

Executive Summary – Enforcement Matter – Case No. 61159
ExxonMobil Oil Corporation
RN100542844
Docket No. 2021-1055-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

ExxonMobil Oil Beaumont Chemical Plant, 2775 Gulf States Road, Beaumont, Jefferson County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 8, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$28,500

Total Paid to General Revenue: \$14,250

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$14,250

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 9, 2021 and September 3, 2021

Date(s) of NOE(s): September 30, 2021 and July 23, 2021

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RN100542844
Docket No. 2021-1055-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 251.61 pounds ("lbs") of volatile organic compounds ("VOC"), 210.59 lbs of carbon monoxide, and 23.40 lbs of nitrogen oxides from the Low Pressure and High Pressure Flares, Emissions Point Number ("EPN") 11FLR_4142, during an emissions event (Incident No. 355374) that occurred on May 5, 2021, and lasted 47 minutes. The emissions event occurred when the transmitter reading escalated high to the Board Controller during the installation of a new transmitter that caused the auto control to open the kickback valves to the flare per design, 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), and 122.143(4), New Source Review ("NSR") Permit Nos. 83702, PSDTX843M2, PSDTX860M2, PAL 15, and GHGPSDTX176, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2292, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,678.10 lbs of VOC from the Decoking Vent B-630 1 A, B, EPN 10VNT_6301, during an emissions event (Incident No. 363398) that occurred on July 22, 2021, and lasted three minutes. The emissions event occurred when inadequate back pressure was applied to the furnace that was contrary to the procedure for lining up a furnace for de-coke from the primary fractionator to the de-coke stack, resulting in effluent to flow out of the stack from a sister furnace and 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), and 122.143(4), NSR Permit Nos. 83702, PSDTX843M2, PSDTX860M2, PAL 15, and GHGPSDTX176, SC No. 1, FOP No. O2292, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. By updating the schematics for the Electronic Controller, the piping and instrumentation diagrams for the Surge Controller, and the Ring Fence procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 355374 by August 1, 2021; and

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RN100542844
Docket No. 2021-1055-AIR-E**

b. By updating the procedures to sustain adequate control pressure throughout the operation of the manual valves, relocating the heater pressure gauge for enhanced visual verification, and realigning the outlet pressure instrument settings for enhanced response time in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 363398 by December 2, 2021.

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: Kate Dacy, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-4593; 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: Southeast Texas Regional Planning Commission, 2210 Eastex Freeway, Beaumont, Texas 77703

Respondent: Michael A. Mustian, Site Manager, ExxonMobil Oil Corporation, P.O. Box 3868, Beaumont, Texas 77704

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	26-Jul-2021			
	PCW	24-Mar-2022	Screening	4-Aug-2021	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	ExxonMobil Oil Corporation
Reg. Ent. Ref. No.	RN100542844
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61159	No. of Violations	2
Docket No.	2021-1055-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kate Dacy
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0% Adjustment	Subtotals 2, 3, & 7	\$15,000
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Notes: Enhancement for six orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and two disclosures 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	-\$1,500
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$303
 Estimated Cost of Compliance: \$20,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$28,500
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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	\$28,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$28,500
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral for orders in which the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(2), (b)(4), and (b)(6).

PAYABLE PENALTY	\$28,500
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Screening Date 4-Aug-2021

Docket No. 2021-1055-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 5 (January 28, 2021)

Case ID No. 61159

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100542844

Media Air

Enf. Coordinator Kate Dacy

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>)	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>)	2	-4%
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) 113%

>> 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 orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 113%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 4-Aug-2021 **Docket No.** 2021-1055-AIR-E **PCW**
Respondent ExxonMobil Oil Corporation *Policy Revision 5 (January 28, 2021)*
Case ID No. 61159 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100542844
Media Air
Enf. Coordinator Kate Dacy

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 83702, PSDTX843M2, PSDTX860M2, PAL 15, and GHGPSDTX176, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2292, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 26, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 251.61 pounds ("lbs") of volatile organic compounds ("VOC"), 210.59 lbs of carbon monoxide, and 23.40 lbs of nitrogen oxides from the Low Pressure and High Pressure Flares, Emissions Point Number ("EPN") 11FLR_4142, during an emissions event (Incident No. 355374) that occurred on May 5, 2021, and lasted 47 minutes. The emissions event occurred when the transmitter reading escalated high to the Board Controller during the installation of a new transmitter that caused the auto control to open the kickback valves to the flare per design, 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	30.0%
	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 \$17,500

\$7,500

Violation Events

Number of Violation Events: 1 1 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 10.0% Reduction \$750

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

Notes: The Respondent achieved compliance by August 1, 2021, after the Notice of Enforcement ("NOE") dated July 23, 2021.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation **Statutory Limit Test**
 Estimated EB Amount \$121 Violation Final Penalty Total \$14,250
This violation Final Assessed Penalty (adjusted for limits) \$14,250

Economic Benefit Worksheet

Respondent ExxonMobil Oil Corporation
Case ID No. 61159
Reg. Ent. Reference No. RN100542844
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	5-May-2021	1-Aug-2021	0.24	\$121	n/a	\$121

Notes for DELAYED costs

Estimated cost to update the schematics for the Electronic Controller, the piping and instrumentation diagrams for the Surge Controller, and the Ring Fence procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 355374. 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 \$10,000

TOTAL \$121

Screening Date 4-Aug-2021 **Docket No.** 2021-1055-AIR-E **PCW**
Respondent ExxonMobil Oil Corporation *Policy Revision 5 (January 28, 2021)*
Case ID No. 61159 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100542844
Media Air
Enf. Coordinator Kate Dacy

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 83702, PSDTX843M2, PSDTX860M2, PAL 15, and GHGPSDTX176, SC No. 1, FOP No. O2292, GTC and STC No. 26, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,678.10 lbs of VOC from the Decoking Vent B-630 1 A, B, EPN 10VNT_6301, during an emissions event (Incident No. 363398) that occurred on July 22, 2021, and lasted three minutes. The emissions event occurred when inadequate back pressure was applied to the furnace that was contrary to the procedure for lining up a furnace for de-coke from the primary fractionator to the de-coke stack, resulting in effluent to flow out of the stack from a sister furnace and 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	30.0%
	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 \$17,500

\$7,500

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	x
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	x
N/A	<input type="text"/>	<input type="text"/>

Notes The Respondent achieved compliance by December 2, 2021, after the NOE dated September 30, 2021.

Violation Subtotal \$6,750

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent ExxonMobil Oil Corporation
Case ID No. 61159
Reg. Ent. Reference No. RN100542844
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				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	22-Jul-2021	2-Dec-2021	0.36	\$182	n/a	\$182

Notes for DELAYED costs

Estimated cost to update the procedures to sustain adequate control pressure throughout the operation of the manual valves, relocate the heater pressure gauge for enhanced visual verification, and realign the outlet pressure instrument settings for enhanced response time in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 363398. 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 \$10,000

TOTAL \$182

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Compliance History Report

Compliance History Report for CN600920748, RN100542844, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600920748, ExxonMobil Oil Corporation **Classification:** SATISFACTORY **Rating:** 2.36

Regulated Entity: RN100542844, EXXONMOBIL OIL BEAUMONT CHEMICAL PLANT **Classification:** SATISFACTORY **Rating:** 6.33

Complexity Points: 21 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 2775 GULF STATES ROAD, BEAUMONT, JEFFERSON COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0062S
AIR OPERATING PERMITS ACCOUNT NUMBER JE00640
AIR NEW SOURCE PERMITS AFS NUM 4824500009
AIR NEW SOURCE PERMITS REGISTRATION 10249
AIR NEW SOURCE PERMITS REGISTRATION 10728
AIR NEW SOURCE PERMITS REGISTRATION 11791
AIR NEW SOURCE PERMITS REGISTRATION 10194
AIR NEW SOURCE PERMITS REGISTRATION 11641
AIR NEW SOURCE PERMITS REGISTRATION 12105
AIR NEW SOURCE PERMITS REGISTRATION 146488
AIR NEW SOURCE PERMITS REGISTRATION 89622
AIR NEW SOURCE PERMITS REGISTRATION 87214
AIR NEW SOURCE PERMITS REGISTRATION 88670
AIR NEW SOURCE PERMITS REGISTRATION 86098
AIR NEW SOURCE PERMITS REGISTRATION 84807
AIR NEW SOURCE PERMITS REGISTRATION 87749
AIR NEW SOURCE PERMITS REGISTRATION 86629
AIR NEW SOURCE PERMITS REGISTRATION 88072
AIR NEW SOURCE PERMITS REGISTRATION 86103
AIR NEW SOURCE PERMITS REGISTRATION 90584
AIR NEW SOURCE PERMITS REGISTRATION 90458
AIR NEW SOURCE PERMITS REGISTRATION 92533
AIR NEW SOURCE PERMITS REGISTRATION 92524
AIR NEW SOURCE PERMITS REGISTRATION 93201
AIR NEW SOURCE PERMITS REGISTRATION 92777
AIR NEW SOURCE PERMITS REGISTRATION 93549
AIR NEW SOURCE PERMITS REGISTRATION 93430
AIR NEW SOURCE PERMITS REGISTRATION 94227
AIR NEW SOURCE PERMITS REGISTRATION 94632
AIR NEW SOURCE PERMITS REGISTRATION 96016
AIR NEW SOURCE PERMITS REGISTRATION 96013
AIR NEW SOURCE PERMITS REGISTRATION 98803
AIR NEW SOURCE PERMITS REGISTRATION 98967
AIR NEW SOURCE PERMITS REGISTRATION 100528
AIR NEW SOURCE PERMITS REGISTRATION 98543
AIR NEW SOURCE PERMITS REGISTRATION 98541
AIR NEW SOURCE PERMITS REGISTRATION 101064
AIR NEW SOURCE PERMITS REGISTRATION 103791
AIR NEW SOURCE PERMITS REGISTRATION 103644
AIR NEW SOURCE PERMITS REGISTRATION 103646
AIR NEW SOURCE PERMITS REGISTRATION 103634

AIR OPERATING PERMITS PERMIT 2201
AIR OPERATING PERMITS PERMIT 2292
AIR NEW SOURCE PERMITS REGISTRATION 10248
AIR NEW SOURCE PERMITS REGISTRATION 10575
AIR NEW SOURCE PERMITS REGISTRATION 11238
AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0062S
AIR NEW SOURCE PERMITS REGISTRATION 10242
AIR NEW SOURCE PERMITS REGISTRATION 11642
AIR NEW SOURCE PERMITS REGISTRATION 12362
AIR NEW SOURCE PERMITS REGISTRATION 146584
AIR NEW SOURCE PERMITS PERMIT 83702
AIR NEW SOURCE PERMITS REGISTRATION 88017
AIR NEW SOURCE PERMITS REGISTRATION 87219
AIR NEW SOURCE PERMITS REGISTRATION 87842
AIR NEW SOURCE PERMITS REGISTRATION 88053
AIR NEW SOURCE PERMITS REGISTRATION 87572
AIR NEW SOURCE PERMITS REGISTRATION 84781
AIR NEW SOURCE PERMITS REGISTRATION 87570
AIR NEW SOURCE PERMITS REGISTRATION 88356
AIR NEW SOURCE PERMITS REGISTRATION 88031
AIR NEW SOURCE PERMITS REGISTRATION 92650
AIR NEW SOURCE PERMITS REGISTRATION 92996
AIR NEW SOURCE PERMITS REGISTRATION 92221
AIR NEW SOURCE PERMITS REGISTRATION 91572
AIR NEW SOURCE PERMITS REGISTRATION 93373
AIR NEW SOURCE PERMITS REGISTRATION 93538
AIR NEW SOURCE PERMITS REGISTRATION 93724
AIR NEW SOURCE PERMITS REGISTRATION 94021
AIR NEW SOURCE PERMITS REGISTRATION 94716
AIR NEW SOURCE PERMITS REGISTRATION 96759
AIR NEW SOURCE PERMITS REGISTRATION 96009
AIR NEW SOURCE PERMITS REGISTRATION 96262
AIR NEW SOURCE PERMITS REGISTRATION 98128
AIR NEW SOURCE PERMITS REGISTRATION 98448
AIR NEW SOURCE PERMITS REGISTRATION 100858
AIR NEW SOURCE PERMITS REGISTRATION 100938
AIR NEW SOURCE PERMITS REGISTRATION 98534
AIR NEW SOURCE PERMITS REGISTRATION 103621
AIR NEW SOURCE PERMITS REGISTRATION 103623
AIR NEW SOURCE PERMITS REGISTRATION 103638
AIR NEW SOURCE PERMITS REGISTRATION 103620

AIR NEW SOURCE PERMITS REGISTRATION 103625
AIR NEW SOURCE PERMITS REGISTRATION 104598
AIR NEW SOURCE PERMITS REGISTRATION 103662
AIR NEW SOURCE PERMITS REGISTRATION 103627
AIR NEW SOURCE PERMITS REGISTRATION 109234
AIR NEW SOURCE PERMITS REGISTRATION 135589
AIR NEW SOURCE PERMITS REGISTRATION 108229
AIR NEW SOURCE PERMITS REGISTRATION 141283
AIR NEW SOURCE PERMITS REGISTRATION 111104
AIR NEW SOURCE PERMITS REGISTRATION 118970
AIR NEW SOURCE PERMITS REGISTRATION 131581
AIR NEW SOURCE PERMITS REGISTRATION 141227
AIR NEW SOURCE PERMITS REGISTRATION 118725
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX860M1
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX843M1
AIR NEW SOURCE PERMITS REGISTRATION 107418
AIR NEW SOURCE PERMITS REGISTRATION 134676
AIR NEW SOURCE PERMITS REGISTRATION 133391
AIR NEW SOURCE PERMITS REGISTRATION 133210
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX860
AIR NEW SOURCE PERMITS REGISTRATION 151928
AIR NEW SOURCE PERMITS REGISTRATION 155257
AIR NEW SOURCE PERMITS REGISTRATION 150404
AIR NEW SOURCE PERMITS REGISTRATION 152832
AIR NEW SOURCE PERMITS REGISTRATION 168314
AIR NEW SOURCE PERMITS REGISTRATION 164565
AIR NEW SOURCE PERMITS REGISTRATION 162702
AIR NEW SOURCE PERMITS REGISTRATION 163337
AIR NEW SOURCE PERMITS REGISTRATION 163084
AIR NEW SOURCE PERMITS REGISTRATION 163469
AIR NEW SOURCE PERMITS REGISTRATION 162972
AIR NEW SOURCE PERMITS REGISTRATION 165707
AIR NEW SOURCE PERMITS REGISTRATION 148837
AIR NEW SOURCE PERMITS REGISTRATION 143271
AIR NEW SOURCE PERMITS REGISTRATION 145535
AIR NEW SOURCE PERMITS REGISTRATION 150362
AIR NEW SOURCE PERMITS REGISTRATION 146205
AIR NEW SOURCE PERMITS REGISTRATION 148978
AIR NEW SOURCE PERMITS REGISTRATION 147989
AIR NEW SOURCE PERMITS REGISTRATION 149085
AIR NEW SOURCE PERMITS REGISTRATION 147014
AIR NEW SOURCE PERMITS REGISTRATION 146029
AIR NEW SOURCE PERMITS REGISTRATION 149247
AIR NEW SOURCE PERMITS REGISTRATION 145139
AIR NEW SOURCE PERMITS REGISTRATION 143505
AIR NEW SOURCE PERMITS REGISTRATION 160856
AIR NEW SOURCE PERMITS REGISTRATION 153136
AIR NEW SOURCE PERMITS REGISTRATION 152414
AIR NEW SOURCE PERMITS REGISTRATION 157762
AIR NEW SOURCE PERMITS REGISTRATION 155719
AIR NEW SOURCE PERMITS REGISTRATION 161691
AIR NEW SOURCE PERMITS REGISTRATION 161243
AIR NEW SOURCE PERMITS REGISTRATION 159001
AIR NEW SOURCE PERMITS REGISTRATION 159365
AIR NEW SOURCE PERMITS REGISTRATION 160716
AIR NEW SOURCE PERMITS REGISTRATION 160549
AIR NEW SOURCE PERMITS REGISTRATION 153135
AIR NEW SOURCE PERMITS REGISTRATION 156201
AIR NEW SOURCE PERMITS REGISTRATION 156356

AIR NEW SOURCE PERMITS REGISTRATION 103642
AIR NEW SOURCE PERMITS REGISTRATION 103629
AIR NEW SOURCE PERMITS REGISTRATION 103630
AIR NEW SOURCE PERMITS REGISTRATION 103624
AIR NEW SOURCE PERMITS REGISTRATION 133925
AIR NEW SOURCE PERMITS REGISTRATION 139871
AIR NEW SOURCE PERMITS REGISTRATION 133866
AIR NEW SOURCE PERMITS REGISTRATION 107301
AIR NEW SOURCE PERMITS REGISTRATION 105610
AIR NEW SOURCE PERMITS REGISTRATION 106580
AIR NEW SOURCE PERMITS REGISTRATION 124509
AIR NEW SOURCE PERMITS REGISTRATION 108953
AIR NEW SOURCE PERMITS REGISTRATION 141302
AIR NEW SOURCE PERMITS REGISTRATION 132694
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX843
AIR NEW SOURCE PERMITS REGISTRATION 111674
AIR NEW SOURCE PERMITS REGISTRATION 118101
AIR NEW SOURCE PERMITS REGISTRATION 115763
AIR NEW SOURCE PERMITS REGISTRATION 123065
AIR NEW SOURCE PERMITS REGISTRATION 124303
AIR NEW SOURCE PERMITS REGISTRATION 151663
AIR NEW SOURCE PERMITS REGISTRATION 151423
AIR NEW SOURCE PERMITS REGISTRATION 152286
AIR NEW SOURCE PERMITS REGISTRATION 152811
AIR NEW SOURCE PERMITS REGISTRATION 164361
AIR NEW SOURCE PERMITS REGISTRATION 164102
AIR NEW SOURCE PERMITS REGISTRATION 167048
AIR NEW SOURCE PERMITS REGISTRATION 166134
AIR NEW SOURCE PERMITS REGISTRATION 164870
AIR NEW SOURCE PERMITS REGISTRATION 165092
AIR NEW SOURCE PERMITS REGISTRATION 164313
AIR NEW SOURCE PERMITS REGISTRATION 149939
AIR NEW SOURCE PERMITS REGISTRATION 149298
AIR NEW SOURCE PERMITS REGISTRATION 142798
AIR NEW SOURCE PERMITS REGISTRATION 149151
AIR NEW SOURCE PERMITS REGISTRATION 151741
AIR NEW SOURCE PERMITS REGISTRATION 150023
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX843M2
AIR NEW SOURCE PERMITS REGISTRATION 148639
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX176
AIR NEW SOURCE PERMITS REGISTRATION 151203
AIR NEW SOURCE PERMITS REGISTRATION 149579
AIR NEW SOURCE PERMITS REGISTRATION 147872
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX860M2
AIR NEW SOURCE PERMITS REGISTRATION 149083
AIR NEW SOURCE PERMITS REGISTRATION 154954
AIR NEW SOURCE PERMITS REGISTRATION 157740
AIR NEW SOURCE PERMITS REGISTRATION 156724
AIR NEW SOURCE PERMITS REGISTRATION 159795
AIR NEW SOURCE PERMITS REGISTRATION 159737
AIR NEW SOURCE PERMITS REGISTRATION 154609
AIR NEW SOURCE PERMITS REGISTRATION 154145
AIR NEW SOURCE PERMITS REGISTRATION 159214
AIR NEW SOURCE PERMITS REGISTRATION 158133
AIR NEW SOURCE PERMITS REGISTRATION 155588
AIR NEW SOURCE PERMITS PERMIT AMOC165
AIR NEW SOURCE PERMITS REGISTRATION 159583
AIR NEW SOURCE PERMITS REGISTRATION 157253
AIR NEW SOURCE PERMITS REGISTRATION 152099

AIR NEW SOURCE PERMITS REGISTRATION 154649
AIR NEW SOURCE PERMITS REGISTRATION 157935
AIR NEW SOURCE PERMITS REGISTRATION 160311

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30047
STORMWATER PERMIT TXR15569Z
WASTEWATER EPA ID TX0004227
POLLUTION PREVENTION PLANNING ID NUMBER
P00436
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD000449694

AIR NEW SOURCE PERMITS REGISTRATION 154339
AIR NEW SOURCE PERMITS REGISTRATION 153134
LEAKING PETROLEUM STORAGE TANKS REMEDIATION
ID NUMBER 105840
STORMWATER PERMIT TXR15NI65
WASTEWATER PERMIT WQ0000462000
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0062S
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30047
TAX RELIEF ID NUMBER 24515

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: March 24, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 24, 2017 to March 24, 2022

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

Name: Kate Dacy

Phone: (512) 239-4593

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: 06/05/2018 ADMINORDER 2016-1967-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: PSDTX843, PSDTX860, and PAL15 SC1 PERMIT
Special Term & Condition 25 OP

Description: Failure to prevent unauthorized emissions.

2 Effective Date: 04/09/2019 ADMINORDER 2018-0686-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 25 OP

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 6,212.83 pounds ("lbs") of volatile organic compounds, 487.6 lbs of nitrogen oxides, and 3,906.37 lbs of carbon monoxide from the Low Pressure and High Pressure Flares, Emissions Point Number 11FLR_4142, during an avoidable emissions event (Incident No. 271313) that began on October 28, 2017 and lasted seven hours.

3 Effective Date: 01/16/2021 ADMINORDER 2020-0268-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Term and Condition 25 OP

Description: Failure to prevent unauthorized emissions at the Catalyst Unit for Incident 310047. EIC A10.(b); MOD (D)

- 4 Effective Date: 07/14/2021 ADMINORDER 2020-0802-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Term and Condition 25 OP
Description: Failure to prevent unauthorized emissions at the Ethylene Unit for Incident 309875. EIC A10.(b), MOD (D)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Term and Condition 25 OP
Description: Failure to prevent unauthorized emissions at the Ethylene Unit for Incident 315971. EIC A10.(b), MOD (D)
- 5 Effective Date: 09/07/2021 ADMINORDER 2020-1438-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 26 OP
Description: Failure to prevent unauthorized emissions to the atmosphere during emissions event incident 340932.

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 03, 2017	(4771)
Item 2	April 06, 2017	(149371)
Item 3	April 11, 2017	(1403185)
Item 4	May 23, 2017	(1425188)
Item 5	May 24, 2017	(1410463)
Item 6	June 23, 2017	(1431191)
Item 7	July 25, 2017	(1439800)
Item 8	August 17, 2017	(1443488)
Item 9	September 15, 2017	(1437097)
Item 10	September 18, 2017	(1437312)
Item 11	September 27, 2017	(1450115)
Item 12	October 24, 2017	(1442963)
Item 13	October 25, 2017	(1455935)
Item 14	November 21, 2017	(1453612)
Item 15	November 22, 2017	(1461416)
Item 16	December 21, 2017	(1459502)
Item 17	December 25, 2017	(1467795)
Item 18	January 12, 2018	(1461034)
Item 19	January 23, 2018	(1464704)

Item 20	January 25, 2018	(1474500)
Item 21	February 22, 2018	(1486726)
Item 22	March 07, 2018	(1466446)
Item 23	March 23, 2018	(1490403)
Item 24	April 02, 2018	(1474403)
Item 25	April 12, 2018	(1447985)
Item 26	April 25, 2018	(1493640)
Item 27	May 30, 2018	(1500558)
Item 28	June 21, 2018	(1507675)
Item 29	July 16, 2018	(1500407)
Item 30	July 23, 2018	(1500436)
Item 31	July 24, 2018	(1513992)
Item 32	August 17, 2018	(1520054)
Item 33	September 10, 2018	(1498301)
Item 34	September 25, 2018	(1527219)
Item 35	October 25, 2018	(1533577)
Item 36	November 16, 2018	(1541412)
Item 37	November 30, 2018	(1530497)
Item 38	December 24, 2018	(1545196)
Item 39	January 25, 2019	(1559563)
Item 40	February 25, 2019	(1559561)
Item 41	March 25, 2019	(1559562)
Item 42	April 08, 2019	(1554819)
Item 43	April 10, 2019	(1554959)
Item 44	April 24, 2019	(1571793)
Item 45	May 18, 2019	(1569153)
Item 46	May 24, 2019	(1570044)
Item 47	June 12, 2019	(1571545)
Item 48	July 03, 2019	(1571628)
Item 49	July 25, 2019	(1593106)
Item 50	August 21, 2019	(1599452)
Item 51	September 18, 2019	(1606357)
Item 52	October 21, 2019	(1613203)
Item 53	October 24, 2019	(1604124)
Item 54	November 21, 2019	(1619017)
Item 55	December 16, 2019	(1626369)
Item 56	January 06, 2020	(1612419)
Item 57	January 13, 2020	(1634010)
Item 58	January 22, 2020	(1616697)
Item 59	January 23, 2020	(1618221)
Item 60	January 29, 2020	(1618510)
Item 61	February 10, 2020	(1625429)
Item 62	February 12, 2020	(1626227)
Item 63	February 18, 2020	(1640629)
Item 64	March 10, 2020	(1632888)
Item 65	April 07, 2020	(1639121)
Item 66	April 14, 2020	(1633087)
Item 67	May 19, 2020	(1660071)
Item 68	May 28, 2020	(1645560)
Item 69	June 14, 2020	(1666576)
Item 70	June 29, 2020	(1650424)
Item 71	July 16, 2020	(1673533)
Item 72	July 29, 2020	(1693223)
Item 73	August 13, 2020	(1680307)
Item 74	September 17, 2020	(1686877)
Item 75	November 19, 2020	(1712362)
Item 76	December 18, 2020	(1712363)
Item 77	January 15, 2021	(1712364)
Item 78	January 20, 2021	(1698166)
Item 79	February 18, 2021	(1725417)

Item 80	March 22, 2021	(1725418)
Item 81	April 21, 2021	(1725419)
Item 82	April 22, 2021	(1702478)
Item 83	April 23, 2021	(1709240)
Item 84	May 14, 2021	(1708901)
Item 85	May 19, 2021	(1740022)
Item 86	May 26, 2021	(1711878)
Item 88	May 28, 2021	(1711880)
Item 89	June 09, 2021	(1710735)
Item 90	June 21, 2021	(1747556)
Item 91	July 21, 2021	(1751673)
Item 92	August 21, 2021	(1757138)
Item 93	September 20, 2021	(1683757)
Item 94	September 22, 2021	(1766216)
Item 95	September 23, 2021	(1685327)
Item 96	September 30, 2021	(1711100)
Item 97	October 22, 2021	(1776620)
Item 98	November 22, 2021	(1783589)
Item 99	December 21, 2021	(1790613)
Item 100	January 19, 2022	(1798408)

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: 12/17/2019 (1618743)

Disclosure Date: 03/11/2020

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(a)
4F TWC Chapter 63, SubChapter A 63.165(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(d)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(d)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)

Rqmt Prov: PERMIT SC 52.E
PERMIT SC 52.F
PERMIT SC 53.F
PERMIT SC 54

Description: Failed to tag and monitor 129 valves, 41 PRVs, and 399 connectors in Wharf (05FUG_002) since equipment installation.

Disclosure Date: 06/05/2020

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1030(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1030(c)

Rqmt Prov: PERMIT Special Condition No. 54
PERMIT Special Conditions No. 52.E
PERMIT Special Conditions No. 52.F

Description: Failed to tag and monitor 357 valves, 24 PRVs, and 817 connectors throughout the unit (Coldbox 04FUG_003) since equipment installation.

Notice of Intent Date: 07/02/2021 (1773670)
No DOV Associated

Notice of Intent Date: 08/26/2021 (1762285)

Disclosure Date: 11/09/2021

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(1)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(1)

Rqmt Prov: PERMIT SC 52.E
PERMIT SC 52.F
PERMIT SC 54

Description: Failed to tag and monitor 294 valves and 680 connectors throughout the Flare System (11FUG_002) since equipment installation.

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: EXXONMOBIL OIL BEAUMONT CHEMICAL

Reg Entity Add: 2775 GULF STATES RD

Reg Entity City: BEAUMONT

Reg Entity No: RN100542844

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
EXXONMOBIL OIL CORPORATION
RN100542844

§
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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1055-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ExxonMobil Oil Corporation (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 chemical manufacturing plant located at 2775 Gulf States Road in Beaumont, Jefferson 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 \$28,500 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$14,250 of the penalty.

Pursuant to TEX. WATER CODE § 7.067, \$14,250 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. By updating the schematics for the Electronic Controller, the piping and instrumentation diagrams for the Surge Controller, and the Ring Fence procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 355374 by August 1, 2021; and
 - b. By updating the procedures to sustain adequate control pressure throughout the operation of the manual valves, relocating the heater pressure gauge for enhanced visual verification, and realigning the outlet pressure instrument settings for enhanced response time in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 363398 by December 2, 2021.

II. ALLEGATIONS

1. During a record review conducted on July 9, 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), and 122.143(4), New Source Review ("NSR") Permit Nos. 83702, PSDTX843M2, PSDTX860M2, PAL 15, and GHGPSDTX176, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2292, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 251.61 pounds ("lbs") of volatile organic compounds ("VOC"), 210.59 lbs of carbon monoxide, and 23.40 lbs of nitrogen oxides from the Low Pressure and High Pressure Flares, Emissions Point Number ("EPN") 11FLR_4142, during an emissions event (Incident No. 355374) that occurred on May 5, 2021, and lasted 47 minutes. The emissions event occurred when the transmitter reading escalated high to the Board Controller during the installation of a new transmitter that caused the auto control to open the kickback valves to the flare per design, 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 on September 3, 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), and 122.143(4), NSR Permit Nos. 83702, PSDTX843M2, PSDTX860M2, PAL 15, and GHGPSDTX176, SC No. 1, FOP No. O2292, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,678.10 lbs of VOC from the Decoking Vent B-630 1 A, B, EPN 10VNT_6301, during an emissions event (Incident No. 363398) that occurred on July 22, 2021, and lasted three minutes. The emissions event occurred when inadequate back pressure was applied to the furnace that was contrary to the procedure for lining up a furnace for de-coke from the primary fractionator to the de-coke stack, resulting in effluent to flow out of the stack from a sister furnace and 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: ExxonMobil Oil Corporation, Docket No. 2021-1055-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 \$14,250 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

9/28/2022

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

6/8/2022

Date

Name (Printed or typed)

Michael A. Mustian

Authorized Representative of
ExxonMobil Oil Corporation

Site 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: 2021-1055-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ExxonMobil Oil Corporation
Payable Penalty Amount:	\$28,500
SEP Offset Amount:	\$14,250
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>Lighthouse Program</i>
Total Project Budget:	\$5,679,300.00
Location of SEP:	Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project (the “Project”). The Project is to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners, coordinate between the contractors and the homeowners to answer questions, ensure that work is done timely and properly, and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The Project will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP agreement between the Third-Party Administrator and the TCEQ.

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

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

B. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

C. Minimum Expenditure

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

2. Performance Schedule

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

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

ExxonMobil Oil Corporation
Docket No. 2021-1055-AIR-E
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.