

Executive Summary – Enforcement Matter – Case No. 60399
Exxon Mobil Corporation
RN102212925
Docket No. 2021-0282-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Exxon Mobil Chemical Baytown Olefins Plant, 3525 Decker Drive, Baytown, Harris County

Type of Operation:

Petrochemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2019-0061-AIR-E, 2020-1215-AIR-E, 2021-0649-AIR-E, and 2021-0705-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 24, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,063

Amount Deferred for Expedited Settlement: \$2,812

Total Paid to General Revenue: \$5,626

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$5,625

Name of SEP: Houston Regional Monitoring Corporation (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 60399
Exxon Mobil Corporation
RN102212925
Docket No. 2021-0282-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 10, 2020 through September 7, 2020 and November 25, 2020 through February 11, 2021

Date(s) of NOE(s): February 4, 2021 and April 23, 2021

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 443.33 pounds ("lbs") of volatile organic compounds ("VOC"), 346.67 lbs of carbon monoxide ("CO"), and 49.32 lbs of nitrogen oxides ("NOx") from the Baytown Olefins Plant-X Flare, Emissions Point Number FLAREX, during an emissions event (Incident No. 297145) that occurred on November 13, 2018 and lasted one hour and 12 minutes. The emissions event occurred when near-freezing temperatures caused the failure of one of the cycling valves within the Pressure Swing Adsorption ("PSA") Unit, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or 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), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 3452, PSDTX302M2, and PAL6, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1553, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 8.45 lbs of CO, 0.12 lb of hydrochloric acid, 0.15 lb of hydrogen sulfide, 0.20 lb of NOx, and 278.20 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 345853) that occurred on November 11, 2020 and lasted four hours and 28 minutes. The emissions event occurred when a hole on a section of effluent piping on the Octant 8 of the Baytown Olefins Plant-I Furnace caused an unplanned combustion incident, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or 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), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 3452, PSDTX302M2, and PAL6, SC No. 1, FOP No. O1553, GTC and STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On February 8, 2021, conducted training for the unit personnel to reinforce the unit procedures regarding furnace octant leak response in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 345853; and
- b. By June 30, 2021, replaced the cycling valve within the PSA Unit and replaced the control valves, upgraded the limit switches, and installed new solenoids for the control valves on all four beds of the PSA Unit to improve performance under cyclic conditions in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 297145.

Technical Requirements:

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3682; 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 Regional Monitoring Corporation, c/o Christopher B. Amandes, Amandes PLLC, 1414 West Clay Street, Houston, Texas 77019

Respondent: Mary Katherine Lightfoot, Baytown Olefins 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

DATES	Assigned	9-Feb-2021			
	PCW	13-Jul-2021	Screening	11-Feb-2021	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Exxon Mobil Corporation
Reg. Ent. Ref. No.	RN102212925
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60399	No. of Violations	2
Docket No.	2021-0282-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0% Adjustment	Subtotals 2, 3, & 7	\$7,500
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Notes: Enhancement due to two NOVs with same/similar violations and six orders containing a denial of liability. Reduction due to three notices of intent to conduct an audit and one disclosure of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$937
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$6,593
 Estimated Cost of Compliance: \$51,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,063
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$14,063
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,063
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,812
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$11,251
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Screening Date 11-Feb-2021

Docket No. 2021-0282-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 4 (April 2014)

Case ID No. 60399

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102212925

Media Air

Enf. Coordinator Danielle Porras

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>)	2	10%
	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>)	3	-3%
	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) 125%

>> **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 due to two NOVs with same/similar violations and six orders containing a denial of liability. Reduction due to three notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 125%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date 11-Feb-2021 **Docket No.** 2021-0282-AIR-E **PCW**
Respondent Exxon Mobil Corporation *Policy Revision 4 (April 2014)*
Case ID No. 60399 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN102212925
Media Air
Enf. Coordinator Danielle Porras

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 3452, PSDTX302M2, and PAL6, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1553, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 24, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 443.33 pounds ("lbs") of volatile organic compounds ("VOC"), 346.67 lbs of carbon monoxide ("CO"), and 49.32 lbs of nitrogen oxides ("NOx") from the Baytown Olefins Plant-X Flare, Emissions Point Number FLAREX, during an emissions event (Incident No. 297145) that occurred on November 13, 2018 and lasted one hour and 12 minutes. The emissions event occurred when near-freezing temperatures caused the failure of one of the cycling valves within the Pressure Swing Adsorption ("PSA") Unit, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or 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			Percent
		Major	Moderate	Minor	
	Actual			x	15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events: 1 Number of violation days: 1

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$6,575 **Violation Final Penalty Total** \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 60399
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)	\$50,000	13-Nov-2018	30-Jun-2021	2.63	\$6,575	n/a	\$6,575

Notes for DELAYED costs

Estimated cost to replace the cycling valve within the PSA Unit and to replace the control valves, upgrade the limit switches, and install new solenoids for the control valves on all four beds of the PSA Unit to improve performance under cyclic conditions in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 297145. The Date Required is the date the emissions event occurred and the Final Date is the 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 \$50,000

TOTAL \$6,575

Screening Date 11-Feb-2021 **Docket No.** 2021-0282-AIR-E **PCW**
Respondent Exxon Mobil Corporation *Policy Revision 4 (April 2014)*
Case ID No. 60399 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN102212925
Media Air
Enf. Coordinator Danielle Porras

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 3452, PSDTX302M2, and PAL6, SC No. 1, FOP No. O1553, GTC and STC No. 24, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 8.45 lbs of CO, 0.12 lb of hydrochloric acid, 0.15 lb of hydrogen sulfide, 0.20 lb of NOx, and 278.20 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 345853) that occurred on November 11, 2020 and lasted four hours and 28 minutes. The emissions event occurred when a hole on a section of effluent piping on the Octant 8 of the Baytown Olefins Plant-I Furnace caused an unplanned combustion incident, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or 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			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes The Respondent achieved compliance on February 8, 2021, prior to the NOE dated April 23, 2021.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$18 **Violation Final Penalty Total** \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 60399
Reg. Ent. Reference No. RN102212925
Media Air
Violation No. 2

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	\$1,500	11-Nov-2020	8-Feb-2021	0.24	\$18	n/a	\$18
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct training for the unit personnel to reinforce the unit procedures regarding furnace octant leak response in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 345853. The Date Required is the date the emissions event occurred and the Final Date is the 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 \$1,500

TOTAL \$18

The TCEQ is committed to accessibility.

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Compliance History Report

Compliance History Report for CN600123939, RN102212925, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600123939, Exxon Mobil Corporation **Classification:** SATISFACTORY **Rating:** 5.67

Regulated Entity: RN102212925, Exxon Mobil Chemical Baytown Olefins Plant **Classification:** SATISFACTORY **Rating:** 9.21

Complexity Points: 31 **Repeat Violator:** NO

CH Group: 02 - Oil and Petroleum Refineries

Location: 3525 Decker Drive, Baytown, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS PERMIT 1553
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 87751
AIR NEW SOURCE PERMITS REGISTRATION 95582
AIR NEW SOURCE PERMITS REGISTRATION 139961
AIR NEW SOURCE PERMITS REGISTRATION 131869
AIR NEW SOURCE PERMITS REGISTRATION 154040
AIR NEW SOURCE PERMITS PERMIT AMOC170
AIR NEW SOURCE PERMITS REGISTRATION 146579
AIR NEW SOURCE PERMITS REGISTRATION 156570
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX302M2
AIR NEW SOURCE PERMITS REGISTRATION 96117
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 31404
STORMWATER PERMIT TXR15591Z
WASTEWATER EPA ID TX0077887

POLLUTION PREVENTION PLANNING ID NUMBER P00232
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31404
TAX RELIEF ID NUMBER 23764

AIR OPERATING PERMITS ACCOUNT NUMBER HG0228H
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 87598
AIR NEW SOURCE PERMITS PERMIT 102982
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX24
AIR NEW SOURCE PERMITS REGISTRATION 135579
AIR NEW SOURCE PERMITS PERMIT AMOC5
AIR NEW SOURCE PERMITS REGISTRATION 162318
AIR NEW SOURCE PERMITS REGISTRATION 153939
AIR NEW SOURCE PERMITS REGISTRATION 160685
AIR NEW SOURCE PERMITS REGISTRATION 89698
AIR NEW SOURCE PERMITS REGISTRATION 123435
STORMWATER PERMIT TXR05W813

WASTEWATER PERMIT WQ0002184000
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0228H
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD980625966
TAX RELIEF ID NUMBER 23765

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: May 04, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 04, 2016 to May 04, 2021

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

Name: Danielle Porras

Phone: (713) 767-3682

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: 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.

- 2 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)).

- 3 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.

4 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)

5 Effective Date: 06/02/2020 ADMINORDER 2019-1593-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTC and STC Nos. 1, 24, and 28.B OP
NSR Special Condition No. 1 PERMIT
Description: failed to operate the flare with a flame present at all times and failed to prevent unauthorized emissions. Specifically, the Respondent operated the flare without a flame present and released 13.88 lbs of CO, 2.86 lbs of NOx, and 658.67 lbs of VOC from the Primary Flare, EPN FLARE1, during an emissions event (Incident No. 290750) that occurred on August 22, 2018 and lasted 16 minutes. when a steam valve to the Primary Flare was opened, resulting in a pilot flame outage and the release to the atmo

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	May 26, 2016	(1346773)
Item 2	June 24, 2016	(1353204)
Item 3	July 22, 2016	(1360170)
Item 4	August 23, 2016	(1355835)
Item 5	September 20, 2016	(1350944)
Item 6	October 05, 2016	(1373296)
Item 7	October 28, 2016	(1379485)
Item 8	November 17, 2016	(1385434)
Item 9	November 21, 2016	(1362726)
Item 10	December 16, 2016	(1391566)
Item 11	January 19, 2017	(1398189)
Item 12	January 20, 2017	(1371347)
Item 13	February 17, 2017	(1405082)
Item 14	March 15, 2017	(1412164)
Item 15	April 11, 2017	(1418665)
Item 16	May 18, 2017	(1426327)
Item 17	June 15, 2017	(1432310)
Item 18	June 16, 2017	(1388909)
Item 19	July 05, 2017	(1403920)
Item 20	July 19, 2017	(1440872)
Item 21	August 09, 2017	(1444560)
Item 22	August 23, 2017	(1408219)
Item 23	September 18, 2017	(1451148)
Item 24	October 16, 2017	(1457020)
Item 25	November 16, 2017	(1462477)
Item 26	December 15, 2017	(1468869)

Item 27	January 18, 2018	(1475574)
Item 28	February 20, 2018	(1487764)
Item 29	March 19, 2018	(1491447)
Item 30	April 19, 2018	(1494697)
Item 31	May 17, 2018	(1501647)
Item 32	June 18, 2018	(1508737)
Item 33	July 10, 2018	(1498520)
Item 34	July 19, 2018	(1515067)
Item 35	August 07, 2018	(1504019)
Item 36	August 17, 2018	(1521118)
Item 37	September 14, 2018	(1528302)
Item 38	October 12, 2018	(1534642)
Item 39	October 18, 2018	(1513745)
Item 40	November 16, 2018	(1542476)
Item 41	November 21, 2018	(1531110)
Item 42	November 30, 2018	(1530934)
Item 43	December 13, 2018	(1546240)
Item 44	December 27, 2018	(1537487)
Item 45	January 18, 2019	(1562793)
Item 46	February 19, 2019	(1562791)
Item 47	February 20, 2019	(1540502)
Item 48	February 25, 2019	(1544584)
Item 49	March 01, 2019	(1548621)
Item 50	March 12, 2019	(1531084)
Item 51	April 15, 2019	(1572854)
Item 52	May 20, 2019	(1585317)
Item 53	June 13, 2019	(1585318)
Item 54	July 10, 2019	(1594221)
Item 55	August 06, 2019	(1580472)
Item 56	August 13, 2019	(1600513)
Item 57	September 19, 2019	(1607416)
Item 58	October 09, 2019	(1614295)
Item 59	November 15, 2019	(1620087)
Item 60	December 13, 2019	(1627434)
Item 61	January 17, 2020	(1635067)
Item 62	February 14, 2020	(1641682)
Item 63	March 09, 2020	(1633639)
Item 64	April 13, 2020	(1654543)
Item 65	April 29, 2020	(1644533)
Item 66	May 08, 2020	(1661113)
Item 67	May 26, 2020	(1651677)
Item 68	June 18, 2020	(1667643)
Item 69	July 01, 2020	(1531077)
Item 70	July 08, 2020	(1659276)
Item 71	July 10, 2020	(1657460)
Item 72	August 17, 2020	(1681363)
Item 73	August 20, 2020	(1665425)
Item 74	September 15, 2020	(1687939)
Item 75	October 19, 2020	(1694287)
Item 76	November 19, 2020	(1685792)
Item 77	November 23, 2020	(1659637)
Item 78	December 11, 2020	(1692399)

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

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

1 Date: 08/26/2020 (1592404)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A PERMIT

Description: Failure to conduct daily highly reactive volatile organic compound (HRVOC) concentration sampling of the Primary Flare [EPN FLARE1] during a HRVOC analyzer malfunction. (Category C1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)
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)
Special Condition 17B PERMIT
Special Condition 3 PERMIT
Special Term and Condition 1A PERMIT
Special Term and Condition 24 PERMIT
Special Term and Condition 7E PERMIT

Description: Failure to calibrate the nitrogen oxide (NOx) continuous emissions monitoring system (CEMS) for the 164 MW Gas Turbine [EPN HRSG5] and the 39 MW Gas Turbine [EPN HRSG1]. (Category B1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
Special Condition 9 PERMIT
Special Term and Condition 1A PERMIT
Special Term and Condition 24 PERMIT

Description: Failure to operate the Secondary Flare [EPN FLARE2] with a pilot flame present at all times. (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(F)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A PERMIT
Special Term and Condition 23 PERMIT

Description: Failure to conduct sitewide monthly Method 9 visible emissions observations. (Category C1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 9 PERMIT
Special Term and Condition 1A PERMIT
Special Term and Condition 24 PERMIT

Description: Failure to maintain the minimum net heating value of the Secondary Flare [EPN FLARE2]. (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6602
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1D PERMIT

Description: Failure to complete required maintenance on the Diesel Engine [EPN DIESEL4]. (Category C4)

Self Report? NO Classification: Moderate

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)
Special Term and Condition 2F PERMIT

Description: Failure to create a final record for all non-reportable emissions events no later than two weeks after the end of an emissions event. (Category C3)

2 Date: 01/05/2021 (1672373)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)

5C THSC Chapter 382 382.085(b)
Special Condition 12E PERMIT
Special Term and Condition 1A OP
Special Term and Condition 24 OP

Description: Failure to prevent open-ended lines (OELs). (Category C10 violation)

Self Report? NO Classification: Moderate

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)
Special Condition 9 PERMIT
Special Term and Condition 1A OP
Special Term and Condition 24 OP

Description: Failure to prevent visible emissions from exceeding 5 minutes in a consecutive 2-hour period. (Category C4 violation)

Self Report? NO 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)
General Terms and Conditions OP

Description: Failure to report all instances of deviations for the period of April 1, 2018 through September 30, 2018. (Category C3 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to submit the permit compliance certification (PCC) within the required timeframe. (Category C3 violation)

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)
General Terms and Conditions OP

Description: Failure to submit a deviation report (DR) within the required timeframe. (Category C3 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to prevent ammonia slip exceedance for furnace C (Unit ID XXCF01-ST). (Category C7 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.147(a)(3)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 22 OP

Description: Failure to monitor the carbon canisters for the VOC collection system (Unit ID VOCSYSTEMXX). (Category B1 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to collect sample within ten hours of initial HRVOC analyzer malfunction for Unit ID PRIMFL (EPN FLARE1). (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)
Special Term and Condition 2F OP

Description: Failure to create final report for non-reportable emission event within 14 days. (Category C3 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to collect sample within ten hours of initial HRVOC analyzer malfunction for BOP-X flare (Unit ID/EPN FLAREX). (Category B1 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 2 PERMIT
Special Term and Condition 24 OP

Description: Failure to not exceed the hourly NOx emissions limit for Unit ID FLAREXX1. (Category C7 violation)

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)(B)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 23B(2) PERMIT
Special Term and Condition 1A OP
Special Term and Condition 24 OP

Description: Failure to adjust analyzer before the next daily calibration (Unit ID XXFF01-ST). (Category B18g(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)
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)
Special Condition 17B PERMIT
Special Term and Condition 24 OP

Description: Failure to complete daily calibrations for Unit ID CGF01 NOx and CO analyzers. (Category C1 violation)

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct method 21 to monitor carbon canisters for VOC collection system (Unit ID VOCSYSTEMXX). (Category C1 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 10A PERMIT
Special Term and Condition 1A OP

Description: Failure to maintain net heating value for Unit ID FLAREXX1. (Category C7 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.340(p)(2)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to submit a stack test report for diesel pump (Unit ID BOPXWWP1) within 60 days. (Category C3 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(8)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to maintain the CO analyzer daily validation records for Unit ID XGF01. (Category C3 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to prevent exceedance of opacity limit for Furnace B (Unit ID XXBF01-ST). (Category C7 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to prevent exceedance of opacity limit for Furnace C (Unit ID XXCF01-ST).

(Category C7 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to prevent exceedance of visible emission limit for BASE BOP Flare (Unit ID PRIMFL). (Category C7 violation)

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)(B)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 23B(2) PERMIT
Special Term and Condition 1A OP
Special Term and Condition 24 OP

Description: Failure to adjust O2 analyzer for furnace H (Unit ID XXHF01-ST) before the next daily calibration. (Category C4 violation)

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)(B)(i)
5C THSC Chapter 382 382.085(b)
Special Condition 17A PERMIT
Special Term and Condition 24 OP

Description: Failure to adjust NO2 analyzer for heat recovery steam generator #1 (Unit ID HRSG1) after calibration gas replacement. (Category C1 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to prevent exceedance of visible emission limit for Secondary Flare (Unit ID SECFL). (Category C7 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to prevent exceedance of visible emission limit for BOP-X Flare (Unit ID FLAREX). (Category C7 violation)

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)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7540(a)(12)

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.

Notice of Intent Date: 07/02/2020 (1664598)

No DOV Associated

Notice of Intent Date: 10/28/2020 (1692588)

No DOV Associated

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: EXXON MOBIL CHEMICAL BAYTOWN OLE

Reg Entity Add: 3525 DECKER DR

Reg Entity City: BAYTOWN

Reg Entity No: RN102212925

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 Stand

Citation:

Violation Type: Other/Miscellaneous

Cite Sect:

Cite Part:

Enforcement Action: Consent Decree or Court Order Resolving a Civil

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

**§
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§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2021-0282-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 \$14,063 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$5,626 of the penalty and \$2,812 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, \$5,625 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.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. On February 8, 2021, conducted training for the unit personnel to reinforce the unit procedures regarding furnace octant leak response in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 345853.
 - b. By June 30, 2021, replaced the cycling valve within the Pressure Swing Adsorption ("PSA") Unit and replaced the control valves, upgraded the limit switches, and installed new solenoids for the control valves on all four beds of the PSA Unit to improve performance under cyclic conditions in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 297145.

II. ALLEGATIONS

1. During a record review conducted from August 10, 2020 through September 7, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 3452, PSDTX302M2, and PAL6, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1553, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 443.33 pounds ("lbs") of volatile organic compounds ("VOC"), 346.67 lbs of carbon monoxide ("CO"), and 49.32 lbs of nitrogen oxides ("NOx") from the Baytown Olefins Plant-X Flare, Emissions Point Number FLAREX, during an emissions event (Incident No. 297145) that occurred on November 13, 2018 and lasted one hour and 12 minutes. The emissions event occurred when near-freezing temperatures caused the failure of one of the cycling valves within the PSA Unit, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. During a record review conducted from November 25, 2020 through February 11, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 3452, PSDTX302M2, and PAL6, SC No. 1, FOP No. O1553, GTC and STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 8.45 lbs of CO, 0.12 lb of hydrochloric acid, 0.15 lb of hydrogen sulfide, 0.20 lb of NOx, and 278.20 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 345853) that occurred on November 11, 2020 and lasted four hours and 28 minutes. The emissions event occurred when a hole on a section of effluent piping on the Octant 8 of the Baytown Olefins Plant-I Furnace caused an unplanned combustion incident, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or 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. 2021-0282-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 \$5,625 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. All relief not expressly granted in this Order is denied.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

5/2/2022

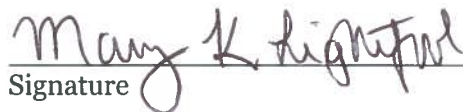
Date

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

3/3/22

Date

Mary K Lightfoot
Name (Printed or typed)
Authorized Representative of
Exxon Mobil Corporation

Baytown Olefins Plant Manager

Title

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

Attachment A
Docket Number: 2021-0282-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Exxon Mobil Corporation
Payable Penalty Amount:	\$11,251
SEP Offset Amount:	\$5,625
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor (“HRM”) 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

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

c. Minimum Expenditure

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

2. Performance Schedule

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

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Amandes PLLC
1414 West Clay Street

Exxon Mobil Corporation
Docket No. 2021-0282-AIR-E
Agreed Order - Attachment A

Houston, Texas 77019

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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