/2007	(539663)	128	05/16/2007	(575449)	204	04/30/2008	(654677)
53	05/16/2007	(539675)	129	06/11/2007	(575450)	205	05/04/2009	(657157)
54	05/01/2007	(539681)	130	07/20/2007	(575451)	206	05/22/2008	(670825)
55	05/31/2007	(540430)	131	09/07/2007	(593545)	207	05/19/2008	(670962)
56	03/26/2007	(541019)	132	09/26/2007	(593611)	208	06/27/2008	(671720)
57	05/08/2007	(541040)	133	12/07/2007	(593717)	209	02/08/2008	(672076)
58	03/26/2007	(541089)	134	12/12/2007	(593931)	210	03/10/2008	(672077)
59	03/26/2007	(541133)	135	11/19/2007	(593935)	211	04/09/2008	(672078)
60	03/30/2007	(541407)	136	12/07/2007	(594582)	212	05/27/2008	(679941)
61	07/11/2007	(541738)	137	10/01/2007	(595471)	213	06/19/2008	(683121)
62	04/30/2007	(542577)	138	05/01/2008	(595539)	214	06/17/2008	(683333)
63	04/05/2007	(543125)	139	10/19/2007	(596209)	215	06/26/2008	(683668)
64	08/29/2007	(543365)	140	11/08/2007	(597351)	216	07/28/2008	(684325)
65	07/11/2007	(543749)	141	10/16/2007	(597893)	217	08/07/2008	(684566)
66	02/07/2007	(544604)	142	11/02/2007	(598325)	218	10/30/2008	(685194)
67	01/11/2007	(544607)	143	11/02/2007	(598327)	219	07/22/2008	(685958)
68	05/03/2007	(554208)	144	05/09/2008	(598614)	220	07/18/2008	(686470)
69	08/09/2007	(554535)	145	01/02/2008	(598999)	221	11/03/2008	(686921)
70	06/08/2007	(554582)	146	12/20/2007	(599324)	222	10/29/2008	(687171)
71	02/04/2008	(554662)	147	12/20/2007	(599344)	223	10/16/2008	(687747)
72	03/28/2007	(555118)	148	12/21/2007	(599347)	224	05/22/2008	(690005)
73	07/03/2007	(555858)	149	12/20/2007	(599350)	225	06/16/2008	(690006)
74	04/27/2007	(556005)	150	12/21/2007	(599624)	226	06/16/2008	(690007)
75	04/20/2007	(556917)	151	12/20/2007	(599754)	227	09/24/2008	(701775)
76	05/08/2007	(558748)	152	01/02/2008	(599796)	228	10/31/2008	(703451)



229	11/21/2008	(706342)	309	09/23/2009	(776026)	389	10/08/2010	(844235)
230	10/27/2008	(706457)	310	09/28/2009	(777658)	390	09/16/2010	(844348)
231	11/21/2008	(706700)	311	11/20/2009	(778957)	391	05/20/2010	(845062)
232	11/10/2008	(706764)	312	11/30/2009	(778969)	392	06/21/2010	(846282)
233	01/09/2009	(709484)	313	11/23/2009	(779134)	393	12/09/2010	(864848)
234	12/22/2008	(709485)	314	01/12/2010	(779500)	394	10/01/2010	(865017)
235	07/15/2008	(710781)	315	10/26/2009	(779952)	395	10/12/2010	(865018)
236	08/18/2008	(710782)	316	01/08/2010	(780134)	396	09/22/2010	(865058)
237	09/23/2008	(710783)	317	11/03/2009	(780703)	397	09/30/2010	(865475)
238	08/20/2009	(721130)	318	11/24/2009	(780766)	398	11/05/2010	(865725)
239	01/15/2009	(721346)	319	01/07/2010	(781548)	399	11/09/2010	(866449)
240	02/02/2009	(723307)	320	01/28/2010	(781960)	400	07/26/2010	(866844)
241	01/26/2009	(724624)	321	11/12/2009	(782073)	401	08/18/2010	(866845)
242	05/13/2009	(725716)	322	12/02/2009	(783517)	402	10/26/2010	(871954)
243	08/21/2009	(726876)	323	02/25/2010	(785566)	403	12/01/2010	(872052)
244	02/12/2009	(726982)	324	04/15/2010	(786630)	404	11/05/2010	(872366)
245	10/20/2008	(727520)	325	04/15/2010	(789325)	405	09/20/2010	(873915)
246	12/15/2008	(727521)	326	03/19/2010	(789337)	406	02/02/2011	(877369)
247	04/22/2009	(735601)	327	06/18/2010	(789340)	407	02/03/2011	(877372)
248	04/29/2009	(737394)	328	04/29/2010	(789472)	408	01/04/2011	(877576)
249	07/15/2009	(738281)	329	02/24/2010	(790315)	409	01/27/2011	(878096)
250	04/30/2009	(739819)	330	03/01/2010	(792396)	410	02/28/2011	(878104)
251	04/14/2009	(740493)	331	07/09/2010	(792915)	411	02/28/2011	(878106)
252	04/09/2009	(740917)	332	03/16/2010	(792951)	412	12/07/2010	(879081)
253	08/06/2009	(741015)	333	03/04/2010	(793709)	413	12/17/2010	(880706)
254	05/04/2009	(741500)	334	08/30/2010	(794033)	414	02/01/2011	(881333)
255	04/17/2009	(741980)	335	04/08/2010	(794329)	415	12/01/2010	(881516)
256	08/06/2009	(741982)	336	04/08/2010	(794397)	416	02/25/2011	(881959)
257	07/01/2009	(742028)	337	04/08/2010	(794410)	417	12/14/2010	(884388)
258	05/05/2009	(743062)	338	04/15/2010	(794475)	418	01/10/2011	(885142)
259	05/05/2009	(743063)	339	05/11/2010	(794560)	419	02/16/2011	(885163)
260	04/21/2009	(743215)	340	04/19/2010	(794953)	420	02/25/2011	(885846)
261	06/04/2009	(743832)	341	05/07/2010	(795545)	421	01/03/2011	(886787)
262	07/24/2009	(743966)	342	04/15/2010	(795834)	422	02/14/2011	(887849)
263	05/14/2009	(744009)	343	03/22/2010	(795883)	423	12/28/2010	(888043)
264	06/23/2009	(744062)	344	03/24/2010	(796134)	424	01/28/2011	(891106)
265	06/23/2009	(744174)	345	04/26/2010	(796939)	425	01/28/2011	(891236)
266	06/23/2009	(744178)	346	04/12/2010	(797291)	426	01/28/2011	(891261)
267	06/23/2009	(744302)	347	03/31/2010	(797498)	427	02/14/2011	(891351)
268	06/23/2009	(744317)	348	06/25/2010	(797576)	428	02/14/2011	(891352)
269	06/23/2009	(744320)	349	04/27/2010	(798192)	429	02/14/2011	(891354)
270	06/23/2009	(744323)	350	05/03/2010	(798417)	430	02/14/2011	(891355)
271	06/23/2009	(744406)	351	06/23/2010	(799407)	431	02/14/2011	(891356)
272	07/17/2009	(745541)	352	06/25/2010	(799411)	432	02/01/2011	(891416)
273	07/01/2009	(746149)	353	05/07/2010	(801526)	433	01/31/2011	(891464)
274	09/02/2009	(746806)	354	05/10/2010	(801638)	434	01/31/2011	(891471)
275	07/27/2009	(747598)	355	07/08/2010	(801848)	435	01/28/2011	(891482)
276	07/17/2009	(749850)	356	05/12/2010	(802094)	436	01/31/2011	(891488)
277	02/17/2009	(750309)	357	05/26/2010	(802425)	437	01/28/2011	(891500)
278	03/19/2009	(750310)	358	05/26/2010	(802523)	438	01/24/2011	(891540)
279	01/26/2009	(750311)	359	05/28/2010	(803297)	439	01/24/2011	(891741)
280	05/12/2010	(759117)	360	05/28/2010	(803299)	440	01/24/2011	(891844)
281	10/05/2009	(759724)	361	06/29/2010	(803791)	441	01/27/2011	(891875)
282	08/10/2009	(759843)	362	02/12/2010	(804766)	442	02/07/2011	(893263)
283	09/28/2009	(760729)	363	05/19/2009	(804767)	443	02/07/2011	(893293)
284	09/28/2009	(760745)	364	06/12/2009	(804768)	444	02/07/2011	(893326)
285	09/28/2009	(760771)	365	07/20/2009	(804769)	445	12/20/2010	(896256)
286	08/05/2009	(760783)	366	08/14/2009	(804770)	446	02/22/2011	(899461)
287	09/28/2009	(761072)	367	09/14/2009	(804771)	447	03/25/2011	(900050)
288	09/29/2009	(761132)	368	10/19/2009	(804772)	448	04/12/2011	(900174)
289	11/18/2009	(761133)	369	11/16/2009	(804773)	449	03/01/2011	(900860)
290	07/30/2009	(763678)	370	12/15/2009	(804774)	450	01/18/2011	(902319)
291	08/10/2009	(763817)	371	01/15/2009	(804775)	451	03/25/2011	(905142)
292	08/11/2009	(763878)	372	06/22/2010	(825040)	452	04/06/2011	(906078)
293	08/03/2009	(764251)	373	06/18/2010	(825258)	453	03/17/2011	(906115)
294	08/10/2009	(764911)	374	06/16/2010	(825587)	454	04/05/2011	(907025)
295	10/30/2009	(764922)	375	06/16/2010	(826290)	455	04/12/2011	(908848)
296	08/20/2009	(766551)	376	06/28/2010	(826639)	456	02/11/2011	(909099)
297	09/15/2009	(766566)	377	07/28/2010	(827049)	457	05/13/2011	(912465)
298	10/30/2009	(766755)	378	09/01/2010	(827143)	458	04/19/2011	(913522)
299	01/08/2010	(766984)	379	07/23/2010	(828896)	459	06/08/2011	(914765)
300	02/18/2010	(766985)	380	09/20/2010	(828897)	460	05/13/2011	(915118)
301	12/18/2009	(766987)	381	07/09/2010	(829466)	461	05/06/2011	(915517)
302	09/02/2009	(767216)	382	07/09/2010	(829474)	462	03/16/2011	(916356)
303	09/02/2009	(767239)	383	03/18/2010	(830924)	463	05/17/2011	(919698)
304	11/17/2009	(767497)	384	04/16/2010	(830925)	464	05/17/2011	(920778)
305	11/13/2009	(767499)	385	10/15/2010	(842022)	465	06/10/2011	(921135)
306	09/15/2009	(767619)	386	09/15/2010	(842776)	466	06/24/2011	(921136)
307	04/20/2009	(768398)	387	09/01/2010	(843545)	467	06/22/2011	(921491)
308	12/08/2009	(775293)	388	10/15/2010	(844127)	468	08/01/2011	(922514)

469	07/12/2011	(923929)	479	08/19/2011	(943776)	489	07/15/2011	(952637)
470	07/12/2011	(923975)	480	10/10/2011	(944373)	490	11/18/2011	(955544)
471	07/15/2011	(924334)	481	06/17/2011	(945409)	491	10/12/2011	(956410)
472	04/21/2011	(924829)	482	09/19/2011	(949097)	492	11/15/2011	(956539)
473	07/25/2011	(932932)	483	10/07/2011	(949101)	493	11/18/2011	(957228)
474	07/18/2011	(936107)	484	09/21/2011	(949815)	494	11/15/2011	(957278)
475	08/05/2011	(937789)	485	11/21/2011	(950913)	495	08/19/2011	(959319)
476	04/13/2011	(938041)	486	11/09/2011	(950935)	496	10/11/2011	(962097)
477	07/25/2011	(940997)	487	10/19/2011	(952007)	497	09/14/2011	(965352)
478	07/25/2011	(941001)	488	10/12/2011	(952323)	498	10/17/2011	(971392)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

1. Date: 12/13/2006(519183)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.223(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Exxon failed to submit a CAP in a timely manner.
2. Date: 01/08/2007(533556)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
TCEQ Flexible Air Permit #18287, SC#1 PA  
Description: failure to prevent a power source interruption of all three power suppliers due to bad transfer switches.
3. Date: 01/29/2007(532949)CN600123939  
Self Report? NO Classification: Minor  
Citation: 00592-000 PERMIT  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to comply with Other Requirements No. 3 of TPDES Permit No. 00592-000.  
Self Report? NO Classification: Moderate  
Citation: 00592-000 PERMIT  
30 TAC Chapter 305, SubChapter F 305.125(5)  
Description: Failure to properly operate and maintain the tricking filter.  
Self Report? NO Classification: Minor  
Citation: 00592-000 PERMIT  
30 TAC Chapter 319, SubChapter A 319.11(b)  
Description: Failure to document the time of pH analyses for Outfalls 102 and 002, therefore, the pH holding time could not be determined.  
Self Report? NO Classification: Moderate  
Citation: 00592-000 PERMIT  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to properly collect the 24-hour acute marine bioassay for Outfall 002.  
Self Report? NO Classification: Minor  
Citation: 00592-000 PERMIT  
30 TAC Chapter 319, SubChapter A 319.7(a)  
Description: Failure to properly record the time of sample collection, as required.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)  
Description: Failure to properly complete the 10/06 discharge monitoring report (DMR).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)  
30 TAC Chapter 319, SubChapter A 319.11(b)  
Description: Failure to properly collect the oil & grease, phenolic compounds, and polynuclear aromatic hydrocarbon grab samples.  
Self Report? NO Classification: Moderate  
Citation: 00592-000 PERMIT  
30 TAC Chapter 305, SubChapter F 305.125(4)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
TWC Chapter 26 26.121  
TWC Chapter 26 26.121(a)  
TWC Chapter 26 26.121(a)(1)  
TWC Chapter 26 26.121(a)(2)  
TWC Chapter 26 26.121(a)(3)  
TWC Chapter 26 26.121(b)  
TWC Chapter 26 26.121(c)  
TWC Chapter 26 26.121(d)  
TWC Chapter 26 26.121(e)  
Description: Failure to prevent the unauthorized discharge of domestic sewage.
4. Date: 02/13/2007(539319)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
TCEQ AIR FLEXIBLE PERMIT #18287, SC#1 PA  
Description: ExxonMobil failed to accurately set the operating envelope set point for safety valve H0889.
5. Date: 04/04/2007(511045)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
No. 18287/Special Condition No. 45E. PERMIT  
Description: The report was received in the Region 12 Office on May 9, 2006, which is 119 days after the January 10th test. Permit No. 18287, Special Condition No. 45E requires the stack test report be submitted within 90 days of the test. This report will be documented as a Notice of Violation issued and resolved.

6. Date: 05/01/2007(539681)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 No.18287/PSD-TX-703 SC 1 PA  
 No.18287/PSD-TX-703 SC14B PA  
Description: Failed to maintain the pilot flame on all flares.
7. Date: 05/01/2008(595539)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01229, ST&C 14 OP  
 FOP O-01229, ST&C 1A OP  
 FOP O-01229, ST&C 30 OP  
 Permit 18287, Special Condition 36A PERMIT  
Description: Failure to comply with the 160 ppm H2S in fuel gas limit.
- Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01229, ST&C 1A OP  
 Permit 18287, Special Condition 24 PERMIT  
Description: Failure to comply with 20 PPM SO2 limit on the SCU F-529 furnace.
- Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01229, ST&C 1A OP  
 FOP O-01229, ST&C 30 OP  
 Permit 18287, Special Condition 34E PERMIT  
Description: Failure to cap or plug 148 open-ended valves/lines.
- Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01229, ST&C 1A OP  
 FOP O-01229, ST&C 30 OP  
 Permit 18287, Special Condition 34F PERMIT  
Description: Failure to include 47 valves in the LDAR Program.
- Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(3)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01229, ST&C 1A OP  
Description: Submittal of an incomplete Semi-Annual Equipment Leaks Report.
- Self Report? NO Classification: Minor  
 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)  
 FOP O-01229, ST&C 30 OP  
 Permit 18287, Special Condition 11C PERMIT  
Description: Operating a Safety Valve without a Rupture Disc.
- Self Report? NO Classification: Minor  
 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)  
 FOP O-01229, ST&C 30 OP  
 Permit 18287, Special Condition 11A PERMIT  
Description: Failure to prevent VOC emissions from Safety Valves.
- Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1565(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01229, ST&C 1A OP  
 FOP O-01229, ST&C 1F OP  
Description: Failure to comply with the 500 PPM CO limit of 40 CFR 60, Subpart UUU.
- Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(1)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01229, ST&C 11A OP  
 FOP O-01229, ST&C 1A OP  
Description: Failure to comply with the 400 PPM CO limit of 30 TAC 117.  
 Self Report? NO Classification: Minor

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)  
 FOP O-01229, ST&C 30 OP  
 Permit 18287, Special Condition 3 PERMIT  
Description: Failure to comply with NOx limits.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01229, ST&C 1A OP  
Description: Failure to include NOX Sources in the NOX-MECT program.  
 Self Report? NO Classification: Minor

Citation: 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)  
 FOP O-01229, ST&C 30 OP  
Description: Failure to register trace H2S emissions.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(b)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01229, ST&C 1A OP  
Description: Failure to submit a stack test notification 15 days prior to testing.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
Description: Failure to submit a Construction Progress Report and Start-Up Notification Report within the required timeframes.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.4(a)  
 40 CFR Part 60, Subpart QQQ 60.698(b)(1)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01229, ST&C 16 OP  
 FOP O-01229, ST&C 1A OP  
Description: Failure to submit a copy of the NSPS QQQ Semi-Annual Report to EPA Region 6.  
 Self Report? NO Classification: Minor

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)  
 FOP O-01229, ST&C 30 OP  
 Permit 18287, Special Condition 18D PERMIT  
Description: Failure to submit the Tank 0347 Seal Inspection Report within the required timeframe.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(ii)(C)(1)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01229, ST&C 1A OP  
Description: Failure to include all SSM events in the Periodic Report dated February 28, 2006.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(2)(A)  
 30 TAC Chapter 122, SubChapter B 122.132(e)(3)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340(a)  
 5C THSC Chapter 382 382.085(b)  
Description: Failure to assign Title V & 40 CFR 61, Subpart FF applicability to equipment in wastewater service.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 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)  
 FOP O-01229, ST&C 1A OP  
 FOP O-01229, ST&C 30 OP  
 Permit 18287, Special Condition 11A PERMIT  
Description: Failure to operate flares with a net heating value of 300Btu/scf.  
 Self Report? NO Classification: Minor

- Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)  
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)  
FOP O-01229, ST&C 30 OP
- Description: Failure to submit two PI-7 forms.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)  
FOP O-01229, ST&C 1A OP  
FOP O-01229, ST&C 30 OP  
Permit 18287, Special Condition 11B PERMIT
- Description: Failure to operate flares with a lit pilot light.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)(C)  
30 TAC Chapter 115, SubChapter H 115.764(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01229, ST&C 10A OP  
FOP O-01229, ST&C 1A OP
- Description: Failure to perform annual HRVOC Flow Meter Calibrations.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01229, ST&C 10A OP  
FOP O-01229, ST&C 1A OP
- Description: Failure to perform HRVOC Manual Sampling.
- Self Report? NO Classification: Minor
- 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)  
FOP O-01229, ST&C 30 OP  
Permit 18287, Special Condition 51A PERMIT
- Description: Failure to perform daily Ammonium Polysulfide visual inspections.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(C)(viii)  
5C THSC Chapter 382 382.085(b)  
FOP O-01229, ST&C 1A OP  
FOP O-01229, ST&C 21C OP
- Description: Failure to update the Refinery SSMP within 45 days of the date an unforeseen SSM event occurs.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)  
FOP O-01229 General Terms & Conditions OP
- Description: Failure to submit the deviation report, dated June 21, 2007, within 30 days of the end of the reporting period.
8. Date: 05/22/2008(670825)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
TCEQ Flexible Air Permit #18287, SC#1 PA
- Description: failed to prevent a Waste Heat Boiler (E-701) feed water leak due to previous startups and shutdowns resulting in the shutdown of two Tail Gas Clean Up Units (TGCU-A & TGCU-C).
9. Date: 10/31/2008(703451)CN600123939
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
TCEQ Flexible Air Permit #18287, SC#1 PA
- Description: Failure to prevent solid sulfur pluggage in the condenser seal leg causing carryover of sulfur into the tail gas unit resulting in the unauthorized release of 1,457.3 pounds of carbonyl sulfide, 55.2 pounds of carbon disulfide, and 21.6 pounds of hydrogen sulfide. The duration of this emissions event was 63 hours.
10. Date: 11/21/2008(706342)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
TCEQ Air Flexible Permit No. 18287, SC#1 PA
- Description: The respondent failed to prevent the shutdown of the Refinery Gas Recovery (RGR) compressor PC-01 due to a current imbalance across the motor phases resulting in the unauthorized release of 666 pounds of sulfur dioxide, 219 pounds of carbon monoxide, 156.30 pounds of volatile organic compounds (VOCs), 43 pounds of NOx, and 8 pounds of hydrogen sulfide. The duration of this emissions event was 24 minutes.
11. Date: 01/09/2009(709484)CN600123939
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)  
5C THSC Chapter 382 382.085(b)

12. Description: Failure to present an affirmative defense in regard to the avoidability of Excess Opacity Event No. 113088.  
Date: 02/02/2009(723307)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Permit 18287, Special Condition 23(B)(1) PERMIT
13. Description: Hydroformer 3 Furnace 3 failed a NOx RATA.  
Date: 04/22/2009(735601)CN600123939  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT
14. Description: Failure to prevent unauthorized emissions, specifically the RE failed to prevent a level indicator malfunction.  
Date: 04/30/2009(804767)CN600123939  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)
15. Description: Failure to meet the limit for one or more permit parameter  
Date: 08/10/2009(763878)CN600123939  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Other Requirements, No. 13, p. 15 PERMIT
- Description: Failure to provide notification for the application and discharge of Aquashade.  
Self Report? NO Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
2D TWC Chapter 26, SubChapter A 26.121(a)(3)  
2D TWC Chapter 26, SubChapter A 26.121(b)  
2D TWC Chapter 26, SubChapter A 26.121(c)  
2D TWC Chapter 26, SubChapter A 26.121(d)  
2D TWC Chapter 26, SubChapter A 26.121(e)  
30 TAC Chapter 305, SubChapter F 305.125(4)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
TWC Chapter 26 26.121  
TWC Chapter 26 26.121(a)(2)
16. Description: Failure to prevent unauthorized discharges from the collection system.  
Date: 08/20/2009(721130)  
Self Report? NO Classification: Minor  
Citation: 18287 and PSD-TX-730M4/PAL, SC 34E PA  
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)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
O-01229, Special Condition 30 OP
- Description: Failure to cap open- ended lines containing volatile organic compounds (VOC), and hazardous air pollutants (HAPs).  
CATEGORY C 10.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-5(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.166(b)  
5C THSC Chapter 382 382.085(b)
- Description: Failure to meet closed purge requirements  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(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 60.482-7(a)(2)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 30 OP  
Special Condition 34F PA
- Description: Failure to monitor ten valves in volatile organic compound (VOC), and hazardous air pollutants (HAP's) service.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 14D PA  
Special Condition 30 OP
- Description: Failure to meet tank repair deadline. (Category B18)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.640(n)(1)  
5C THSC Chapter 382 382.085(b)

Special Condition 14D PA  
 Special Condition 30 OP  
Description: Missing Pole Float, Wiper Assembly, Vacuum Breaker Gaskets, ID#TK0347,TK0743, TK1093, TK1096,TK0849, TK0855, TK0858, TK1032, TK1033, TK0859, TK1089 (Category B18)  
 Self Report? NO Classification: Minor  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.654(g)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to include startup/shutdown (SS) information in MACT report.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(3)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 14D PA  
 Special Condition 30 OP

Description: Failure to notify Administrator of Tank inspection.  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.143(d)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP

Description: Failure to Monitor Steam Strippers, ID#PRORTTT071G, PRORTTT081G.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)(2)(C)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain fuel usage record.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(C)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to make degreasers operating requirements visible  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(A)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to operating degreaser with covers.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 13 PA  
 Special Condition 30 OP  
 Special Condition1A OP

Description: Failure to monitor cooling tower with an Approved Method. (Category B1)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(3)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT BB 61.305(f)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP

Description: Failure to submit quarterly report.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to meet final calculation and recordkeeping deadlines.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 30 OP  
 Special Condition 8 PA

Description: Failure to prevent non-fugitive emissions from a safety valve. (Category B18)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 11A PA  
 Special Condition 30 OP

Description: Failure to maintain flare net heating value. (Category B18)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 23B(2) PA  
 Special Condition 30 OP

Description: Failure to Conduct Quarterly Cylinder Gas Audits.  
 Self Report? NO Classification: Moderate

- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.644(e)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1A OP
- Description: Failure to operate incinerator with the minimum operating parameter.  
Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.643(a)(2)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1A OP
- Description: Failure to reduce emissions of organic HAP's.  
Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1A OP
- Description: Failure to sample HRVOC Analyzer  
Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)  
5C THSC Chapter 382 382.085(b)
- Description: Failure to limit ammonia emissions.  
Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1A OP
- Description: Failure to maintain fuel flow meter.  
Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1A OP
- Description: Failure to maintain quarterly engine tests report.  
Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 117, SubChapter G 117.8140(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1A OP
- Description: Failure to conduct quarterly engine tests. (Category B1)  
Self Report? NO Classification: Minor
- Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(c)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1A OP
- Description: Failure to demonstrate continuous compliance with emissions limitation.  
Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1565(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1A OP
- Description: Failure to limit carbon monoxide (CO) discharge into the atmosphere.  
Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(3)(ii)  
Special Condition 1A OP
- Description: Exceedence of sulfur dioxide limit. (Category B14)  
Self Report? NO Classification: Minor
- Citation: 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)
- Description: Failure to limit hydrogen sulfide (H2S) content in fuel gas.
17. Date: 09/15/2009(767619)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)  
5C THSC Chapter 382 382.085(a)
- Description: During an avoidable excess opacity event (Incident No. 126110) that began June 28, 2009 and lasted 12 minutes Exxon Mobil failed to prevent opacity from exceeding 30% averaged over a 6 minute period. The unauthorized release was a result of poor maintenance and operation of Furnace 802 and Furnace 801.
18. Date: 09/17/2009(763625)CN600123939  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter F 115.541(a)(1)(B)  
5C THSC Chapter 382 382.085(b)
- Description: The RE failed to demonstrate that the VOC control device (an internal combustion engine) they used in storage tank degassing achieved the required 90% control efficiency.
19. Date: 01/07/2010(780134)  
Self Report? NO Classification: Moderate



- Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT
- Description: The RE failed to prevent the shutdown of a Boiler Feedwater Pump, resulting in the shutdown of the Flexicoker Unit due to the loss of steam supply.
20. Date: 03/15/2010(792951)CN600123939  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
SPECIAL CONDITION 1 PERMIT
- Description: ExxonMobil failed to prevent the formation of solid hydrates within a pipe in cold weather which resulted in unauthorized emissions including 582.46 pounds of sulfur dioxide.
21. Date: 03/23/2010(789337)CN600123939  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
5C THSC Chapter 382 382.085(b)
- Description: The RE failed to prevent a fire in the sulfur export tank, TK-667, resulting in 50% opacity from a tank vent for a duration of 15 minutes.
22. Date: 05/03/2010(798417)CN600123939  
Self Report? NO Classification: Major  
Citation: 10.A./Appendix A1.1 ORDER  
2A TWC Chapter 7, SubChapter A 7.101
- Description: Monitoring well maintenance
23. Date: 08/30/2010(794033)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(i)(B)(ii)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(i)(B)  
5C THSC Chapter 382 382.085(b)  
SC 11A PERMIT  
ST&C 1A OP  
ST&C 30 OP
- Description: Failure to maintain the flare with a minimum net heating value above 300 BTU/scf. (CATEGORY C4)
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)  
SC 11B PERMIT  
ST&C 1A OP  
ST&C 30 OP
- Description: Failure to maintain pilot lights. (CATEGORY C4)
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)  
SC 11B PERMIT  
ST&C 1A OP  
ST&C 30 OP
- Description: Failure to monitor pilot lights. (CATEGORY C3)
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
5C THSC Chapter 382 382.085(b)  
SC 11C PERMIT  
ST&C 1A OP  
ST&C 30 OP
- Description: Failure to maintain the flares resulting in visible emissions. (CATEGORY C4)
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
ST&C 1A OP
- Description: Failure to maintain VOC emissions below 100lbs/24 hr period from vents not vented to a control device. (CATEGORY B14)
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
5C THSC Chapter 382 382.085(b)
- Description: Failure to maintain engines on a pump resulting in CO emission exceedences. [Category B14]
- Self Report? NO Classification: Minor

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)  
 SC 1 PERMIT  
 ST&C 30 OP  
Description: Failure to limit CS2 and COS emissions. [Category B14]  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 2F OP  
Description: Failure to meet the deadline for the final recordkeeping requirements under 30 TAC 101.201(b) for recordable/reportable emission events. (CATEGORY C3)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(10)  
 30 TAC Chapter 117, SubChapter B 117.345(f)(6)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 11D OP  
 ST&C 11E OP  
Description: Failure to maintain the start and end times of the operation during testing and maintenance of engines. (CATEGORY B3)  
 Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(c)(1)  
 5C THSC Chapter 382 382.085(b)  
Description: Failure to maintain the draeger sample results taken during reactor regeneration. [Category C3]  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)  
 5C THSC Chapter 382 382.085(b)  
Description: Failure to perform the Stage II vapor recovery system test within 12 months of the previous test. [CATEGORY C3]  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)  
 5C THSC Chapter 382 382.085(b)  
Description: Failure to maintain the HRVOC monitoring system resulting in the system not meeting the 95% annual service factor due to a faulty flow meter. [CATEGORY B18]  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)  
 5C THSC Chapter 382 382.085(b)  
Description: Failure to perform the Method 9 reading for at least 6 minutes. [Category C1]  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 12F OP  
Description: Failure to maintain the CEMS resulting in failed daily calibrations. [Category C3]  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)(2)  
 5C THSC Chapter 382 382.085(b)  
 SC 23.B.4 PERMIT  
 ST&C 30 OP  
Description: Failure to maintain the CEMS resulting in the CEMS not providing data. [Category C3]  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
 5C THSC Chapter 382 382.085(b)  
Description: Failure to take HRVOC samples within 10 hours of analyzer malfunction. [Category B1]  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 SC 34E PERMIT  
 ST&C 1A OP  
 ST&C 30 OP  
Description: Failure to prevent open ended lines (OELs) in regular VOC and/or HAP service. (Category C10)  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(A)  
 5C THSC Chapter 382 382.085(b)  
Description: Failure to maintain the degreaser lid in a closed position. [Category C4]  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.644(e)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 1A OP

- Description: Failure to maintain the firebox temperature on the incinerator above 1350 degrees Fahrenheit. [Category C4]  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 1A OP
- Description: Failure to maintain the floating roof on EPN TK1000. [Category B18]  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 1A OP  
 ST&C 3.B.ii OP
- Description: Failure to maintain proper operations resulting in visible emissions. [Category C4]  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)  
 5C THSC Chapter 382 382.085(b)
- Description: Failure to limit carbon monoxide (CO) rolling 24 hour average emissions. [Category B14]  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(3)(ii)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 1A OP
- Description: Failure to limit sulfur dioxide (SO2) rolling 3 hour average emissions. [Category B14]  
 Self Report? NO Classification: Minor  
 Citation: 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)  
 ST&C 1A OP
- Description: Failure to limit hydrogen sulfide (H2S) rolling 3 hour average emissions. [Category B14]  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1565(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 1A OP
- Description: Failure to limit carbon monoxide (CO) rolling 1 hour average emissions. [Category B14]  
 Self Report? NO Classification: Minor  
 Citation: 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)  
 ST&C 1A OP
- Description: Failure to limit hydrogen sulfide (H2S) rolling 12 hour average emissions. [Category B14]  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 1A OP
24. Description: Failure to submit the HON report within the required deadline. [Category C3]  
 Date: 09/16/2010(844348)CN600123939  
 Self Report? NO Classification: Major  
 Citation: 10.A./Appendix A1.1 ORDER  
 2A TWC Chapter 7, SubChapter A 7.101
25. Description: Monitoring well maintenance  
 Date: 09/30/2010(865475)CN600123939  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)  
 30 TAC Chapter 305, SubChapter F 305.125(5)  
 TWC Chapter 26 26.121
26. Description: Failure to prevent the unauthorized discharge (UD) of wastewater from the collection system.  
 Date: 10/15/2010(844127)CN600123939  
 Self Report? NO Classification: Moderate  
 Citation: 18287 SC 1 PERMIT  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)
27. Description: Failed to prevent unauthorized emissions when the C-20 refinery gas compressor safety relief valve opened.  
 Date: 12/09/2010(864848)CN600123939  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT
- Description: Failure to prevent unauthorized emissions. Specifically, Exxon failed to ensure that the natural gas line for the flare pilots remained free of debris in order to maintain proper operation of the natural gas regulator and ultimately the flare pilots.  
 Self Report? NO Classification: Moderate

- Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)  
Special Condition 11(B) PERMIT
- Description: Failure to operate Flare Stack 4 with a flame present while vent gases were being routed to the flare.
28. Date: 12/17/2010(880706)CN600123939  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT
- Description: Failure to prevent unauthorized emissions during an emissions event. Exxon Refinery failed to prevent the malfunction of the temperature indicator at reactor R3 in the Hydrocracking Unit 1.
29. Date: 02/04/2011(877372)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
5C THSC Chapter 382 382.085(b)
- Description: EM failed to include the compound descriptive type on the final report for Incident No. 147380.
30. Date: 04/12/2011(900174)CN600123939  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 1 PERMIT
- Description: Failure to prevent unauthorized emissions. ExxonMobil failed to prevent a leak on a thermowell on Exchanger 702D.
31. Date: 05/13/2011(912465)  
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 No. 1 PERMIT  
Special Terms and Conditions 33A OP
- Description: Failure to prevent unauthorized emissions. ExxonMobil failed to prevent the shutdown of Compressor C-302 when installing new mounting rails.
32. Date: 06/10/2011(921135)  
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 No. 1 PERMIT  
Special Terms and Conditions No. 33 OP
- Description: Failure to prevent unauthorized emissions. ExxonMobil failed to prevent the malfunction of the Temperature Indicator on the bed of Reactor R3.
33. Date: 06/24/2011(921136)CN600123939  
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 No. 1 PA  
Special Terms and Conditions No. 33 OP
- Description: Failure to prevent unauthorized emissions. ExxonMobil failed to prevent the overfilling of a frac tank, which resulted in a spill of slop oil to the ground.
34. Date: 07/31/2011(959319)CN600123939  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)
- Description: Failure to meet the limit for one or more permit parameter
35. Date: 08/01/2011(922514)  
Self Report? NO Classification: Minor  
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)  
SC 1 PERMIT  
ST&C 30 OP
- Description: Failure to control CS2 emissions below MAERT limits. [Category B14 Violation]
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)  
5C THSC Chapter 382 382.085(b)
- Description: Failure to control carbon monoxide emissions below permitted limits. [Category B14 Violation]
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
ST&C 1A OP
- Description: Failure to maintain floating roof on storage tank TK0858. [Category B18 Violation]
- Self Report? NO Classification: Minor

**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)  
 SC 30 PERMIT  
 ST&C 30 OP

**Description:** Failure to monitor correct emission parameter. [Category C4 Violation]  
**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 SC 34E PERMIT  
 ST&C 1A OP  
 ST&C 30 OP

**Description:** Failure to prevent open ended lines in VOC and/or HAP service. [Category C10 Violation]  
**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 115, SubChapter H 115.722(d)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(i)(B)(ii)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 5C THSC Chapter 382 382.085(b)  
 SC 11A PERMIT  
 ST&C 1A OP  
 ST&C 30 OP

**Description:** Failure to maintain flare with minimum net heating value above 300 Btu/scf. [Category C4 Violation]  
**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
 5C THSC Chapter 382 382.085(b)  
 SC 11B PERMIT  
 ST&C 1A OP  
 ST&C 30 OP

**Description:** Failure to maintain pilot lights on flare. [Category C4 Violation]  
**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 10D OP

**Description:** Failure to collect cooling tower water sample within 24 hours of analyzer failure. [Category B1 Violation]  
**Self Report?** NO **Classification:** Minor

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

**Description:** Failure to meet final recordkeeping requirement deadline per 101.201 (b). [Category C3 Violation]  
**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.108(a)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 12A OP

**Description:** Failure to submit Subpart J startup notification within 15 days after startup. [Category C3 Violation]  
**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 117, SubChapter B 117.310(f)  
 5C THSC Chapter 382 382.085(b)

**Description:** Failure to test emergency equipment at proper times. [Category C4 Violation]  
**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(f)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 12F OP

**Description:** Failure to install CEMS properly resulting in a lack of valid data. [Category C1 Violation]  
**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 2F OP

**Description:** Failure to include all emissions in STEERS final report. [Category B19g(1) Violation]  
**Self Report?** NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 SC 34F PERMIT  
 ST&C 1A OP  
 ST&C 30 OP

Description: Failure to monitor fugitive components. [Category B14 Violation]  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 10E OP

Description: Failure to maintain delay of repair tag on leaking component. [Category C4 Violation]  
 Self Report? NO Classification: Minor

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)  
 SC 18 PERMIT  
 ST&C 30 OP

Description: Failure to sample storage tank at proper intervals. [Category C1 Violation]

36. Date: 08/31/2011(965352)CN600123939

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

37. Date: 10/07/2011(949101)CN600123939

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 No. 1 PERMIT  
 Special Terms and Conditions No. 33A OP

Description: Failure to prevent unauthorized emissions. Failure to prevent the blending of water into the FCCU feed blending system.

38. Date: 10/13/2011(956410)CN600123939

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 No. 1 PERMIT  
 Special Terms and Conditions No. 33 OP

Description: Failure to prevent unauthorized emissions. Failed to prevent the overfilling of the lube oil reservoir for Compressor C-302.

39. Date: 10/14/2011(952323)CN600123939

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Terms and Conditions No. 2F OP

Description: ExxonMobil failed to provide the speciation for the compounds reported as "crude oil" in the final emissions event report.

40. Date: 11/15/2011(956539)CN600123939

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 No. 1 PERMIT  
 Special Terms and Conditions No. 33 OP

Description: This event was caused by operator error. ExxonMobil failed to prevent the activation of the feed diversion system, which was an avoidable incident.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Terms and Conditions No. 2 OP

Description: ExxonMobil failed to submit the final report for a reportable emissions event within 14 days of the end of the event.

- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
EXXON MOBIL  
CORPORATION;  
RN102579307; RN102212925;  
RN102574803**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

### **DOCKET NO. 2011-2336-AIR-E**

At its \_\_\_\_\_ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order") regarding Exxon Mobil Corporation ("Respondent" or ExxonMobil") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ and Respondent presented this Agreed Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The duties and responsibilities imposed by this Agreed Order are binding upon Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. Respondent owns and operates the Baytown Refinery (RN102579307) at 2800 Decker Drive in Baytown, Harris County, Texas; the Baytown Olefins Plant (RN102212925) at 3525 Decker Drive in Baytown, Harris County, Texas; and the Baytown Chemical Plant (RN102574803) at 5000 Bayway Drive in Baytown, Harris County (collectively referred to as the "Baytown Complex"). The Complex consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12). Respondent must authorize the construction or modification of facilities at the Baytown Complex and comply with New Source Review Permits issued under 30 TEX. ADMIN. CODE Chapters 106 and 116 and the Texas Clean Air Act. Respondent must operate in compliance with Federal Operating Permits issued by the Executive Director under 30 TEX. ADMIN. CODE Chapter 122.
2. In accordance with the federally enforceable State Implementation Plan (Texas SIP), the TCEQ regulates the unauthorized emissions that result from emissions events and maintenance, startup and shutdown ("MSS") activities by requiring maintenance of records and reporting of emissions events and MSS activities pursuant to the Texas

Clean Air Act. Emissions events and MSS activities, other than planned MSS activities, are not subject to permitting under 30 TEX. ADMIN. CODE Chapters 106 or 116, and are regulated under 30 TEX. ADMIN. CODE Chapter 101 and TEX. HEALTH & SAFETY CODE §§ 382.0215, 382.0216 and 382.085.

3. ExxonMobil submitted applications to authorize the emissions from planned MSS activities at the Baytown Refinery and Baytown Chemical Plant in 2007 and to authorize the emissions from planned MSS activities at the Baytown Olefins Plant in 2008. The TCEQ issued and/or amended NSR Permit(s) 18287/PAL7, 20211/PAL16 and 3452 authorizing the emissions from planned MSS activities at the Baytown Complex under 30 TEX. ADMIN. CODE Chapter 116 on June 3, 2010, June 16, 2011, and May 16, 2011, respectively.
4. As soon as practicable, but not later than 24 hours after the discovery of an emissions event, the owner or operator of a regulated entity must determine if the event is a reportable emissions event and, if the event is reportable, notify the TCEQ. 30 TEX. ADMIN. CODE § 101.201(a). The owner or operator must also create a record of all reportable and non-reportable emissions events as soon as practicable, but no later than two weeks after the end of an emissions event. 30 TEX. ADMIN. CODE § 101.201(b). The reports and records shall include sufficient information to inform the TCEQ's response, including the event cause and the actions taken to correct the event and minimize the emissions. 30 TEX. ADMIN. CODE § 101.201(b)(1), (2).
5. The owner or operator of a regulated entity conducting a scheduled MSS activity must notify the TCEQ at least 10 days prior to any scheduled MSS activity that is expected to cause an unauthorized emission that equals or exceeds a reportable quantity in any 24-hour period. 30 TEX. ADMIN. CODE § 101.211(a). The owner or operator must also create a record of all scheduled MSS activities with unauthorized emissions as soon as practicable, but no later than two weeks after the end of an emissions event. 30 TEX. ADMIN. CODE § 101.211(b). The reports and records shall include sufficient information, including the actions taken to correct the event and minimize the emissions. 30 TEX. ADMIN. CODE § 101.211(b)(1), (2).
6. In accordance with TEX. HEALTH & SAFETY CODE § 382.0216(b) and 30 TEX. ADMIN. CODE § 101.222(a), the TCEQ has established criteria for determining when emissions events are excessive. Excessive emissions events are subject to the requirements of 30 TEX. ADMIN. CODE § 101.223, *Actions to Reduce Excessive Emissions*. If an event is determined to be excessive, the TCEQ requires an owner or operator to take action to reduce emissions and either file a corrective action plan (CAP) or, if the emissions are sufficiently frequent, quantifiable, and predictable, in which case the owner or operator may file a letter of intent to obtain authorization from the commission for emissions from such events, in lieu of a CAP. 30 TEX. ADMIN. CODE § 101.223. An enforcement action is brought and penalties are assessed to resolve the event.
7. If an event is determined not to be an excessive emissions event, the TCEQ evaluates the owner or operator under established criteria for determining if an emissions event or unplanned MSS activity qualifies for an affirmative defense to TCEQ enforcement. 30 TEX. ADMIN. CODE § 101.222(b) and (c).
8. ExxonMobil has emitted air contaminants resulting from emissions events and MSS activities in the course of its operations. The TCEQ has investigated and taken



appropriate enforcement to resolve violations in accordance with the Texas SIP and agency policy for Baytown Complex emissions events and MSS activities.

9. The Baytown Complex sources are governed by federal operating permits issued by the Executive Director under 30 TEX. ADMIN. CODE Chapter 122. Under the federal operating permit program, ExxonMobil is required to report "all instances of deviations" in accordance with 30 TEX. ADMIN. CODE § 122.145. For those deviations reported under FOP Nos. O-1229, O-1553, O-2269, O-2270 and O-1278 and reviewed by the TCEQ, the TCEQ has taken appropriate enforcement to resolve violations in accordance with agency policy.
10. During a record review conducted from November 7 through November 21, 2011, TCEQ staff documented the release of 42,932.2 pounds ("lbs") of carbon monoxide ("CO"), 5,568.16 lbs of sulfur dioxide ("SO<sub>2</sub>"), 898.97 lbs of nitrogen oxides ("NO<sub>x</sub>"), 2.25 lbs of hydrogen sulfide ("H<sub>2</sub>S"), and 8.9 lbs of volatile organic compounds ("VOC") from Flare Stack 25 and Flare Stack 26 during an emissions event (Incident No. 160475) that began on October 12, 2011, and lasted for 58 hours and 15 minutes. The event occurred as the result of a breakdown of the bottom pump-around circuit on the Flexicoker Fractionator, which caused the temperature in the fractionator to increase, resulting in a release of excess overhead gas from the fractionator to the flare system. The TCEQ has determined that insufficient information was provided by ExxonMobil regarding the cause of the emissions event. The Executive Director (ED) recognizes that ExxonMobil pulled feed from the Flexicoker unit, and through operational troubleshooting, reestablished flow in the bottom circuit of the fractionator and put feed back into the unit by October 15, 2011.
11. During a record review conducted from November 15 through November 29, 2011, TCEQ staff documented the release of 47,710.11 lbs of CO, 93.59 lbs of NO<sub>x</sub>, 2,594.21 lbs of SO<sub>2</sub>, 629.76 lbs of VOC, 28.08 lbs of H<sub>2</sub>S, 60.5 lbs of particulate matter, and 35.83 lbs of ammonia from Flares 3, 4, 5, and 6, and the Fluid Catalytic Cracking Unit 2 Wet Gas Scrubber during an emissions event (Incident No. 161050) that began on October 25, 2011, and lasted one hour and 25 minutes. The event occurred when an isolation switch at a substation failed to achieve a closed circuit, which caused an electrical arc to occur, resulting in the shutdown of the Wet Gas Compressor. The TCEQ has determined that insufficient information was provided by ExxonMobil regarding the cause of the switch failure. The ED recognizes that ExxonMobil upgraded and replaced the isolation switch to prevent recurrence of a same or similar event by October 30, 2011.
12. The annual emissions inventory reports that ExxonMobil has submitted for the Baytown Complex under 30 TEX. ADMIN. CODE § 101.10 reflect a positive trend of reductions in actual emissions, including unauthorized emissions associated with emissions events and scheduled MSS activities, from Baytown Complex. From 2000 to 2010, ExxonMobil has reported a 60 percent reduction in aggregate emissions of VOC, HRVOC, CO, SO<sub>2</sub> and NO<sub>x</sub> from the Baytown Complex. Over that same time period, reported emissions of VOC from the Baytown Complex have dropped by 44 percent, reported emissions of CO have dropped by 76, and reported emissions of NO<sub>x</sub> have dropped by 63 percent.
13. This Agreed Order resolves enforcement for unauthorized emissions from pending emissions events as set forth in Paragraphs 10 and 11; establishes a structure for

stipulated penalties to resolve violations for future reportable emissions events; requires specified emissions reductions; and mandates environmental improvement projects at the Baytown Complex to further reduce emissions, including emissions from emissions events and unplanned MSS activities.

14. The stipulated penalty structure set forth in this Agreed Order takes into account the factors to be considered in determining the penalty amount, including the nature, circumstances, extent, duration and gravity of the prohibited act, as required under TEX. WATER CODE § 7.053.
15. For purposes of this Agreed Order, Respondent is responsible for compliance with all terms of this Agreed Order, including payment of stipulated penalties to resolve violations for future reportable emission events occurring at any of the Baytown Complex sources including those owned and operated by any subsidiary of Respondent at the Baytown Complex.

## **II. CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, ExxonMobil is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 10, ExxonMobil failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit Nos. 18287 and PSDTX730M4, and Federal Operating Permit No. O1229. Since insufficient information was provided regarding the cause of the emissions event, ExxonMobil is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. As evidenced by Finding of Fact No. 11, ExxonMobil failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit Nos. 18287 and PSDTX730M4, and Federal Operating Permit No. O1229. Since insufficient information was provided regarding the cause of the emissions event, ExxonMobil is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against ExxonMobil for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Ninety-Eight Thousand Dollars (\$98,000) is justified by facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The respondent has paid Forty-Nine Thousand Dollars (\$49,000) of the administrative penalty. Forty-Nine Thousand Dollars (\$49,000) shall be conditionally offset by the respondent's completion of a Supplemental Environmental Project (SEP).

### III. ORDERING PROVISIONS

**NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:**

1. ExxonMobil is assessed an administrative penalty in the amount of Ninety-Eight Thousand Dollars (\$98,000) as set forth in Conclusion of Law No. 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and ExxonMobil's compliance with Section III, Paragraph 2 of this Agreed Order and all of the associated terms and conditions set forth in this Agreed Order resolve only the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective action or penalties for violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ExxonMobil Corporation, Docket No. 2011-2336-AIR-E" to:

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

2. ExxonMobil shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Conclusion of Law No. 5, Forty-Nine Thousand Dollars (\$49,000) of the assessed administrative penalty shall be offset with the condition that ExxonMobil implement the SEP defined in Exhibit B, incorporated herein by reference. ExxonMobil'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. From the effective date of this Agreed Order until the date of termination of this Agreed Order, ExxonMobil shall be liable to the Commission for stipulated penalties for each emissions event (as defined in 30 TEX. ADMIN. CODE § 101.1 to include upset events and unscheduled MSS activities) at the Baytown Complex during which the quantity of unauthorized emissions, as defined in 30 TEX. ADMIN. CODE § 101.1, exceeds the applicable reportable quantity ("RQ"), as defined in 30 TEX. ADMIN. CODE § 101.1, and for each excess opacity event, as defined in 30 TEX. ADMIN. CODE § 101.1, at the Baytown Complex. The amount of the stipulated penalty for each discrete event shall be as set forth in Exhibit A. This paragraph does not apply to:
  - a. emissions caused by an act of God, war, strike, riot, or other catastrophe as provided for in TEX. WATER CODE § 7.251;
  - b. emissions events that qualify as "excessive emissions events" under 30 TEX. ADMIN. CODE § 101.222; or
  - c. emissions events that have adversely impacted human health and the environment but which do not otherwise qualify as "excessive emission events" under 30 TEX. ADMIN. CODE § 101.222.

4. Paragraph 3 applies, notwithstanding any demonstration of an affirmative defense pursuant to 30 TEX. ADMIN. CODE § 101.222.
5. Emissions and reporting violations to which Paragraph 3 apply shall not
  - a. be the subject of a notice of violation; or
  - b. be treated as violations under 30 TEX. ADMIN. CODE Chapter 60.
6. Payment of stipulated penalties does not constitute an admission of liability by ExxonMobil.
7. Within 60 days after the end of an event for which stipulated penalties are due, ExxonMobil shall send to TCEQ the stipulated penalties due for that event. Through advance coordination with the TCEQ SEP Program, fifty percent (50%) of the stipulated penalties may be directed to one or more SEPs listed on the Commission's approved SEP list for the Houston/Galveston/Brazoria (including Chambers County) area. The stipulated penalties shall be made payable to "TCEQ" with the notation "Re: ExxonMobil Corporation, Docket No. 2011-2336-AIR-E" and shall be sent by certified mail, return receipt requested to:

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

8. The Executive Director has the right to renegotiate the stipulated penalty amounts set forth in Exhibit A if the Texas Legislature amends the laws of the State of Texas to increase the maximum penalty that the TCEQ may assess for violations of Chapter 382 of the Texas Health and Safety Code and that statutory increase becomes effective within five (5) years of the effective date of this Agreed Order. Any increase to the stipulated penalty amounts set forth in Exhibit A shall be no greater than the proportional increase in the statutory maximum penalty that the TCEQ may assess for a violation of Chapter 382 of the Texas Health and Safety Code. The Executive Director shall provide ExxonMobil with written notice of intent to renegotiate the stipulated penalty amounts set forth in Exhibit A of this Agreed Order.
9. The Executive Director may exclude an emissions event from the stipulated penalty obligation under Paragraph 3 provided the Executive Director gives written notice to ExxonMobil setting forth the basis for such exclusion under Paragraphs 3(b) or 3(c) no later than 90 days after receipt of the transmittal of funds under Paragraph 7 for that emissions event. ExxonMobil will have 30 days from receipt of the written notice to respond to the notice and provide reasons why such exclusion should not be made. The Executive Director will make a final decision on the exclusion within 60 days of receipt of ExxonMobil's written response. In the event that the Executive Director decides to exclude an emissions event under this paragraph and ExxonMobil has submitted funds intended as a stipulated penalty payment for that event, the funds will be returned and no payment will be deemed to have been made. For all events that the Executive Director has excluded from the stipulated penalty provisions of this Agreed Order, the

Executive Director may seek all administrative and/or civil enforcement remedies, including injunctive relief, available under the Texas Clean Air Act, Texas Health and Safety Code Chapter 382, and the Texas Water Code with respect to claims arising under or related to that emissions event, and ExxonMobil retains and may assert all defenses applicable and available to it under law or regulation, including retaining the right to legally challenge the Executive Director's decision to exclude the event from the stipulated penalty provisions of this Agreed Order.

10. ExxonMobil will undertake projects, including the Ordered Environmental Improvement Projects described in Paragraph 12, at the Baytown Complex that will reduce VOC emissions, including VOC emissions from emissions events and MSS activities, from Baytown Complex facilities by 126 tons from a baseline emission rate determined using the affected facilities' average emissions (excluding force majeure events) reported in the 2006-2010 Emissions Inventory by the end of the fifth calendar year after the effective date of this Agreed Order. The emissions reductions required by this Agreed Order will occur on the following schedule:
  - a. On or before the end of the third calendar year after the effective date of this Agreed Order, VOC emissions reductions of 45 tons.
  - b. On or before the end of the fourth calendar year after the effective date of this Agreed Order, VOC emissions reductions of 71 tons.
  - c. On or before the end of the fifth calendar year after the effective date of this Agreed Order, VOC emissions reductions of 126 tons.

ExxonMobil estimates that the Ordered Environmental Improvement Projects will achieve corresponding reductions of the following pollutants: Highly Reactive Volatile Organic Compounds (HRVOC), Carbon Monoxide (CO), Sulfur Dioxide (SO<sub>2</sub>), and Nitrogen Oxides (NO<sub>x</sub>). As part of each project implemented under Paragraph 12, ExxonMobil will track and report on the corresponding reductions in HRVOC, CO, SO<sub>2</sub>, and NO<sub>x</sub>.

Identification of the Baytown Complex facilities that will be used to satisfy this emissions reduction requirement rests solely with ExxonMobil. For purposes of demonstrating compliance with this paragraph, ExxonMobil will calculate VOC emissions, as well as corresponding reductions from pollutants identified above, from the Baytown Complex facilities in a manner that is consistent with the annual emissions inventory required by 30 TEX. ADMIN. CODE § 101.10.

VOC emissions reductions from projects undertaken by ExxonMobil to satisfy this paragraph will not be used to generate emission reduction credits or discrete emission reduction credits under any TCEQ emissions credit trading program.

The emissions reduction projects undertaken pursuant to this Agreed Order do not qualify as a potential voluntary pollution reduction or early compliance program under 30 TEX. ADMIN. CODE Chapter 60.

11. Renegotiation and Early Termination. The Executive Director has the right to renegotiate the terms of this Agreed Order if (1) ExxonMobil (A) has not achieved the interim VOC emissions reduction thresholds established in Paragraph 10 or (B) is not implementing one or more of the Ordered Environmental Improvement Projects in accordance with the project description submitted in accordance with Paragraph 12 or

(2) ExxonMobil elects not to incorporate the Executive Director's requested modifications to ExxonMobil's project descriptions submitted under Paragraph 12. In the event that the Executive Director elects to renegotiate the terms of this Agreed Order, the Executive Director shall provide ExxonMobil with written notice within 45 days of the date that a ground arises under this paragraph. If the Executive Director and ExxonMobil are unable to reach mutual agreement on modified terms of this Agreed Order within 90 days of that notice, then the Executive Director shall have the right to Early Termination of this Agreed Order. If the Executive Director elects to exercise the right of Early Termination, the Executive Director shall then provide ExxonMobil with a written 15-day notice of the termination.

12. Ordered Environmental Improvement Projects. ExxonMobil will implement the following Ordered Environmental Improvement Projects at the Baytown Complex within 5 years of the effective date of this Agreed Order. The Ordered Environmental Improvement Projects will reduce emissions at the Baytown Complex, including emissions from emissions events and MSS activities. ExxonMobil has represented that it would not have committed to the Ordered Environmental Improvement Projects at the Baytown Complex at the time this Agreed Order is executed on the schedule required by this Agreed Order and with a focus on achieving the reductions of emissions absent the requirements of this Agreed Order.

ExxonMobil will, no later than 60 days prior to a project start date listed below, or in cases where the project start predates the effective date of this Agreed Order, no later than 60 days after the effective date of this Agreed Order, submit to the TCEQ a project description that identifies the emission unit(s) and process area(s) involved in the project, describes the new equipment or work practices that will be implemented as part of the project, describes how the new equipment or work practices are designed to prevent and/or reduce emissions from the Baytown Complex, and establishes interim implementation dates for the project. Within 30 days of receiving ExxonMobil's project description, the Executive Director may provide comments and request modifications to the scope or implementation of a project, including project(s) commenced prior to the effective date of this Agreed Order, based on its review of the project description submitted by ExxonMobil. In the event ExxonMobil elects not to incorporate such requested modifications, the Executive Director may exercise the rights identified in Paragraph 11.

- a. Plant Automation Venture. Install computer applications to improve real-time monitoring, identification, diagnostics and online guidance/management of operations. The project is intended to provide early identification of potential events and/or instrumentation abnormalities, allowing proactive response.

ExxonMobil shall implement the Plant Automation Venture on or before the following dates:

	Project Start (no later than)	Project Completion
Baytown Refinery	June 30, 2012	December 31, 2014
Baytown Chemical Plant	June 30, 2012	December 31, 2013
Baytown Olefins Plant	June 30, 2012	June 30, 2016

- b. Fuels North Flare System Monitoring/Minimization. Install additional instrumentation and develop tools and procedures to more effectively monitor and troubleshoot the Baytown Refinery Fuels North Flare System (“FNFS”). Additional instrumentation, including monitoring probes and on-line analyzers are intended to improve the identification and characterization of flaring events. The development of flare minimization practices, including practices for Equipment Clearing Scheduling and reducing flare gas generation and/or Flare Gas Recovery System Cushion Management, are intended to reduce loads on the flare system.

ExxonMobil shall implement the Fuels North Flare System Monitoring/Minimization project on or before the following dates:

	Project Start (no later than)	Project Completion
Monitoring Instrumentation	September 30, 2013	December 31, 2014
Flare Minimization Practices	March 1, 2012	September 30, 2012

- c. BOP/BOPX Recovery Unit Simulators. Develop, implement and use high-fidelity process training simulators for the Recovery Unit Trains at the Baytown Olefins Plant (“BOP”) and Baytown Olefins Plant Expansion (“BOPX”). The recovery unit simulators enable realistic instruction and practice for specific scenarios such as start-ups, shutdowns and loss-of-feed, and are intended to improve operator training and competency, resulting in reduced frequency and severity of emissions events.

ExxonMobil shall implement the BOP/BOPX Recovery Unit Simulators project on or before the following dates:

	Start Development of Simulator	Completion and Testing of Simulator
BOP Recovery Unit Simulator	June 30, 2012	December 31, 2014
BOPX Recovery Unit Simulator	June 30, 2012	December 31, 2013

- d. Enhanced Fugitive Emissions Monitoring. Establish a program of enhanced fugitive component monitoring and repair at the Baytown Refinery, Chemical Plant and Olefins Plant. The program will use infrared imaging technology to locate potential VOC and HRVOC leaks. Confirmed leaks will be subject to the repair requirements of applicable federal and state regulations. Surveys will

generally be conducted in months when applicable federal and state monitoring is not required and during process unit startups. Surveys will be equally spaced between monitoring events required by applicable federal and state regulations to the extent practicable. Surveys will be performed by personnel who are certified in infrared imager operation. Imagers will receive maintenance according to manufacturer's recommendations or equivalent.

ExxonMobil shall start the implementation of the Enhanced Fugitive Emissions Monitoring Project at the Baytown Complex no later than 90 days after the effective date of this Agreed Order. The Enhanced Fugitive Emissions Monitoring Project shall be complete and in use no later than 12 months after the effective date of this Agreed Order.

13. Semi-Annual Reports. By August 31 (for the report covering January 1 - June 30) and by March 31 of each year or by the date on which the Annual Emissions Inventory is due, whichever is later. (for the report covering July 1 - December 31), ExxonMobil will submit to the Executive Director Semi-Annual Reports for the Baytown Complex regarding compliance with this Agreed Order.
  - a. With regard to any of the Ordered Environmental Improvement Projects identified in Paragraph 12 of this Agreed Order for which work was performed in the prior semiannual period, each Semi-Annual Report will identify:
    - i. The name of the Ordered Environmental Improvement Project;
    - ii. The date on which ExxonMobil started work on the Ordered Environmental Improvement Project;
    - iii. The date on which ExxonMobil completed work on the Ordered Environmental Improvement Project, or the estimated date of completion, if work on the Ordered Environmental Improvement Project was not complete by the end of the semiannual period; and
  - b. With regard to the stipulated penalties established in Paragraph 3 of this Agreed Order, each Semi-Annual Report will:
    - i. Provide a copy of the payment;
    - ii. State the total amount of the stipulated penalties due for the prior semiannual period;
    - iii. Identify, for each emissions event for which stipulated penalties are due, the following:
      1. The STEERS report number for the event; and
      2. The amount of the stipulated penalty.
  - c. ExxonMobil may combine the Semi-Annual report for July - December with the Annual Report required under this Agreed Order.



14. Annual Reports. Starting in 2013, ExxonMobil will submit to the Executive Director Annual Reports for the Baytown Complex regarding compliance with this Agreed Order. The Annual Report shall be due by March 31 of each year or by the date on which the Annual Emissions Inventory is due, whichever is later.

a. With respect to the emissions reductions required by Paragraph 10 of this Agreed Order, the Annual Reports will:

- i. Identify the VOC, HRVOC, CO, SO<sub>2</sub> and NO<sub>x</sub> emissions reductions achieved over the prior calendar year; and
- ii. Identify the cumulative VOC, HRVOC, CO, SO<sub>2</sub> and NO<sub>x</sub> emissions reductions achieved under this Agreed Order.

d. The Annual Reports will:

- i. provide actual emissions data for the Baytown Complex for the prior calendar year based on Emission Inventories submitted in accordance with 30 TEX. ADMIN. CODE § 101.10, with an explanation of how recent air emissions performance continues the overall emissions reduction trends at the Baytown Complex; and
- ii. include a summary of activities at the Baytown Complex related to continuing efforts to improve environmental performance.

15. The reports required by Paragraphs 13 and 14 above shall be submitted to:

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

with a copy to:

Air Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

16. The reporting requirements of this Agreed Order do not relieve ExxonMobil of any reporting obligations to the TCEQ, including 30 TEX. ADMIN. CODE §§ 101.201 and 101.211. All emissions events subject to a stipulated penalty under this Agreed Order must be reported under 30 TEX. ADMIN. CODE § 122.145.

17. If the Executive Director identifies a violation for which a stipulated penalty has not been paid upon review of a report submitted under this Agreed Order, the Executive Director

will notify ExxonMobil of the violation and stipulated penalty due in writing within 45 days of receipt of the report. ExxonMobil will submit payment in accordance with Paragraph 7 of this section no later than 60 days after receipt of notification from the Executive Director under this paragraph.

18. The provisions of this Agreed Order shall apply to and be binding upon ExxonMobil, its agents and assigns. ExxonMobil is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Baytown Complex operations referenced in this Agreed Order.
19. If ExxonMobil 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, ExxonMobil's failure is not a violation of this Agreed Order. ExxonMobil shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. ExxonMobil shall notify the Executive Director within 15 days after ExxonMobil becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
20. The Executive Director may grant an extension of any deadline in this Agreed Order or in any report or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by ExxonMobil shall be made in writing to the Executive Director. Extensions are not effective until ExxonMobil receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
21. Notwithstanding any other provisions of this Agreed Order, the TCEQ reserves the right to fully pursue Respondent for any and all criminal liability, even if such liability is related to a matter otherwise covered by this Agreed Order.
22. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this agreement may be transmitted by facsimile to the other parties, which shall constitute an original signature for all purposes.
23. This Agreed Order shall terminate five years from its effective date, subject to the Renegotiation and Early Termination provisions contained in Ordering Provision No. 11, above. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of this Agreed Order to ExxonMobil, or three days after the date on which the Commission mails notice of this Agreed Order to ExxonMobil, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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



\_\_\_\_\_  
For the Executive Director

1/23/2012

\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Exxon Mobil Corporation, 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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

DEC 28, 2011  
\_\_\_\_\_  
Date

STEVEN R. COPE  
\_\_\_\_\_  
Name (Printed or typed)

REFINERY MANAGER  
\_\_\_\_\_  
Title

Authorized representative of Exxon Mobil Corporation

**EXHIBIT A**  
**Stipulated Penalties**

**Baytown Refinery, Baytown Olefins Plant and Baytown Chemical Plant**  
**Reportable Emissions Events and Excess Opacity Events**

<b>Magnitude of Emissions (Per Event)<sup>1</sup></b>	<b>Stipulated Penalty (for first 40 emissions events in calendar year)</b>	<b>Stipulated Penalty (for the 41st emissions event or greater in calendar year)</b>
Less than or equal to 500 lbs Or Excess Opacity Event	\$7,000 per event	\$8,250 per event
Greater than 500 lbs but less than 5000 lbs	\$13,500 per event	\$15,500 per event
Greater than or equal to 5000 lbs	\$25,000 per event	\$25,000 per event

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<sup>1</sup>The "event" subject to a stipulated penalty under this Order is the aggregate unauthorized emissions and the estimated duration set forth in the final record of reportable emissions events as required under 30 Texas Administrative Code Section 101.201(b).

## EXHIBIT B

Docket Number: 2011-2336-AIR-E

### SUPPLEMENTAL ENVIRONMENTAL PROJECT

<b>Respondent:</b>	Exxon Mobil Corporation
<b>Penalty Amount:</b>	Ninety-Eight Thousand Dollars (\$98,000)
<b>SEP Offset Amount:</b>	Forty-Nine Thousand Dollars (\$49,000)
<b>Type of SEP:</b>	Contribution to a Pre-approved SEP
<b>Third-Party Recipient:</b>	Houston Regional Monitoring Corporation
<b>Project Name:</b>	<i>Houston Area Air Monitoring Project</i>
<b>Location of SEP:</b>	Harris County

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

#### 1. Project Description

##### A. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project*. The contribution will be used in accordance with the Supplemental Environmental Project between the Third-Party Recipient and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the HRM 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site, (the Sites). Third-Party Recipient shall use SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region Number 216.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution VOC, NO<sub>x</sub>, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hr ozone NAAQS. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

C. Minimum Expenditure

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

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall make the contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution, with a copy of the Agreed Order to:

Houston Regional Monitoring Corporation  
c/o Christopher B. Amandes  
Vinson & Elkins LLP  
First City Tower  
101 Fannin Street, Suite 2500  
Houston, Texas 77002-6760

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Litigation Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
PO Box 13087  
Austin, Texas 78711-3087

#### **4. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
PO Box 13087  
Austin, Texas 78711-3087

#### **5. Publicity**

Any public statements concerning this SEP made by or on behalf of Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

#### **6. Clean Texas Program**

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### **7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.