

**Executive Summary – Enforcement Matter – Case No. 61468**  
**Exxon Mobil Corporation**  
**RN102574803**  
**Docket No. 2021-1379-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

ExxonMobil Chemical Baytown Chemical Plant, 5000 Bayway Drive, Baytown, Harris 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:** June 23, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,325

**Amount Deferred for Expedited Settlement:** \$1,665

**Total Paid to General Revenue:** \$3,330

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$3,330

Name of SEP: Barbers Hill Independent School District (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:** March 25, 2021 through August 10, 2021

**Date(s) of NOE(s):** October 6, 2021

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Exxon Mobil Corporation  
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Docket No. 2021-1379-AIR-E**

***Violation Information***

Failed to prevent unauthorized emissions. Specifically, the Respondent released 756.06 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 352442) that occurred on March 10, 2021 and lasted four hours and 20 minutes. The emissions event occurred due to corrosion under insulation that impacted the Aromatics Extraction Unit Stripper Column T-420 support ring, resulting in a leak 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 §§ 116.115(c) and 122.143(4), New Source Review Permit Nos. 20211 and PAL16, Special Conditions No. 1, Federal Operating Permit No. O2269, General Terms and Conditions and Special Terms and Conditions No. 30, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By June 30, 2022, the Respondent inspected and repaired via welding of metal repair patches to the affected areas, conducted an ad-hoc inspection of the entire Aromatics Extraction Unit Stripper Column T-420 Tower, installed engineered wraps at additional locations where the potential of corrosion under insulation were identified, and proactively removed all insulation on the Aromatics Extraction Unit Stripper Column T-420 in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 352442.

**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:** Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; 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:** John Johnson, Consultant, Carl R. Griffith & Associates, Inc., 2901 Turtle Creek Drive, Suite 445, Port Arthur, Texas 77642

**Respondent:** Wim Blokker, Plant Manager, Exxon Mobil Corporation, P.O. Box 4004, Baytown, Texas 77522

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	11-Oct-2021	<b>Screening</b>	13-Oct-2021	<b>EPA Due</b>	
	<b>PCW</b>	30-Apr-2023				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Exxon Mobil Corporation
<b>Reg. Ent. Ref. No.</b>	RN102574803
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61468	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-1379-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Johnnie Wu
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

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

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

<b>Compliance History</b>	21.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$1,575
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Notes: Enhancement for one NOV with same/similar violations and one order containing a denial of liability. Reduction for four notices of intent to conduct an audit.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$750
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,307
Estimated Cost of Compliance	\$20,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$8,325
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$8,325
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$8,325
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$1,665
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$6,660
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Screening Date 13-Oct-2021

Docket No. 2021-1379-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 5 (January 28, 2021)

Case ID No. 61468

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102574803

Media Air

Enf. Coordinator Johnnie Wu

### 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> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	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> )	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
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) 21%

#### >> 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 one NOV with same/similar violations and one order containing a denial of liability. Reduction for four notices of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 21%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 21%

<b>Screening Date</b>	13-Oct-2021	<b>Docket No.</b>	2021-1379-AIR-E	<b>PCW</b>
<b>Respondent</b>	Exxon Mobil Corporation			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	61468			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102574803			
<b>Media</b>	Air			
<b>Enf. Coordinator</b>	Johnnie Wu			

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit Nos. 20211 and PAL16, Special Conditions No. 1, Federal Operating Permit No. O2269, General Terms and Conditions and Special Terms and Conditions No. 30, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent unauthorized emissions. Specifically, the Respondent released 756.06 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 352442) that occurred on March 10, 2021 and lasted four hours and 20 minutes. The emissions event occurred due to corrosion under insulation that impacted the Aromatics Extraction Unit Stripper Column T-420 support ring, resulting in a leak 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**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="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**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

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"/>	<input type="text" value="x"/>
N/A	<input type="text"/>	<input type="text"/>

**Notes** The Respondent completed the corrective measures by June 30, 2022, after the Notice of Enforcement dated October 6, 2021.

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

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

# Economic Benefit Worksheet

**Respondent** Exxon Mobil Corporation  
**Case ID No.** 61468  
**Reg. Ent. Reference No.** RN102574803  
**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)	\$20,000	10-Mar-2021	30-Jun-2022	1.31	\$1,307	n/a	\$1,307

**Notes for DELAYED costs**

Estimated costs to inspect and repair via welding of metal repair patches to the affected areas, conducted an ad-hoc inspection of the entire Aromatics Extraction Unit Stripper Column T-420 Tower, install engineered wraps at additional locations where the potential of corrosion under insulation were identified, and proactively remove all insulation on the Aromatics Extraction Unit Stripper Column T-420 in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 352442. 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 \$20,000

**TOTAL** \$1,307



# Compliance History Report

Compliance History Report for CN600123939, RN102574803, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN600123939, Exxon Mobil Corporation      **Classification:** SATISFACTORY      **Rating:** 5.30  
**Regulated Entity:** RN102574803, ExxonMobil Chemical Baytown Chemical Plant      **Classification:** SATISFACTORY      **Rating:** 1.26  
**Complexity Points:** 28      **Repeat Violator:** NO  
**CH Group:** 01 - Gas Stations with convenience Stores and other Gas Stations  
**Location:** 5000 Bayway Drive, Baytown, Harris County, Texas 77520-2123  
**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

<b>AIR OPERATING PERMITS</b> PERMIT 2269	<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER HG0229F
<b>PUBLIC WATER SYSTEM/SUPPLY</b> REGISTRATION 1011562	<b>AIR NEW SOURCE PERMITS</b> PERMIT 28441
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 71881	<b>AIR NEW SOURCE PERMITS</b> PERMIT 36476
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 44053	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 44074
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 44619	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 45876
<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER HG0229F	<b>AIR NEW SOURCE PERMITS</b> PERMIT 4600
<b>AIR NEW SOURCE PERMITS</b> PERMIT 5259	<b>AIR NEW SOURCE PERMITS</b> PERMIT 5792
<b>AIR NEW SOURCE PERMITS</b> PERMIT 7743	<b>AIR NEW SOURCE PERMITS</b> PERMIT 8388
<b>AIR NEW SOURCE PERMITS</b> PERMIT 8586	<b>AIR NEW SOURCE PERMITS</b> PERMIT 9571
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 11241	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 11551
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 13009	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 13015
<b>AIR NEW SOURCE PERMITS</b> PERMIT 20211	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 55061L001
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 144055	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 75416
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 76317	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 168841
<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4820100014	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 71466
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 72234	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 50641
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 53222	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 71653
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 54715	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX996
<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX996M1	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX997
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 78572	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 80253
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 79993	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 80411
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 80920	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 80715
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 81081	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 82149
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 83400	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 82657
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 87877	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PAL16
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 83906	<b>AIR NEW SOURCE PERMITS</b> PERMIT 96220
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 54171	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 108574
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 118027	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 124055
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 138869	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 117728
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 139477	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 132685
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 108566	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 118033
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 132686	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 130000
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 141229	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 111297
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 138601	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 129961
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 140847	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 108595
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 120439	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 131804
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 131373	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 136019
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 109740	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 123247
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 133867	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 117789
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 124140	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 119875



**AIR NEW SOURCE PERMITS** REGISTRATION 122960  
**AIR NEW SOURCE PERMITS** REGISTRATION 126098  
**AIR NEW SOURCE PERMITS** REGISTRATION 129931  
**AIR NEW SOURCE PERMITS** REGISTRATION 136006  
**AIR NEW SOURCE PERMITS** REGISTRATION 109284  
**AIR NEW SOURCE PERMITS** REGISTRATION 120433  
**AIR NEW SOURCE PERMITS** REGISTRATION 136897  
**AIR NEW SOURCE PERMITS** REGISTRATION 122598  
**AIR NEW SOURCE PERMITS** REGISTRATION 153201  
**AIR NEW SOURCE PERMITS** REGISTRATION 151017  
**AIR NEW SOURCE PERMITS** REGISTRATION 151078  
**AIR NEW SOURCE PERMITS** REGISTRATION 166271  
**AIR NEW SOURCE PERMITS** REGISTRATION 165167  
**AIR NEW SOURCE PERMITS** REGISTRATION 164637  
**AIR NEW SOURCE PERMITS** REGISTRATION 166371  
**AIR NEW SOURCE PERMITS** REGISTRATION 168038  
**AIR NEW SOURCE PERMITS** REGISTRATION 166272  
**AIR NEW SOURCE PERMITS** REGISTRATION 163693  
**AIR NEW SOURCE PERMITS** REGISTRATION 145967  
**AIR NEW SOURCE PERMITS** REGISTRATION 148594  
**AIR NEW SOURCE PERMITS** REGISTRATION 151221  
**AIR NEW SOURCE PERMITS** REGISTRATION 148600  
**AIR NEW SOURCE PERMITS** PERMIT 149177  
**AIR NEW SOURCE PERMITS** REGISTRATION 148321  
**AIR NEW SOURCE PERMITS** REGISTRATION 157551  
**AIR NEW SOURCE PERMITS** REGISTRATION 158011  
**AIR NEW SOURCE PERMITS** REGISTRATION 160645  
**AIR NEW SOURCE PERMITS** REGISTRATION 160328  
**AIR NEW SOURCE PERMITS** REGISTRATION 160253  
**AIR NEW SOURCE PERMITS** REGISTRATION 163045  
**AIR NEW SOURCE PERMITS** REGISTRATION 152890  
**AIR NEW SOURCE PERMITS** REGISTRATION 158537  
**AIR NEW SOURCE PERMITS** REGISTRATION 159463  
**AIR NEW SOURCE PERMITS** REGISTRATION 159540  
**AIR NEW SOURCE PERMITS** REGISTRATION 159239  
**AIR NEW SOURCE PERMITS** REGISTRATION 171043  
**AIR NEW SOURCE PERMITS** REGISTRATION 170489

**STORMWATER** PERMIT TXR05N668

**WASTEWATER** PERMIT WQ0001215000

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER  
HG0229F

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
TXD980809909

**TAX RELIEF** ID NUMBER 18939

**TAX RELIEF** ID NUMBER 18938

**AIR NEW SOURCE PERMITS** REGISTRATION 123403  
**AIR NEW SOURCE PERMITS** REGISTRATION 138709  
**AIR NEW SOURCE PERMITS** REGISTRATION 110913  
**AIR NEW SOURCE PERMITS** REGISTRATION 108815  
**AIR NEW SOURCE PERMITS** REGISTRATION 135448  
**AIR NEW SOURCE PERMITS** REGISTRATION 131037  
**AIR NEW SOURCE PERMITS** REGISTRATION 122563  
**AIR NEW SOURCE PERMITS** REGISTRATION 112083  
**AIR NEW SOURCE PERMITS** REGISTRATION 154259  
**AIR NEW SOURCE PERMITS** REGISTRATION 151047  
**AIR NEW SOURCE PERMITS** REGISTRATION 151366  
**AIR NEW SOURCE PERMITS** REGISTRATION 166583  
**AIR NEW SOURCE PERMITS** REGISTRATION 167076  
**AIR NEW SOURCE PERMITS** REGISTRATION 165468  
**AIR NEW SOURCE PERMITS** REGISTRATION 166704  
**AIR NEW SOURCE PERMITS** REGISTRATION 168285  
**AIR NEW SOURCE PERMITS** REGISTRATION 164917  
**AIR NEW SOURCE PERMITS** REGISTRATION 148861  
**AIR NEW SOURCE PERMITS** REGISTRATION 143521  
**AIR NEW SOURCE PERMITS** REGISTRATION 144054  
**AIR NEW SOURCE PERMITS** REGISTRATION 147270  
**AIR NEW SOURCE PERMITS** REGISTRATION 145938  
**AIR NEW SOURCE PERMITS** REGISTRATION 147480  
**AIR NEW SOURCE PERMITS** REGISTRATION 149708  
**AIR NEW SOURCE PERMITS** REGISTRATION 158351  
**AIR NEW SOURCE PERMITS** REGISTRATION 159339  
**AIR NEW SOURCE PERMITS** REGISTRATION 156187  
**AIR NEW SOURCE PERMITS** REGISTRATION 157358  
**AIR NEW SOURCE PERMITS** REGISTRATION 157140  
**AIR NEW SOURCE PERMITS** REGISTRATION 157939  
**AIR NEW SOURCE PERMITS** REGISTRATION 158895  
**AIR NEW SOURCE PERMITS** REGISTRATION 162035  
**AIR NEW SOURCE PERMITS** REGISTRATION 159030  
**AIR NEW SOURCE PERMITS** PERMIT AMOC118  
**AIR NEW SOURCE PERMITS** REGISTRATION 160542  
**AIR NEW SOURCE PERMITS** REGISTRATION 169889  
**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION  
# (SWR) 33880  
**STORMWATER** PERMIT TXR15875V  
**WASTEWATER** EPA ID TX0007013  
**POLLUTION PREVENTION PLANNING** ID NUMBER  
P00231  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE  
REGISTRATION # (SWR) 33880  
**TAX RELIEF** ID NUMBER 18941

**Compliance History Period:** September 01, 2017 to August 31, 2022

**Rating Year:** 2022

**Rating Date:** 09/01/2022

**Date Compliance History Report Prepared:** December 20, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 20, 2017 to December 20, 2022

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

**Name:** Johnnie Wu

**Phone:** (512) 239-2524

**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:**

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	February 20, 2018	(1486781)
Item 2	March 19, 2018	(1490458)
Item 3	April 20, 2018	(1493695)
Item 4	May 18, 2018	(1500613)
Item 5	June 13, 2018	(1479045)
Item 6	July 13, 2018	(1514048)
Item 7	July 16, 2018	(1498884)
Item 8	July 26, 2018	(1504187)
Item 9	August 15, 2018	(1506800)
Item 10	September 14, 2018	(1527274)
Item 11	October 21, 2018	(1533632)
Item 12	November 13, 2018	(1541467)
Item 13	November 20, 2018	(1499490)
Item 14	December 17, 2018	(1545251)
Item 15	February 21, 2019	(1559726)
Item 16	March 14, 2019	(1559727)
Item 17	April 15, 2019	(1571848)
Item 18	May 15, 2019	(1583306)
Item 19	July 10, 2019	(1593161)
Item 20	August 15, 2019	(1599507)
Item 21	September 18, 2019	(1606412)
Item 22	November 13, 2019	(1619072)
Item 23	December 17, 2019	(1604537)
Item 24	January 15, 2020	(1634065)
Item 25	February 19, 2020	(1640684)
Item 26	March 13, 2020	(1647204)
Item 27	April 20, 2020	(1653540)
Item 28	May 19, 2020	(1660127)
Item 29	June 12, 2020	(1666631)
Item 30	June 23, 2020	(1646469)
Item 31	July 17, 2020	(1673588)
Item 32	August 18, 2020	(1680364)
Item 33	August 25, 2020	(1638445)
Item 34	September 16, 2020	(1686932)
Item 35	October 14, 2020	(1693279)
Item 36	November 19, 2020	(1712527)
Item 37	November 30, 2020	(1690281)
Item 38	December 10, 2020	(1712528)
Item 39	January 12, 2021	(1712529)
Item 40	February 18, 2021	(1725582)
Item 41	February 26, 2021	(1703699)
Item 42	March 11, 2021	(1725583)
Item 43	April 20, 2021	(1725584)
Item 44	May 13, 2021	(1740093)
Item 45	June 18, 2021	(1747595)
Item 46	June 22, 2021	(1724222)
Item 47	July 13, 2021	(1751728)
Item 48	August 16, 2021	(1750405)

Item 49	September 17, 2021	(1766272)
Item 50	October 18, 2021	(1776735)
Item 51	November 18, 2021	(1783644)
Item 52	December 15, 2021	(1790670)
Item 53	January 10, 2022	(1798464)
Item 54	January 12, 2022	(1774029)
Item 55	February 11, 2022	(1806338)
Item 56	March 11, 2022	(1813405)
Item 57	April 18, 2022	(1819976)
Item 58	May 16, 2022	(1828815)
Item 59	June 09, 2022	(1835108)
Item 60	July 11, 2022	(1842312)
Item 61	August 18, 2022	(1848445)
Item 62	September 19, 2022	(1856243)
Item 63	October 12, 2022	(1862600)

**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: 05/02/2022 (1761927)
- 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 H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
NSR Special Condition 3E PERMIT  
Special Term and Condition 1A OP  
Special Term and Condition 30 OP
- Description: Failure to prevent open-ended lines (OEL). (CATEGORY C10 Violation)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition 1A OP
- Description: Failure to conduct daily sampling within 10 hours of highly reactive volatile organic compound (HRVOC) analyzer downtime exceeding 8 hours for the Flare (Unit ID: FS09). (CATEGORY C1 Violation)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition 30 OP  
NSR Special Condition 23A PERMIT
- Description: Failure to conduct quarterly visual inspections for monitoring components for Flares (Unit IDs :FS09 and FS23). (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)  
FOP Special Term & Condition 30 OP  
NSR Special Condition 44 PERMIT
- Description: Failure to operate Flare Instrument (Unit ID: FS09) for at least 95 percent of the time in a calendar quarter. (CATEGORY B1 Violation)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 117, SubChapter G 117.8140(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition 1A OP
- Description: Failure to conduct quarterly engine (Unit IDs: CT17EP1; CT17EP9) inspections. (CATEGORY C1 Violation)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition 1A OP

Description: Failure to conduct sampling during monitoring downtime exceeding 24-hours for Cooling Tower (Unit ID: CT18). (CATEGORY B1 Violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP Special Term & Condition 1A OP

Description: Failure to conduct sampling during monitoring downtime exceeding 24-hours for a Cooling Tower (Unit ID: CT17). (CATEGORY B1 Violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP Special Term & Condition 1A OP

Description: Failure to operate the Cooling Tower (Unit ID: CT17) highly reactive volatile organic compound (HRVOC) monitoring system for at least 95 percent averaged over a calendar year. (CATEGORY B1 Violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(l)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP Special Term & Condition 1A OP

Description: Failure to continuously operate highly reactive volatile organic compound (HRVOC) monitoring system (Unit ID: HRVOCATMVT) at least 95 percent of operational time. (CATEGORY B1 Violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 FOP General Terms & Conditions OP

Description: Failure to report all instances of deviations in the Deviation Report (DR) dated April 29, 2020. (CATEGORY B3 Violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 FOP General Terms & Conditions OP

Description: Failure to report all instances of deviations in the Deviation Report (DR) dated October 29, 2020. (CATEGORY B3 Violation)

**F. Environmental audits:**

Notice of Intent Date: 07/02/2020 (1664599)  
 No DOV Associated

Notice of Intent Date: 10/28/2020 (1692589)  
 No DOV Associated

Notice of Intent Date: 05/18/2021 (1735179)  
 No DOV Associated

Notice of Intent Date: 10/13/2022 (1854035)  
 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

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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Name:** EXXONMOBIL CHEMICAL BAYTOWN CHE

**Reg Entity Add:** 5000 BAYWAY DR

**Reg Entity City:** BAYTOWN

**Reg Entity No:** RN102574803

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

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

**Case Result:** Final Order With Penalty

**Statute:** CAA

**Sect of Statute:** 112

**Classification:** Minor

**Program:** National Emission Stand

**Citation:**

**Violation Type:** Other/Miscellaneous

**Cite Sect:**

**Cite Part:**

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

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
EXXON MOBIL CORPORATION  
RN102574803

§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2021-1379-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 chemical manufacturing plant located at 5000 Bayway 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 \$8,325 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$3,330 of the penalty and \$1,665 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, \$3,330 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 by June 30, 2022, the Respondent inspected and repaired via welding of metal repair patches to the affected areas, conducted an ad-hoc inspection of the entire Aromatics Extraction Unit Stripper Column T-420 Tower, installed engineered wraps at additional locations where the potential of corrosion under insulation were identified, and proactively removed all insulation on the Aromatics Extraction Unit Stripper Column T-420 in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 352442.

## II. ALLEGATIONS

During a record review for the Plant conducted from March 25, 2021 through August 10, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit Nos. 20211 and PAL16, Special Conditions No. 1, Federal Operating Permit No. O2269, General Terms and Conditions and Special Terms and Conditions No. 30, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 756.06 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 352442) that occurred on March 10, 2021 and lasted four hours and 20 minutes. The emissions event occurred due to corrosion under insulation that impacted the Aromatics Extraction Unit Stripper Column T-420 support ring, resulting in a leak 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: Exxon Mobil Corporation, Docket No. 2021-1379-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 the SEP as set forth in Section I, Paragraph No. 4. The amount of \$3,330 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



-----  
For the Executive Director

-----  
Date

7/7/2023


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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 OAG 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 OAG 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.

  
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Signature

W.R. Blocker  
-----  
Name (Printed or typed)  
Authorized Representative of  
Exxon Mobil Corporation

-----  
Date

5/16/2023

-----  
Title

BTCP Plant Manager

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: 2021-1379-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Exxon Mobil Corporation</b>
<b>Payable Penalty Amount:</b>	<b>\$6,660</b>
<b>SEP Offset Amount:</b>	<b>\$3,330</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Administrator SEP</b>
<b>Third-Party Administrator:</b>	<b>Barbers Hill Independent School District</b>
<b>Project Name:</b>	<b><i>Energy Efficiency Building Upgrade/Retrofit Project</i></b>
<b>Total Project Budget:</b>	<b>\$1,151,928</b>
<b>Location of SEP:</b>	<b>Chambers County</b>

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

**1. Project Description**

**A. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Barbers Hill Independent School District** for the *Energy Efficiency Building Upgrade/Retrofit Project* (the “Project”). The Project is to pay a contractor to install and monitor sub-meters. The contractor's work will include installing revenue grade electric sub-meters in the line feed of certain facilities; installing revenue grade current transformers; incorporating all engineering, software, and graphics to accomplish effective monitoring of the status of this equipment; and a one-year warranty including parts and labor for the new sub-meters. In addition to sub-metering, the contractor will monitor, calibrate, and repair existing meters and complete energy efficiency upgrades and/or retrofits based on needs identified in energy audits. The Project will be performed 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 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. Respondent shall not profit from this SEP.

**B. Environmental Benefit**

The Project will result in reduced energy consumption by school district buildings and will contribute to the overall reduction of greenhouse gases. The sub-metering is expected to reduce energy consumption up to eight percent. The Project will reduce fuel and electricity usage for heating and cooling and day-to-day operations. These reductions will reduce emission of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity. It will also contribute to a reduction in peak loads on the State electric power grid.

**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 **Barbers Hill ISD SEP** and shall mail the contribution with a copy of the Agreed Order to:

John Johnson, Consultant  
Carl R. Griffith & Associates, Inc.  
2901 Turtle Creek Drive, Suite 445  
Port Arthur, Texas 77642

**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 or email 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  
SEPReports@tceq.texas.gov

**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

Exxon Mobil Corporation  
Docket No. 2021-1379-AIR-E  
Agreed Order - Attachment A

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 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.