

Executive Summary - Enforcement Matter - Case No. 65043
ExxonMobil Oil Corporation
RN100542844
Docket No. 2024-1015-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

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 27, 2026

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,175

Total Paid to General Revenue: \$7,088

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$7,087

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: January 23, 2023 through February 27, 2023

Date(s) of NOE(s): September 21, 2023

Executive Summary - Enforcement Matter - Case No. 65043
ExxonMobil Oil Corporation
RN100542844
Docket No. 2024-1015-AIR-E

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,139.17 pounds ("lbs") of carbon monoxide, 513.56 lbs of nitrogen oxides, and 5,404.64 lbs of volatile organic compounds from the LP Flare (East Flare, 11FLR_041) + HP Flare (West Flare, 11FLR_042), Emissions Point Number 11FLR_4142, during an emissions event (Incident No. 393660) that began on January 10, 2023 and lasted seven hours and 51 minutes [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit No. 83702, GHGPSDTX176, PSDTX843M2, and PSDTX860M2, Special Conditions No. 1, Federal Operating Permit No. O2292, General Terms and Conditions and Special Terms and Conditions No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By April 10, 2024, the Respondent adjusted the trip relay setpoint to 60 pounds per square inch gauge and replaced the valve with a new type that does not rely on a trip relay setpoint in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 393660 at the Plant.

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: Raven Daigle, Enforcement Division, Enforcement Backlog Team, MC R-12, (713) 767-3634; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

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

SEP Third-Party Administrator: Southeast Texas Regional Planning Commission, Transportation & Environmental Resources, 2210 Eastex Freeway, Beaumont, Texas 77703

Respondent: Phil Matherne, Complex 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	25-Sep-2023	Screening	5-Oct-2023	EPA Due	
	PCW	5-Jun-2025				

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.	65043	No. of Violations	1
Docket No.	2024-1015-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mackenzie Mehlmann
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

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

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

Compliance History	99.0% Adjustment	Subtotals 2, 3, & 7	\$7,425
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Notes: Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations and five orders containing a denial of liability. Reduction for four 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	-\$750
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$625
 Estimated Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,175
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$14,175
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,175
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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	\$14,175
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Screening Date 5-Oct-2023

Docket No. 2024-1015-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 5 (January 28, 2021)

Case ID No. 65043

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100542844

Media Air

Enf. Coordinator Mackenzie Mehlmann

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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	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>)	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) 99%

>> 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 or similar violations, one NOV with dissimilar violations and five orders containing a denial of liability. Reduction for four notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 99%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 99%

Screening Date 5-Oct-2023 **Docket No.** 2024-1015-AIR-E **PCW**
Respondent ExxonMobil Oil Corporation *Policy Revision 5 (January 28, 2021)*
Case ID No. 65043 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100542844
Media Air
Enf. Coordinator Mackenzie Mehlmann

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit No. 83702, GHGPSDTX176, PSDTX843M2, and PSDTX860M2, Special Conditions No. 1, Federal Operating Permit No. O2292, General Terms and Conditions and Special Terms and Conditions No. 26, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,139.17 pounds ("lbs") of carbon monoxide, 513.56 lbs of nitrogen oxides, and 5,404.64 lbs of volatile organic compounds from the LP Flare (East Flare, 11FLR_041) + HP Flare (West Flare, 11FLR_042), Emissions Point Number 11FLR_4142, during an emissions event (Incident No. 393660) that began on January 10, 2023 and lasted seven hours and 51 minutes.

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 which do not exceed levels that are protective of human health or environmental receptors as a result of this 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 April 10, 2024, after the Notice of Enforcement dated September 21, 2023.

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 ExxonMobil Oil Corporation
Case ID No. 65043
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	10-Jan-2023	10-Apr-2024	1.25	\$625	n/a	\$625

Notes for DELAYED costs

Estimated cost to adjust the trip relay setpoint to 60 pounds per square inch gauge and replace the valve with a new type that does not rely on a trip relay setpoint in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 393660. The Date Required is the date the emissions event began 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

\$625



Compliance History Report

Compliance History Report for CN600920748, RN100542844, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN600920748, ExxonMobil Oil Corporation

Classification: SATISFACTORY

Rating: 3.64

Regulated Entity: RN100542844, EXXONMOBIL OIL BEAUMONT CHEMICAL PLANT

Classification: SATISFACTORY

Rating: 10.60

Complexity Points: 19

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 2775 GULF STATES RD, BEAUMONT, JEFFERSON COUNTY, TX

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0062S

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 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

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AIR NEW SOURCE PERMITS REGISTRATION 98803

AIR NEW SOURCE PERMITS REGISTRATION 98967

AIR NEW SOURCE PERMITS REGISTRATION 100528

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AIR NEW SOURCE PERMITS REGISTRATION 124509
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AIR NEW SOURCE PERMITS REGISTRATION 152286
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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 168513
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AIR NEW SOURCE PERMITS REGISTRATION 162972
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AIR NEW SOURCE PERMITS REGISTRATION 107418
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AIR NEW SOURCE PERMITS REGISTRATION 173668
AIR NEW SOURCE PERMITS REGISTRATION 172903
AIR NEW SOURCE PERMITS REGISTRATION 175677
AIR NEW SOURCE PERMITS REGISTRATION 175678
AIR NEW SOURCE PERMITS REGISTRATION 178676
AIR NEW SOURCE PERMITS REGISTRATION 177620
AIR NEW SOURCE PERMITS REGISTRATION 179226
AIR NEW SOURCE PERMITS REGISTRATION 177294

IHW CORRECTIVE ACTION SOLID WASTE
REGISTRATION # (SWR) 30047
WASTEWATER EPA ID TX0004227

POLLUTION PREVENTION PLANNING ID NUMBER
P00436
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD000449694

Compliance History Period: September 01, 2019 to August 31, 2024

Rating Year: 2024

Rating Date: 09/01/2024

Date Compliance History Report Prepared: May 12, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 12, 2020 to May 12, 2025

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

Name: Mackenzie Mehlmann

Phone: (512) 239-2572

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: 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)

- 2 Effective Date: 07/14/2021 ADMINORDER 2020-0802-AIR-E (1660 Order-Agreed Order With Denial)

AIR NEW SOURCE PERMITS REGISTRATION 157253
AIR NEW SOURCE PERMITS REGISTRATION 152099
AIR NEW SOURCE PERMITS REGISTRATION 154339
AIR NEW SOURCE PERMITS REGISTRATION 153134
AIR NEW SOURCE PERMITS REGISTRATION 174520
AIR NEW SOURCE PERMITS REGISTRATION 171491
AIR NEW SOURCE PERMITS REGISTRATION 174609
AIR NEW SOURCE PERMITS REGISTRATION 174911
AIR NEW SOURCE PERMITS REGISTRATION 171364
AIR NEW SOURCE PERMITS REGISTRATION 171275
AIR NEW SOURCE PERMITS PERMIT AMOC235
AIR NEW SOURCE PERMITS PERMIT AMOC237
AIR NEW SOURCE PERMITS REGISTRATION 170654
AIR NEW SOURCE PERMITS REGISTRATION 172136
AIR NEW SOURCE PERMITS REGISTRATION 173199
AIR NEW SOURCE PERMITS REGISTRATION 176936
AIR NEW SOURCE PERMITS REGISTRATION 173768
AIR NEW SOURCE PERMITS REGISTRATION 170758
AIR NEW SOURCE PERMITS REGISTRATION 171783
AIR NEW SOURCE PERMITS REGISTRATION 179454
AIR NEW SOURCE PERMITS REGISTRATION 177286
AIR NEW SOURCE PERMITS REGISTRATION 177906
LEAKING PETROLEUM STORAGE TANKS
REMEDIAION ID NUMBER 105840
WASTEWATER PERMIT WQ0000462000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
JE0062S

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30047
TAX RELIEF ID NUMBER 24515

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)

3 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.

4 Effective Date: 05/19/2022 ADMINORDER 2021-0503-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
PSDTX843M2/860M2, General Condition 8 PERMIT
PSDTX843M2/860M2, Special Condition 1 PERMIT
Special Term and Condition 26 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during Incident 348424.

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 26 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during emissions event incident 344752.

5 Effective Date: 11/28/2022 ADMINORDER 2021-1055-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

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 355374.

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 26 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during emissions event incident 363398.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 19, 2020	(1660071)
Item 2	May 28, 2020	(1645560)
Item 3	June 14, 2020	(1666576)
Item 4	June 29, 2020	(1650424)
Item 5	July 16, 2020	(1673533)
Item 6	July 29, 2020	(1693223)
Item 7	August 13, 2020	(1680307)
Item 8	September 17, 2020	(1686877)
Item 9	November 19, 2020	(1712362)
Item 10	December 18, 2020	(1712363)
Item 11	January 15, 2021	(1712364)
Item 12	January 20, 2021	(1698166)
Item 13	February 18, 2021	(1725417)
Item 14	March 22, 2021	(1725418)
Item 15	April 21, 2021	(1725419)
Item 16	April 22, 2021	(1702478)
Item 17	April 23, 2021	(1709240)
Item 18	May 14, 2021	(1708901)
Item 19	May 19, 2021	(1740022)
Item 20	May 26, 2021	(1711878)
Item 22	May 28, 2021	(1711880)
Item 23	June 09, 2021	(1710735)
Item 24	June 21, 2021	(1747556)
Item 25	July 21, 2021	(1751673)
Item 26	August 21, 2021	(1757138)
Item 27	September 20, 2021	(1683757)
Item 28	September 22, 2021	(1766216)
Item 29	September 23, 2021	(1685327)
Item 30	September 30, 2021	(1711100)
Item 31	October 22, 2021	(1776620)
Item 32	November 22, 2021	(1783589)
Item 33	December 21, 2021	(1790613)
Item 34	January 19, 2022	(1798408)
Item 35	February 09, 2022	(1806283)
Item 36	March 11, 2022	(1813348)
Item 37	April 12, 2022	(1819920)
Item 38	May 13, 2022	(1828760)
Item 39	June 15, 2022	(1835050)
Item 40	July 12, 2022	(1842256)
Item 41	August 10, 2022	(1828435)
Item 42	August 18, 2022	(1848390)
Item 43	September 14, 2022	(1842154)

required under the Leak Detection and Repair (LDAR) program.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Condition 26 PERMIT
Special Condition 52.E PERMIT

Description: Failure to prevent open ended lines (OELs).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT BB 61.305(f)
5C THSC Chapter 382 382.085(b)
Special Condition 1.A PERMIT
Special Condition 10.A-D PERMIT
Special Condition 26 PERMIT
Special Condition 7.B PERMIT

Description: Failure to submit quarterly BB reports in a timely manner.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 102 PERMIT
Special Condition 26 PERMIT

Description: Failure to maintain flare (EPN 11FLR_4142) Net Heating Value (NHV) above 270 British Thermal Units per standard cubic foot (BTU/scf).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 26 PERMIT

Description: Failure to submit a PI-7 form within 10 days following an installation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)(3)
5C THSC Chapter 382 382.085(b)
Special Condition 1.A PERMIT
Special Condition 26 PERMIT
Special Condition 52.F PERMIT
Special Condition 54 PERMIT

Description: Failure to tag and monitor components that were required under the Leak Detection and Repair (LDAR) program.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Condition 26 PERMIT
Special Condition 94.C PERMIT

Description: Failure to prevent visible emissions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 104 PERMIT
Special Condition 26 PERMIT

Description: Failure to maintain the EPN 11FLR_4142 analyzer downtime less than or equal to 5%.

F. Environmental audits:

Disclosure Date: 06/05/2020
Viol. Minor
Classification:
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. Minor

Classification:

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.

Notice of Intent Date: 07/30/2024 (2053816)
No DOV Associated

Notice of Intent Date: 10/10/2024 (2065195)
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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EXXONMOBIL OIL CORPORATION
RN100542844

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2024-1015-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 \$14,175 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,088 of the penalty.

Pursuant to TEX. WATER CODE § 7.067, \$7,087 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 April 10, 2024, the Respondent adjusted the trip relay setpoint to 60 pounds per square inch gauge and replaced the valve with a new type that does not rely on a trip relay setpoint in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 393660 at the Plant.

II. ALLEGATIONS

During a record review for the Plant conducted from January 23, 2023 through February 27, 2023, 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 Permit No. 83702, GHGPSDTX176, PSDTX843M2, and PSDTX860M2, Special Conditions No. 1, Federal Operating Permit No. O2292, General Terms and Conditions and Special Terms and Conditions No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 4,139.17 pounds ("lbs") of carbon monoxide, 513.56 lbs of nitrogen oxides, and 5,404.64 lbs of volatile organic compounds from the LP Flare (East Flare, 11FLR_041) + HP Flare (West Flare, 11FLR_042), Emissions Point Number 11FLR_4142, during an emissions event (Incident No. 393660) that began on January 10, 2023 and lasted seven hours and 51 minutes.

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. 2024-1015-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 \$7,087 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. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. 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.
7. 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.

8. 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

Krista Mello-Jurack

For the Executive Director

Date

03/29/2026

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.

[Handwritten Signature]

Signature

Date

2/19/26

PHIL MATHEW

Name (Printed or typed)
Authorized Representative of
ExxonMobil Oil Corporation

Title

COMPLEX 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: 2024-1015-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ExxonMobil Oil Corporation
Payable Penalty Amount:	\$14,175
SEP Offset Amount:	\$7,087
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>Southeast Texas Regional Air Monitoring Network</i>
Total Project Budget:	\$1,500,000
Location of SEP:	Jefferson and Orange Counties

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 **Southeast Texas Regional Planning Commission**, as a Third-Party Administrator, for the *Southeast Texas Regional Air Monitoring Network* project (the “Project”). This Project involves air quality monitoring throughout Jefferson and Orange Counties, and specifically the Beaumont and Port Arthur area. The Third-Party Administrator operates nine air monitors in this area.

The Third-Party Administrator shall use the SEP Offset Amount to pay a contractor for monthly operation and maintenance of the sites, acquisition of all data from the monitors, processing and validating all data, monthly reporting of data, and performance of Quality Assurance Audits on all hardware systems. The air monitors will operate on a continuous basis, 24 hours per day, 365 days per year. The Third-Party Administrator shall ensure that the data is validated and sent to TCEQ’s Leading Environmental Analysis and Display System (“LEADS”) in a format acceptable to TCEQ. 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 Supplemental Environmental Project between the Third-Party Administrator and the TCEQ.

All dollars contributed will be used solely for the direct cost of implementing the Project, including for 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 in any manner from this SEP.

B. Environmental Benefit

The Project will provide environmental benefits to the Beaumont and Port Arthur area by providing measurements of concentrations of certain air pollutants and an evaluation of those air pollutants. Continued air monitoring in this area will help with better understanding air quality pollutants and will enable better identification of emissions sources. The data will focus

on specific chemicals that may raise air quality concerns. The information obtained from this network will provide the area's community with more knowledge of the types and quantities of pollutants emitted from the industries in this area. In addition, data obtained from the monitoring sites and made available to the public may be used by TCEQ and EPA.

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: Director
Transportation & Environmental Resources
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:

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.