

**Executive Summary – Enforcement Matter – Case No. 58776**  
**Exxon Mobil Corporation**  
**RN102212925**  
**Docket No. 2020-0061-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Baytown Olefins Plant, 3525 Decker Drive, Baytown, Harris County

**Type of Operation:**

Petrochemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2020-0061-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** June 3, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$12,525

**Amount Deferred for Expedited Settlement:** \$2,505

**Total Paid to General Revenue:** \$5,010

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$5,010

Name of SEP: Houston-Galveston Area Council-AERCO (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** October 9, 2017 through September 13, 2019

**Date(s) of NOE(s):** December 4, 2019

**Executive Summary – Enforcement Matter – Case No. 58776**  
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**Docket No. 2020-0061-AIR-E**

***Violation Information***

Failed to prevent unauthorized emissions and failed to limit highly reactive volatile organic compounds ("HRVOC") emissions to 1,200 pounds ("lbs") or less per one-hour block period. Specifically, the Respondent released 2,156.59 lbs of volatile organic compounds, 14,653.04 lbs of HRVOC, 16,940.99 lbs of carbon monoxide, and 2,687.93 lbs of nitrogen oxides from the Baytown Olefins Plant-X ("BOP-X") Flare, Emissions Point Number FLAREX, during an emissions event (Incident No. 266279) that began on August 27, 2017 and lasted 28 hours. The emissions event occurred due to the BOP-X Unit experiencing flooding conditions, resulting in releases to the atmosphere. Since the emissions event could have been avoided by better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 115.722(c)(1), 116.715(a), and 122.143(4), Flexible Permit Nos. 3452, PSDTX302M2, and PAL6, Special Conditions No. 1, Federal Operating Permit No. O1553, General Terms and Conditions and Special Terms and Conditions Nos. 1 and 24, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
  - a. Within 30 days, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 266279; and
  - b. Within 45 days, submit written certification to demonstrate compliance with a.

**Executive Summary – Enforcement Matter – Case No. 58776**  
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**Docket No. 2020-0061-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Amanda Diaz, Enforcement Division,  
Enforcement Team 2, MC 219, (512) 239-2601; Michael Parrish, Enforcement Division,  
MC 219, (512) 239-2548

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

**SEP Third-Party Administrator:** Houston-Galveston Area Council-AERCO,  
Emission Reduction Credit Corporation, 3555 Timmons Lane, Suite 120, Houston,  
Texas 77027

**Respondent:** Mary Katherine Lightfoot, Plant Manager, Exxon Mobil Corporation,  
3525 Decker Drive, Baytown, Texas 77520

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	10-Dec-2019	<b>Screening</b>	20-Dec-2019	<b>EPA Due</b>	
	<b>PCW</b>	11-Mar-2022				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Exxon Mobil Corporation				
<b>Reg. Ent. Ref. No.</b>	RN102212925				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	58776	<b>No. of Violations</b>	1
<b>Docket No.</b>	2020-0061-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amanda Diaz
		<b>EC's Team</b>	Enforcement Team 4
<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>	\$7,500
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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%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$7,500
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Notes: Enhancement for six agreed orders containing a denial of liability.  
Reduction for one Notice of Intent to conduct an audit and one disclosure of violations.

<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: \$2,549  
Estimated Cost of Compliance: \$10,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$15,000
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	-16.5%	Adjustment	-\$2,475
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction by 33% of the Violation Base Penalty for the violation that occurred during Hurricane/Tropical Storm Harvey.

<b>Final Penalty Amount</b>	\$12,525
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$12,525
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<b>DEFERRAL</b>	20.0%	Reduction	Adjustment	-\$2,505
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$10,020
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**Screening Date** 20-Dec-2019

**Docket No.** 2020-0061-AIR-E

**PCW**

**Respondent** Exxon Mobil Corporation

*Policy Revision 4 (April 2014)*

**Case ID No.** 58776

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN102212925

**Media** Air

**Enf. Coordinator** Amanda Diaz

### Compliance History Worksheet

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

Component	Number of...	Number	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> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%
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)** 117%

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

No

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

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

Satisfactory Performer

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

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for six agreed orders containing a denial of liability. Reduction for one Notice of Intent to conduct an audit and one disclosure of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 117%

**>> Final Compliance History Adjustment**

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

**Screening Date** 20-Dec-2019  
**Respondent** Exxon Mobil Corporation  
**Case ID No.** 58776  
**Reg. Ent. Reference No.** RN102212925  
**Media** Air  
**Enf. Coordinator** Amanda Diaz

**Docket No.** 2020-0061-AIR-E

**PCW**

*Policy Revision 4 (April 2014)*

*PCW Revision March 26, 2014*

**Violation Number** 1

**Rule Cite(s)**

30 Tex. Admin. Code §§ 101.20(3), 115.722(c)(1), 116.715(a), and 122.143(4), Flexible Permit Nos. 3452, PSDTX302M2, and PAL6, Special Conditions No. 1, Federal Operating Permit No. O1553, General Terms and Conditions and Special Terms and Conditions Nos. 1 and 24, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to prevent unauthorized emissions and failed to limit highly reactive volatile organic compounds ("HRVOC") emissions to 1,200 pounds ("lbs") or less per one-hour block period. Specifically, the Respondent released 2,156.59 lbs of volatile organic compounds, 14,653.04 lbs of HRVOC, 16,940.99 lbs of carbon monoxide, and 2,687.93 lbs of nitrogen oxides from the Baytown Olefins Plant-X ("BOP-X") Flare, Emissions Point Number FLAREX, during an emissions event (Incident No. 266279) that began on August 27, 2017 and lasted 28 hours. The emissions event occurred due to the BOP-X Unit experiencing flooding conditions, resulting in releases to the atmosphere. Since the emissions event could have been avoided by better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

**Base Penalty** \$25,000

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

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

**Percent** 30.0%

**>> Programmatic Matrix**

Falsification	Harm		
	Major	Moderate	Minor

**Percent** 0.0%

**Matrix Notes**

Based on the Air Quality Analysis Audit that was performed on the air dispersion modeling that was submitted by the Respondent, human health or the environment has been exposed to significant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 1 2 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$7,500

One monthly event is recommended.

**Good Faith Efforts to Comply**

0.0%

**Reduction** \$0

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

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

**Violation Subtotal** \$7,500

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

**Statutory Limit Test**

**Estimated EB Amount** \$2,549

**Violation Final Penalty Total** \$12,525

**This violation Final Assessed Penalty (adjusted for limits)** \$12,525

# Economic Benefit Worksheet

**Respondent** Exxon Mobil Corporation  
**Case ID No.** 58776  
**Reg. Ent. Reference No.** RN102212925  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	27-Aug-2017	1-Oct-2022	5.10	\$2,549	n/a	\$2,549

**Notes for DELAYED costs**

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 266279. The Date Required is the date the emissions event began and the Final Date is the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$10,000

**TOTAL** \$2,549



# Compliance History Report

Compliance History Report for CN600123939, RN102212925, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600123939, Exxon Mobil Corporation	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	3.89
<b>Regulated Entity:</b>	RN102212925, EXXON MOBIL CHEMICAL BAYTOWN OLEFINS PLANT	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	3.24
<b>Complexity Points:</b>	31	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	02 - Oil and Petroleum Refineries				
<b>Location:</b>	3525 DECKER DRIVE IN BAYTOWN, HARRIS COUNTY, TX 77520-1646				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

**ID Number(s):**

**POLLUTION PREVENTION PLANNING** ID NUMBER P00232

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE

REGISTRATION # (SWR) 31404

**WASTEWATER** EPA ID TX0077887

**AIR NEW SOURCE PERMITS** REGISTRATION 29094

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HG0228H

**AIR NEW SOURCE PERMITS** REGISTRATION 52330

**AIR NEW SOURCE PERMITS** REGISTRATION 54383

**AIR NEW SOURCE PERMITS** AFS NUM 4820100257

**AIR NEW SOURCE PERMITS** REGISTRATION 55105

**AIR NEW SOURCE PERMITS** REGISTRATION 55660

**AIR NEW SOURCE PERMITS** REGISTRATION 73880

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX731M2

**AIR NEW SOURCE PERMITS** REGISTRATION 79047

**AIR NEW SOURCE PERMITS** REGISTRATION 81373

**AIR NEW SOURCE PERMITS** REGISTRATION 81754

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX713

**AIR NEW SOURCE PERMITS** REGISTRATION 87751

**AIR NEW SOURCE PERMITS** REGISTRATION 96117

**AIR NEW SOURCE PERMITS** PERMIT 102982

**AIR NEW SOURCE PERMITS** REGISTRATION 123435

**AIR NEW SOURCE PERMITS** REGISTRATION 131869

**AIR NEW SOURCE PERMITS** REGISTRATION 135579

**AIR NEW SOURCE PERMITS** PERMIT AMOC5

**AIR NEW SOURCE PERMITS** REGISTRATION 153044

**AIR NEW SOURCE PERMITS** REGISTRATION 156570

**AIR OPERATING PERMITS** PERMIT 1553

**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION #

(SWR) 31404

**STORMWATER** PERMIT TXR15591Z

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID

TXD980625966

**WASTEWATER** PERMIT WQ0002184000

**AIR NEW SOURCE PERMITS** PERMIT 3452

**AIR NEW SOURCE PERMITS** REGISTRATION 34420

**AIR NEW SOURCE PERMITS** REGISTRATION 142612

**AIR NEW SOURCE PERMITS** REGISTRATION 54793

**AIR NEW SOURCE PERMITS** REGISTRATION 53401

**AIR NEW SOURCE PERMITS** REGISTRATION 56790

**AIR NEW SOURCE PERMITS** REGISTRATION 71717

**AIR NEW SOURCE PERMITS** REGISTRATION 74541

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX302M1

**AIR NEW SOURCE PERMITS** REGISTRATION 78611

**AIR NEW SOURCE PERMITS** REGISTRATION 80283

**AIR NEW SOURCE PERMITS** EPA PERMIT PAL6

**AIR NEW SOURCE PERMITS** REGISTRATION 85189

**AIR NEW SOURCE PERMITS** REGISTRATION 89698

**AIR NEW SOURCE PERMITS** REGISTRATION 87598

**AIR NEW SOURCE PERMITS** REGISTRATION 95582

**AIR NEW SOURCE PERMITS** REGISTRATION 139961

**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX24

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX302M2

**AIR NEW SOURCE PERMITS** REGISTRATION 154040

**AIR NEW SOURCE PERMITS** REGISTRATION 146579

**AIR NEW SOURCE PERMITS** REGISTRATION 153939

**AIR NEW SOURCE PERMITS** REGISTRATION 160685

**AIR OPERATING PERMITS** ACCOUNT NUMBER HG0228H

**STORMWATER** PERMIT TXR05W813

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HG0228H

<b>Compliance History Period:</b>	September 01, 2014 to August 31, 2019	<b>Rating Year:</b>	2019	<b>Rating Date:</b>	09/01/2019
<b>Date Compliance History Report Prepared:</b>	April 07, 2020				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	April 07, 2015 to April 07, 2020				

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

**Name:** Amanda Diaz

**Phone:** (512) 239-2601



## **Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES  
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

- 1 Effective Date: 03/04/2016 ADMINORDER 2015-0828-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP General Terms and Conditions OP  
Description: Failed to report all instances of deviations, as documented during an investigation conducted from December 29, 2014 to February 24, 2015. Specifically, the deviation report for the December 17, 2012 through March 31, 2013 reporting period did not include the emissions event (Incident No. 179941) that occurred on March 1, 2013.  
Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter C 122.210(a)  
5C THSC Chapter 382 382.085(b)  
Description: Failed to submit an application to revise FOP No. O1553, as documented during an investigation conducted from December 29, 2014 to February 24, 2015. Specifically, the Respondent did not submit a permit revision application to incorporate the requirements of 30 TEX. ADMIN. CODE § 117.310(c)(2)(B) for Furnace XGF01 in FOP No. O1553.
- 2 Effective Date: 09/25/2018 ADMINORDER 2017-1764-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.121  
30 TAC Chapter 122, SubChapter C 122.210(a)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to timely submit a revision application for a FOP for those activities at a site which change, add, or remove one or more permit terms or conditions.
- 3 Effective Date: 10/08/2018 ADMINORDER 2017-1596-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition No. 1 PERMIT  
Description: Failure to prevent unauthorized emissions. ExxonMobil failed to prevent the overpressurization of the Depropanizer Tower (NT01), which resulted in the release of unauthorized emissions (Category A12i(6)).
- 4 Effective Date: 02/03/2020 ADMINORDER 2019-0180-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter H 115.722(c)(1)  
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: GTC OP  
NSR Permit 3452, Special Condition 1 PERMIT  
STC No. 24 OP  
Description: Failure to prevent unauthorized emissions and failed to limit HRVOC emissions to 1,200 lbs or less per one-hour block period.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter H 115.722(c)(1)  
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: GTC OP  
NSR Special Condition 1 PERMIT  
STC No. 24 OP  
Description: Failure to prevent unauthorized emissions and failed to limit HRVOC emissions to 1,200 lbs or less per one-hour block period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter H 115.722(c)(1)  
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: GTC OP  
Special Condition 1 PERMIT  
STC No. 24 OP

Description: Failure to prevent unauthorized emissions and failed to limit HRVOC emissions to 1,200 lbs or less per one-hour block period.

5 Effective Date: 02/11/2020 ADMINORDER 2019-0958-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event. (Category A12i6)

See addendum for information regarding federal actions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	April 28, 2015	(1256584)
Item 2	May 26, 2015	(1263327)
Item 3	June 24, 2015	(1270461)
Item 4	July 08, 2015	(1252274)
Item 5	July 27, 2015	(1277990)
Item 6	August 10, 2015	(1261897)
Item 7	August 25, 2015	(1284172)
Item 8	October 02, 2015	(1291328)
Item 9	October 30, 2015	(1297508)
Item 10	November 13, 2015	(1289664)
Item 11	December 03, 2015	(1302951)
Item 12	December 17, 2015	(1113459)
Item 13	January 25, 2016	(1316695)
Item 14	February 29, 2016	(1326063)
Item 15	March 23, 2016	(1332822)
Item 16	April 04, 2016	(1323169)
Item 17	April 28, 2016	(1339957)
Item 18	May 26, 2016	(1346773)
Item 19	June 24, 2016	(1353204)
Item 20	July 22, 2016	(1360170)
Item 21	August 23, 2016	(1355835)
Item 22	September 20, 2016	(1350944)
Item 23	October 05, 2016	(1373296)
Item 24	October 28, 2016	(1379485)
Item 25	November 17, 2016	(1385434)
Item 26	November 21, 2016	(1362726)
Item 27	December 16, 2016	(1391566)
Item 28	January 19, 2017	(1398189)
Item 29	January 20, 2017	(1371347)
Item 30	February 17, 2017	(1405082)
Item 31	March 15, 2017	(1412164)

Item 32	April 11, 2017	(1418665)
Item 33	May 18, 2017	(1426327)
Item 34	June 15, 2017	(1432310)
Item 35	June 16, 2017	(1388909)
Item 36	July 05, 2017	(1403920)
Item 37	July 19, 2017	(1440872)
Item 38	August 09, 2017	(1444560)
Item 39	August 23, 2017	(1408219)
Item 40	September 18, 2017	(1451148)
Item 41	October 16, 2017	(1457020)
Item 42	November 16, 2017	(1462477)
Item 43	December 15, 2017	(1468869)
Item 44	January 18, 2018	(1475574)
Item 45	February 20, 2018	(1487764)
Item 46	March 19, 2018	(1491447)
Item 47	April 19, 2018	(1494697)
Item 48	May 17, 2018	(1501647)
Item 49	June 18, 2018	(1508737)
Item 50	July 10, 2018	(1498520)
Item 51	July 19, 2018	(1515067)
Item 52	August 07, 2018	(1504019)
Item 53	August 17, 2018	(1521118)
Item 54	September 14, 2018	(1528302)
Item 55	October 12, 2018	(1534642)
Item 56	October 18, 2018	(1513745)
Item 57	November 16, 2018	(1542476)
Item 58	November 21, 2018	(1531110)
Item 59	November 30, 2018	(1530934)
Item 60	December 13, 2018	(1546240)
Item 61	December 27, 2018	(1537487)
Item 62	January 18, 2019	(1562793)
Item 63	February 19, 2019	(1562791)
Item 64	February 20, 2019	(1540502)
Item 65	February 25, 2019	(1544584)
Item 66	March 01, 2019	(1548621)
Item 67	March 12, 2019	(1531084)
Item 68	April 15, 2019	(1572854)
Item 69	May 20, 2019	(1585317)
Item 70	June 13, 2019	(1585318)
Item 71	July 10, 2019	(1594221)
Item 72	August 06, 2019	(1580472)
Item 73	August 13, 2019	(1600513)
Item 74	September 19, 2019	(1607416)
Item 75	October 09, 2019	(1614295)
Item 76	November 15, 2019	(1620087)
Item 77	December 13, 2019	(1627434)
Item 78	January 17, 2020	(1635067)
Item 79	February 14, 2020	(1641682)
Item 80	March 09, 2020	(1633639)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**F. Environmental audits:**

Notice of Intent Date: 04/05/2019 (1555220)  
Disclosure Date: 10/30/2019  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Failed to set the oxygen level no lower than the oxygen concentration measured during the most recent tune-up. Specifically, the excess oxygen level was set lower than the oxygen concentration measured during the most recent tune up on Unit IDs: BOILERA, BOILER B, BOILERC, and BOILDERD.

**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

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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Name:** **EXXON MOBIL CHEMICAL BAYTOWN OLE**

**Reg Entity Add:** 3525 DECKER DR

**Reg Entity City:** BAYTOWN

**Reg Entity No:** **RN102212925**

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**EPA Case No:** **06-2010-3405**

**Order Issue Date (yyyymmdd):** 20180606

**Case Result:** Final Order With Penalty

**Statute:** CAA

**Sect of Statute:** 112

**Classification:** Minor

**Program:** National Emission Standa

**Citation:**

**Violation Type:** Other/Miscellaneous

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Consent Decree or Court Order Resolving a Civil

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2020-0061-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

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

1. The Respondent owns and operates a petrochemical manufacturing plant located at 3525 Decker Drive in Baytown, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$12,525 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$5,010 of the penalty and \$2,505 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$5,010 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the

conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

## **II. ALLEGATIONS**

During a record review conducted on from October 9, 2017 through September 13, 2019, an investigator documented that the Respondent failed to prevent unauthorized emissions and failed to limit highly reactive volatile organic compounds ("HRVOC") emissions to 1,200 pounds ("lbs") or less per one-hour block period, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 115.722(c)(1), 116.715(a), and 122.143(4), Flexible Permit Nos. 3452, PSDTX302M2, and PAL6, Special Conditions No. 1, Federal Operating Permit No. O1553, General Terms and Conditions and Special Terms and Conditions Nos. 1 and 24, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 2,156.59 lbs of volatile organic compounds, 14,653.04 lbs of HRVOC, 16,940.99 lbs of carbon monoxide, and 2,687.93 lbs of nitrogen oxides from the Baytown Olefins Plant-X ("BOP-X") Flare, Emissions Point Number FLAREX, during an emissions event (Incident No. 266279) that began on August 27, 2017 and lasted 28 hours. The emissions event occurred due to the BOP-X Unit experiencing flooding conditions, resulting in releases to the atmosphere. Since the emissions event could have been avoided by better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Exxon Mobil Corporation, Docket No. 2020-0061-AIR-E" to:

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

2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$5,010 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 266279.
  - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

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



The certification shall be submitted to:

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

with a copy to:

Air Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or

issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

\_\_\_\_\_  
Date

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

8/31/2022


\_\_\_\_\_  
Date

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

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

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

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

  
\_\_\_\_\_  
Signature BOP Plant Manager

5/2/22  
\_\_\_\_\_  
Date

Mary Katherine Lightfoot  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Exxon Mobil Corporation

BOP Plant Manager  
\_\_\_\_\_  
Title

If mailing address has changed, please check this box and provide the new address below:

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

**Attachment A**  
**Docket Number: 2020-0061-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Exxon Mobil Corporation</b>
<b>Payable Penalty Amount:</b>	<b>\$10,020</b>
<b>SEP Offset Amount:</b>	<b>\$5,010</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Houston-Galveston Area Council-AERCO</b>
<b>Project Name:</b>	<b><i>Clean Vehicles Partnership Project</i></b>
<b>Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties</b>	

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

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency (“EPA”) emissions standards (“Old Buses”) with new, lower emission buses that meet the most recent EPA emissions standards (“New Buses”) or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities (“SEP Administrators”) that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for

installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

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

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

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

## **2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO  
Emission Reduction Credit Corporation  
Attn: Air Quality Program Manager  
3555 Timmons Lane, Suite 120  
Houston, Texas 77027

## **3. Records and Reporting**

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

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

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

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

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Exxon Mobil Corporation  
Docket No. 2020-0061-AIR-E  
Agreed Order - Attachment A

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

**5. Publicity**

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

**6. Recognition**

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

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

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