

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

EXXONMOBIL CORPORATION

AI # 286

PROCEEDINGS UNDER THE LOUISIANA

ENVIRONMENTAL QUALITY ACT

LA. R.S. 30:2001, ET SEQ.

* **Settlement Tracking No.**

* **SA-MMA-09-0017**

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* **Enforcement Tracking No.**

* **MM -CN-05-0038**

* **AE-PP-08-0012**

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* **Docket No. 2007-4980-EQ**

* **(For MM-CN-05-0038 only)**

SETTLEMENT

The following Settlement is hereby agreed to between ExxonMobil Corporation (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a corporation that owns and operates a chemical manufacturing facility located at 4999 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana (“the Facility”).

II

On May 9, 2006, the Department issued to Respondent a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. MM-CN-05-0038, which was based upon the following findings of fact:

The Respondent owns and/or operates ExxonMobil Chemical Company – Baton Rouge Chemical Plant (BRCP), a synthetic organic chemical manufacturing facility located at 4999 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The Respondent’s facility operates

under Louisiana Air Permit No. 0840-00014 issued on May 27, 1993, and many other individual Title V and minor source permits.

Inspections conducted by the Department on or about May 9-17, 2005, disclosed the following:

- A. The Respondent failed to keep closed, a five (5) gallon container accumulating hazardous waste paint solids at or near the point of generation where waste initially accumulates (in the South Area Control Center), in violation of LAC 33:V.1109.E.4. This violation was corrected during the inspection.
- B. The Respondent failed to mark three (3) drums storing hazardous waste benzene (D018), located in the South Area Control Center area, with the date of accumulation, in violation of LAC 33:V.1109.E.1.c. This violation was corrected during the inspection.
- C. The Respondent failed to provide an external liner system for tank 1703 that is capable of preventing migration of the waste, as specified in LAC 33:V.4437.B.1, in violation of LAC 33:V.1109.E.1.a.ii.
- D. The Respondent failed to maintain aisle space (in the NOVA Unit) to allow for the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment as specified in LAC 33:V.1511.F, in violation of LAC 33:V.1109.E.3. This violation was corrected during the inspection.
- E. Respondent failed to use appropriate controls and practices to prevent spills and overflows from the CPL tank by not regularly calibrating the level gauge as specified in LAC 33:V.4439.B.2, in violation of LAC 33:V.1109.E.1.a.ii. Specifically, the level gauge requires an annual calibration; however, the gauge was not calibrated in 2003 or 2004.

F. The Respondent failed to label or clearly mark Tank MVTK-09 storing used oil located in the Advanced Wastewater Treatment Unit and Utilities area with the words "used oil," in violation of LAC 33:V.4013.D.1. This violation was corrected during the inspection.

On or about May 19-21, 2003, an inspection of the Respondent's facility and a subsequent file review on February 21, 2004, were performed to determine the degree of compliance with the Act and Air Quality Regulations.

The following violations were noted during the course of the inspection and file review:

A. The Department has received the Respondent's 2002 Title V Annual Certification dated March 24, 2003, for the BRCP. Also, the Department has received the Respondent's letters dated June 17, 2002, and September 9, 2002. According to these reports, smoke was observed coming from flares operating under Title V Permit No. 2031-V2 and subject to the NSPS requirements in 40 CFR 60 on the following dates:

Emission Point	Date	Duration
Flare Nos. 10, 25	February 5, 2002	35 minutes
Flare No. 26	February 5, 2002	190 minutes
Flare Nos. 10, 25, & 26	May 29, 2002	7 minutes

Each occurrence of smoke from flaring in excess of the requirement not to exceed a total of five (5) minutes during any two (2) consecutive hours is a violation of 40 CFR 60.18(c)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, and Sections 2057(A)(1) and 2057(A)(2) of the Act.

B. In the Respondent's NESHAPS, Subpart U, Semiannual Report, dated January 14, 2003, covering the period from May 17, 2002, through November 15, 2002, the Respondent reported pilot light outages for Flare No. 26 on July 1, 2002, for a duration of three (3) minutes and on October 5, 2002, for a duration of 14 minutes. According to the Respondent, the flare outages were due to heavy rain. Each failure to maintain a flare pilot light at all times is a violation of 40 CFR 63.11(b)(3) and (5), which language has been adopted as a Louisiana regulation in LAC 33:III.5122 and Section 2057(A)(2) of the Act.

On or about March 29, 2004, an inspection of the Respondent's facility and a subsequent file review on May 5, 2004, were performed to determine the degree of compliance with the Act and Air Quality Regulations.

The following violations were noted during the course of the inspection and file review:

- A. The Department has received the Respondent's 2003 Title V Annual Certification dated March 31, 2004, regarding Title V permit deviations that occurred during the time period January 1, 2003, through December 31, 2003. According to the report, a deviation occurred when the Respondent failed to include periods of "no vent flow" for the LOLA T-1 tower (V-320) in the Semi-Annual Reports. This is in violation of 40 CFR 60.665(l)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.3003 and Section 2057(A)(2) of the Act.
- B. The Department has received the Respondent's 2003 Title V Annual Certification dated March 31, 2004, regarding Title V permit deviations that occurred during the time period January 1, 2003, through December 31, 2003. According to the report, a deviation occurred when the Respondent failed to include malfunctions of the HCE system in the HON Semi-Annual report dated May 16, 2003. This is a violation of 40 CFR 63.10(d)(5)(i), which language has been adopted as a Louisiana regulation in LAC 33:III.5122 and Section 2057(A)(2) of the Act.
- C. In the Respondent's 40 CFR 63, Subparts F and G Semiannual report, dated May 16, 2003, and covering the period from September 19, 2002, through March 18, 2003, the Respondent reported flare pilot light outages for Flare No. 25 on December 31, 2002, for a duration of three (3) minutes and for Flare No. 26 on February 20, 2003, for a duration of one (1) minute. According to the Respondent, the flame outages were due to heavy rain. Each failure to maintain a flare pilot light at all times is a violation of 40 CFR 63.11 (b) (3) and (5) which language has been adopted as a Louisiana regulation in LAC 33:III.5122 and Section 2057(A)(2) of the Act.
- D. The Department has received the Respondent's letter dated November 25, 2003, regarding a reported flare pilot light outage for Flare No. 25 on November 23, 2003, for a duration of nine (9) seconds. During the time of the outage, vents in the E-5000 and Maintrain Unit were routed to the flare. According to the Respondent, the flame outages were due to heavy rain. The failure to maintain a flare pilot light at all times is a violation of

40 CFR 60.18(c)(2) and (e), which language has been adopted as a Louisiana regulation in LAC 33:III.3003 and Section 2057(A)(2) of the Act.

- E. The Department has received the Respondent's 2003 Title V Annual Certification dated March 31, 2004, regarding Title V permit deviations that occurred during the time period January 1, 2003, through December 31, 2003. According to the report, a deviation occurred when the Respondent's letter dated February 13, 2003, regarding a notification that reconstruction began on Tank 1775 (EIQ # T-1775), did not include copies to the EPA. This is a violation of 40 CFR 60.7(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003 and Section 2057(A)(2) of the Act.
- F. The Department has received the Respondent's 2003 Title V Annual Certification dated March 31, 2004, regarding Title V permit deviations that occurred during the time period January 1, 2003, through December 31, 2003. According to the report, on or about November 1, 2003, a deviation occurred when a problem with the "D" steam cracking furnace oxygen analyzer system alignment allowed excess fuel into the furnace resulting in smoke in excess of 20% for more than one six-minute period in any 60 consecutive minutes. This is a violation of LAC 33:III.1101.B and Sections 2057(A)(1) and 2057(A)(2) of the Act.
- G. The Department has received the Respondent's letter dated January 28, 2003, regarding an unauthorized discharge that occurred at the Respondent's Phthalic Anhydride (PALA) Unit on January 24, 2003. The Respondent's PALA Unit operates under Title V Permit No. 1200-V1 issued on June 7, 1999. According to the Respondent's report, the instrument air compressor that supplies the PALA Unit tripped off-line. This compressor is owned and operated by ExxonMobil's Baton Rouge Refinery and is located remotely from the PALA Unit. Although the Refinery spare compressors were up and running in anticipation of freezing problems due to cold weather, the valve connecting the spare system failed to open, resulting in decreasing instrument air flow to the PALA Unit. This caused the F-5 Thermal Oxidizer and the R-1A Reactor to trip off at 7:32 a.m. and the F-6 Thermal Oxidizer and the R-1C Reactor to trip off at 7:53 a.m. The upset concluded at 8:15 a.m. when the third PALA Reactor was shutdown. Emissions over the maximum hourly permit occurred on the F-5 Thermal Oxidizer for one hour and on the F-6 Thermal Oxidizer for two consecutive hours. During this incident, the emissions were reported as follows:

TITLE V PERMIT NO. 1200-V1, PALA UNIT UPSET ON JANUARY 24, 2003		
F-5 THERMAL OXIDIZER	ACTUAL EMISSIONS (LBS/HR)	PERMITTED EMISSIONS (LBS/HR)
MALEIC ANHYDRIDE	74.1	21.8
TOTAL VOC	123.3	51.9
F-6 THERMAL OXIDIZER	ACTUAL EMISSIONS (LBS/HR)	PERMITTED EMISSIONS (LBS/HR)
MALEIC ANHYDRIDE	25.4 (7AM TO 8AM)	21.8
	40.6 (8AM TO 9AM)	21.8
TOTAL VOC	66.3	51.9

Each exceedance of a permitted emission limit is a violation of Title V Permit No. 1200-V1, LAC 33:III.501.C.4, and Sections 2057(A)(1) and 2057(A)(2) of the Act.

On or about May 11-18, 2005, an inspection of the Respondent's facility and a subsequent file review on September 2, 2005, were performed to determine the degree of compliance with the Act and Air Quality Regulations.

The following violations were noted during the course of the inspection and file review:

- A. The Respondent's BELA-V Unit is subject to the Hazardous Organic NESHAP (HON), 40 CFR 63, Subpart H, and operates under Air Permit No. 2367 issued February 7, 1996. While conducting a fugitive emissions inspection, two open-ended lines were found with tag nos. 372326 & 381209. Each open-ended line that is subject to HON requirements is a violation of 40 CFR 63.167(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122. This is also a violation of LAC 33:III.501.C.4 and Section 2057(A)(2) of the Act. The Respondent plugged each open-ended line as soon as they were found.
- B. According to LAC 33:III.2113.A.2, containers of volatile organic compounds (VOC) shall not be left open and the contents allowed to evaporate. While conducting a fugitive emissions inspection, an open one gallon glass container was found filled with an unknown yellow liquid. The Respondent's personnel monitored the container and it was noted as having a concentration greater than 10,000 ppm VOC measured by a TVA-1000B. This is in violation of LAC 33:III.2113.A.2 and Section 2057(A)(2) of the Act.

- C. The Department has received the Respondent's 2004 Title V Annual Certification dated March 24, 2005, for the BRCP. According to the report, smoke was observed coming from flares operating under Title V Permit No. 2031-V2 and subject to the NSPS requirements in 40 CFR 60 on the following dates:

Emission Point	Date	Duration
Flare No. 26	April 11, 2004	44 minutes
Flare Nos. 10 & 25	April 11, 2004	6 minutes
Flare No. 26	May 3, 2004	220 minutes
Flare Nos. 10, 25, & 26	June 3, 2004	67 minutes
Flare No. 10 & 25	June 9, 2004	39 minutes
Flare No. 26	June 9, 2004	67 minutes

Each occurrence of smoke from flaring in excess of the requirement not to exceed a total of five (5) minutes during any two (2) consecutive hours is a violation of 40 CFR 60.18(c)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, and Sections 2057(A)(1) and 2057(A)(2) of the Act.

- D. The Department has received the Respondent's 2004 Title V Annual Certification dated March 24, 2005, for the BRCP. According to the report, the H₂S concentration in the NSPS fuel gas exceeded the regulatory permitted 3-hour average concentration for six (6) consecutive hours. This is a violation of 40 CFR 60.104, which language has been adopted as a Louisiana Regulation in LAC 33:III.3003, Title V Permit No. 2299-V1, LAC 33:III.501.C.4, and Sections 2057(A)(1) and 2057(A)(2) of the Act. In addition, one furnace exceeded the maximum permitted hourly SO₂ limit for three (3) hours and the maximum permitted hourly H₂SO₄ limit for two (2) hours, and another furnace exceeded the maximum permitted hourly SO₂ and H₂SO₄ limits for two (2) hours. Each exceedance of a permitted emission limit is a violation of Title V Permit No. 2299-V1, AC 33:III.501.C.4, and Sections 2057(A)(1) and 2057(A)(2) of the Act.
- E. The Department has received the Respondent's 2004 Title V Annual Certification dated March 24, 2005, for the BRCP. According to the report, a deviation occurred when the Respondent failed to include periods of "no vent flow" for the LOLA T-1 tower (V-320) in the NSPS Subpart NNN semiannual report. This is in violation of 40 CFR 60.665(l)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.3003 and Section 2057(A)(2) of the Act.
- F. The Department has received the Respondent's 2004 Title V Annual Certification dated March 24, 2005, for the BRCP. According to the

report, the BHLA Feed/Benzene Wastewater Tank, Emission Point No. T-350, exceeded the maximum permitted hourly limits for benzene, toluene, n-hexane, and total VOC for one (1) hour while the vapor recovery system was down. This is a violation of Title V Permit No. 2299-V1, LAC 33:III.501.C.4, and Sections 2057(A)(1) and 2057(A)(2) of the Act.

- G. According to Title V General Condition K and M of Title V Permit No. 2156-V0, an annual compliance certification and semiannual deviation report shall be submitted to the Administrator, as well as the permitting authority, by September 30 (1st semiannual deviation report) for the current calendar year, and by March 31 (annual compliance certification and 2nd semiannual deviation report) for the preceding calendar year. The Department received the BRCP's 2nd semiannual monitoring report encompassing the period from July through December 2003, dated March 31, 2004, and the 2003 annual compliance certification dated March 31, 2004. In these two (2) reports, the Respondent failed to include the compliance certification and semiannual deviation report for Title V Permit No. 2156-V0. Each failure to submit an annual compliance certification and semiannual deviation report is a violation of Part 70 General Condition K and M of Air Permit Number 2156-V0 and LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act. In letters dated June 25, 2004, and July 8, 2004, the Respondent reported that the certification and process of reasonable inquiry did include this permit; however, it was inadvertently left off of the summary listing of permits. The Respondent reported that there were no deviations associated with this particular permit for the reporting period.
- H. The Department received an unauthorized discharge notification report from the Respondent dated March 4, 2005, regarding a release that occurred on February 25, 2005. According to the Respondent, this incident was preventable and resulted in approximately 235.7 lbs of butenes, 70.6 lbs of isoprene, and 8.4 lbs of highly reactive VOCs being emitted to the atmosphere. According to the Respondent's report, following maintenance work on a unit, the tower was returned to service with a bleeder valve left open. This is a violation of LAC 33:III.905, which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." Control equipment as defined by LAC 33:III.111 is "any device or contrivance, operating procedure or abatement scheme used to prevent or reduce air pollution." This is also a violation of Sections 2057(A)(1) and 2057(A)(2) of the Act.

During the Department's inspection on or about May 19-21, 2003, the Department reviewed the Respondent's 40 CFR 60, Subpart NNN Semi-Annual report, dated July 19, 2002, and the Respondent's SCOLA Unit report, dated February 13, 2003. In the Respondent's 40 CFR 60, Subpart NNN Semi-Annual report, dated July 19, 2002, the Respondent reported 34 3-hour periods or greater of exceedances of the SCLA WBD-23 Flash Cooler exit (product side) temperature. According to 40 CFR 60.665(g)(2), each owner or operator shall report all 3-hour periods of operation during which the average exit (product side) condenser operating temperature was more than 11 degrees F above the average exit (product side) operating temperature during the most recent performance test. In the Respondent's report, rather than listing all 3-hour periods of exceedance individually, the Respondent reported each continuous period of 3-hours or more when the temperature was 11 degrees above the performance test exit temperature. According to the Respondent's SCOLA Unit report dated February 13, 2003, there were no times when the oxidizer exceeded the hourly maximum of 1.2 MM BTU/hr in 2002, nor did the unit exceed the maximum sulfur feed rate of 251.2 lbs/hr. However, the Department reviewed the unit's records that indicated the off-gas limit of 1.2 MM BTU/hr was exceeded 83 times in August 2002, and the sulfur feed rate of 251.2 lbs/hr was exceeded 79 times in August 2002 with the values ranging from 494 lbs/hr to 530 lbs/hr. According to the Respondent's letter dated August 8, 2003, the specific data cited by the Department had been previously determined to be in error and the actual values of the heat input and sulfur content were well below the permitted maximum limits. However, because of data integrity policies, the data presented in the spreadsheet could not be expunged. The Respondent investigated the atypical sulfur results and determined that there was an error in the sampling process. According to the Respondent, a new sampling protocol was developed and the atypical data was evaluated as invalid.

On July 11, 2008, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-08-0012, which was based upon the following findings of fact:

On or about August 27, 2007, and September 11-14, 2007, inspections of the Baton Rouge Chemical Plant, owned and/or operated by Exxon Mobil Corporation (Respondent), were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 4999 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana.

The Respondent's facility currently operates under twenty-three (23) individual Title V permits. The following permits were reviewed during the aforementioned inspections: 1200-V2, 2166-V1, 2376-V0, 2390-V1, 2031-V6, 2361-V1, 1977-V0, 2379-V0, 3006-V0, 2281-V0, and 2314-V0.

The following violations were noted during the course of the file review:

- A. During the course of the inspections, the inspectors observed the Respondent collecting water samples from Cooling Tower 2/5/6 (E.P. C-08 A/B). The inspectors noted that the Respondent failed to properly collect water samples from Cooling Tower 2/5/6 (E.P. C-08 A/B), ensuring no air bubbles were present in the sample. The Respondent failed to properly implement the National Emission Standards for Hazardous Air Pollutants (NESHAP) Subpart U Sampling and Analysis Plan for cooling tower leaks as required by 40 CFR 63.104(c)(1) as referenced by 40 CFR 63.502(n). Cooling Tower 2/5/6 (E.P. C-08 A/B) water samples collected were not completely filled to ensure no air bubbles were present in the sample. The operator had been trained to take samples according to Standard Operating Procedure (SOP) HRP1010 which states "Each VOA vial is to be completely filled to ensure that no air bubbles are present in the sample." The Respondent failed to maintain a control facility by not following the sampling SOP as required by 40 CFR 63.502(n), LAC 33:III.905 and La R.S. 30:2057(A)(2).
- B. The Respondent failed to monitor leaks found and repaired in the Fugitive Emission Monitoring Reports for HON Units KCLA, MEKTF, ACLARK, PALA, and NRLA1 for the first half of 2007; KFLA, MEKTF, ACLARK, PALA, NRLA1, and RLA3 for the first half of 2006; and KFLA, MEKTF,

ACLARK, and NRLA1 for the second half of 2006 . This is a violation of 40 CFR 63.182(d)(2)(i) as incorporated by LAC 33:III.5122 and La R.S. 30:2057(A)(2).

- C. In the inspector’s review of the detailed follow-up monitoring records for repaired leaking valves in NRLA1 HON unit from the first quarter of 2006 revealed that twelve (12) valves had begun leaking > 500 ppm since their repair. The follow-up monitoring was performed in March and April of 2006 and the Periodic Report for first half of 2006 did not report any leakers found in the follow-up monitoring. Failure to report this is in violation of 40 CFR 63.182(d)(2)(i) as incorporated by LAC 33:III.5122 and La R.S. 30:2057(A)(2).
- D. The Respondent failed to record twelve (12) consecutive month total hours of operation for the sand storage vent (unloading sand) in the AWT Thermal Combustor Unit, as required by State Only Specific Condition 18 of Permit No. 1977-V0. This is a violation of that permit and of LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2).
- E. The Respondent failed to maintain the 1599°F minimum Flue Gas Temperature of the AWT Thermal Combustor Unit (E.P. S-82) for twenty-five (25) daily averaging periods between January 1, 2006 and June 30, 2007. Specific Condition 3(b) requires a minimum of 1599°F on a 15 minute average. ExxonMobil Chemicals failed to comply with all terms and conditions of Permit No. 1977-V0 Specific Condition 3(b) as required by LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2). Dates and average temperatures are in the following table.

Incident	Date	Average Temperature (°F)
1	01/17/06	1510.209
2	04/28/06	1539.854
3	04/30/06	1529.089
4	05/01/06	1516.622
5	05/02/06	1509.492
6	05/23/06	1465.080
7	05/24/06	1522.786
8	05/26/06	1515.510
9	05/27/06	1571.131
10	08/08/06	1324.105
11	08/10/06	1482.103
12	08/11/06	1185.632
13	09/20/06	1219.867
14	09/21/06	1517.450
15	10/05/06	1429.889

Incident	Date	Average Temperature (°F)
16	11/09/06	1312.602
17	02/16/07	1239.213
18	02/17/07	1523.104
19	02/18/07	1554.253
20	02/20/07	1543.156
21	02/21/07	1253.206
22	02/22/07	1445.707
23	05/03/07	1581.150
24	05/04/07	1549.428
25	05/14/07	1590.749

- F. During the course of the inspection, the inspectors observed spilled PAN (phthalic anhydride) on the ground around the collection drum below the D-501 cold box. The Respondent failed to maintain the best practical housekeeping practices in the PALA unit. This is a violation of LAC 33:III.2113 and La R.S. 30:2057(A)(2).

- G. The Respondent failed to include in the 2005 and 2006 Title V Annual Compliance Certification Reports, the identification of each term and condition that is the basis of the certification, the compliance status, whether compliance was continuous or intermittent, and the method(s) used for determining the compliance status of the source. This included 23 permits in 2006 and 18 permits in 2005. Each of these is a violation of LAC 33:III.507.H.5.c as referenced by Part 70 General Condition M, LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2).

- H. The Respondent failed to operate and maintain the Carbon Monoxide (CO) and Sulfur Dioxide (SO₂) CEMS on the PALA Thermal Oxidizers (E.P. S-69 and S-70) as required in accordance with New Source Performance Standards (NSPS) Appendix F Quality Assurance Procedures. The written procedures developed by the Respondent for the CO and SO₂ CEMS failed to include a spare parts inventory as stated in NSPS Appendix F which is required by Potential for Significant Deterioration (PSD) Permit PSD-LA-221(M-1) Specific Condition 3 incorporated into Table 3 conditions of PALA Permit Number 1200-V2. The Respondent failed to comply with all terms and conditions of its permits which is a violation of LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2).

On or about August 2, 2007, a file review of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

The following violations were noted during the course of the file review:

- I. According to a letter dated January 6, 2006, on December 30, 2005, during the commissioning of a new control valve and actuator, momentary pressure instability led to the lifting of the OLA-1X depropanizer atmospheric safety valve for 2 minutes. It appears that an incorrectly sized actuator was installed by the specialist contract company, which led to the pressure control instability. There was no offsite impact. During the 2 minutes 903 lbs ethylene; 1755 lbs propylene; 1300 lbs flammable gas (57 lbs hydrogen, 1243 lbs methane) was released. This is a violation of Permit No. 2361-V0, LAC 33:III.501.C.4 LAC 33:III.905, La R.S. 30:2057(A)(1), and La R.S. 30:2057(A)(2).

- J. The Respondent failed to unblock a fuel gas meter after it recalibration during a turn around. The fuel gas meter is used to properly calculate the NO_x suppression steam. A release of NO_x began at 3:54 p.m. on January 29, 2006 and lasted until 2:54 p.m. on February 1, 2006. This release exceeded the permit limit of 25 ppmv/hr of NO_x for 71 hours. Approximately 807 lbs of NO_x was released during the 71 hours. This is a violation of Permit No. 2012-V0, LAC 33:III.501.C.4, La R.S. 30:2057(A)(1), and La R.S. 30:2057(A)(2).

- K. According to a Letter of Notification sent to the Department, dated May 26, 2006, the Respondent failed to route the V-437 sludge dryer and overhead condenser vent (part of ELDR72A sludge dryer) to the flare after being started up after a shutdown for maintenance. During start up, the V-437 sludge dryer and overhead condenser vent is routed to the atmosphere to prevent significant amounts of oxygen being sent to the flare system. Per General Condition XVII in the AWT Thermal Combustor Part 70 Permit 1977-V0, this is permitted as work activity. At about 12:00 p.m. on May 20, 2006, the sludge dryer reached normal operation. On May 22, 2006 at 10:30 a.m., the V-437 sludge dryer and overhead condenser vent was found to still be routed to the atmosphere. The release lasted about 46.5 hours in which approximately 1.4 lbs of methane, 0.9 lbs of hexanes were released. The remainder of the gas released was nitrogen, oxygen, and steam. The vent was lined up properly to the flare system immediately after discovery. Failure to vent the condenser to the flare is a violation of Permit 1977-V0, LAC 33:III.501.C.4, La R.S. 30:2057(A)(1), and La R.S. 30:2057(A)(2).

- L. According to a letter to the Department dated August 10, 2006, the BRCP experienced a release on August 4, 2006 that lasted 3 hours and 58 minutes. The chemicals released were 120 lbs of butylene and 48.6 lbs of nitrogen oxide. These chemicals were released from a regenerated olefin pump. Upon the discovery of the leaking pump it was immediately blocked from the process to stop the release to the atmosphere. Since the spare pump was in the shop for routine repair work and was unavailable, the regenerated olefin was diverted to the flare while an attempt was made

to fix the leak which was suspected to be only a leaking gasket that could be tightened. Unfortunately, the pump required an o-ring replacement and could not be immediately repaired. The spare pump was quickly brought back to the unit and installed. The Respondent's failure to diligently maintain air pollution controls in proper working order is a violation of Permit No. 2031-V6, LAC 33:III.501.C.4 LAC 33:III.905, La R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

- M. During the Respondent's annual Title V certification review for 2006, a discrepancy was discovered. The discrepancy was between the pressure alarm setting on two tanks (Tank 8 and Tank 9), and the actual relief pressure setting of the pressure/vacuum vents. It is estimated that due to this discrepancy that the pressure vents were relieving to the atmosphere during periods of high pressure. A letter, Unauthorized Discharge Notification Report, dated March 13, 2007 with this discrepancy was submitted to the Department. The following table reflects the Vapor Recovery System of Tanks 8 and 9 that failed twenty-two (22) times. This table was submitted to the Department with the Unauthorized Discharge Notification Report on March 13, 2007.

Event #	Date	NRC Report #	Reportable Release Benzene (lbs)	
			Benzene	1,3 Butadiene
1	05/16/06	828380	NV*	19
2	05/20/06	828379	15.6	29.9
3	05/21/06	828378	15.6	29.9
4	05/23/06	828376	NV	19
5	07/04/06	828375	NV	19
6	07/14/06	828374	16	30.7
7	07/17/06	828373	16	30.6
8	08/05/06	828372	NV	17.5
9	09/11/06	828370	NV	19
10	10/08/06	828369	14.9	28.5
11	10/09/06	828367	12.9	24.7
12	10/10/06	828364	14.2	27.2
13	10/19/06	828365	14.2	27.1
14	11/03/06	828366	NV	19
15	11/22/06	828362	14.7	28.2
16	11/23/06	828360	14.8	28.5
17	12/05/06	828359	NV	19
18	12/09/06	828356	14.3	27.3

19	12/23/06	828354	14.3	27.4
20	12/27/06	828353	14.5	27.8
21	01/27/07	828350	NV	10.55
22	02/19/07	828277	15.6	22.0
Total			207.6	531.9

* The Respondent reported no value/ no exceedence for these events.

Each of these releases of Benzene and 1,3 Butadiene is over the reportable quantity (RQ) which is 10 lbs for each and is in violation of Permit No. 2390-V0 issued on January 26, 2006. The permit limit is 0.01 average lbs/hr and 0.06 tons per year for 1,3 Butadiene and is 0.004 average lbs/hr and 0.02 tons per year for Benzene. The Respondent went over their hourly permitted value each time there was a release and the Respondent went over their tons per year limit for 2006. Each of these is in violation of LAC 33:III.501.C.4. The Respondent's failure to diligently maintain air pollution controls in proper working order is a violation of LAC 33:III.905, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2). Control equipment as defined by LAC 33:III.111 is "any device or contrivance, operating procedure or abatement scheme used to prevent or reduce air pollution."

- N. According to a letter to the Department dated September 20, 2006, on September 14, 2006, a safety valve on the RLA-1 compressor discharge lifted releasing propane refrigerant to the atmosphere. The overpressure occurred during a control system upgrade migration. During the release, 13,300 lbs of Volatile Organic Compounds (VOC) and 13,300 lbs of flammable vapors were released. The reportable quantity value for VOC (which was 5,000 lbs) and the state police limit for flammable vapors (1,000 lbs) were exceeded. The release lasted thirteen (13) minutes. The Respondent's failure to maintain air pollution controls in proper working order is a violation of Permit No. 2166-V1, LAC 33:III.905, LAC 33:III.501.C.4, La R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).
- O. According to a letter to the Department dated February 13, 2007, a flaring event that lasted an hour occurred on February 8, 2006. A control system programming problem raised the operating pressure of SC-01, the methane booster compressor suction pressure, above the safety valve relief point causing the safety valve to release 41.4 lbs of methane to the flare. The Respondent's failure to maintain air pollution controls in proper working order is a violation of LAC 33:III.905, LAC 33:III.501.C.4, La R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2). During this incident approximately 11.40 lbs of NO were also released into the air.
- P. According to a letter dated October 5, 2006, received by the Department on or about October 10, 2006, the Respondent encountered an unauthorized

discharge at their facility on September 28-29, 2006. The release, due to operator error, lasted 14 hours and 22 minutes. During that time 19,140 lbs of syngas, which is comprised of carbon monoxide and hydrogen was released. The Respondent's failure to maintain air pollution controls in proper working order is a violation of LAC 33:III.905, LAC 33:III.501.C.4, La R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

- Q. According to a letter submitted to the Department, dated September 28, 2007, during the first and second quarter monitoring periods 2 open ended lines were found. Upon discovery these open ended lines were corrected. During the first quarter the open ended line was found in the Nova Units which operate under Title V Permit No. 2123-V0. During the second quarter the open ended line was found in the Maintrain Ethylene Production unit which operates under Title V Permit No. 2031-V5. Each open ended line is a violation of their respective permit 2123-V0 and 2031-V5, LAC 33:III.501.C.4, LAC 33:III.5109.A, LAC 33:III.2122.C.2, and La. R.S. 30:2057(A)(2).
- R. According to the Respondent's 2005 Title V 2nd Semi Annual Report dated March 20, 2006, during the 4th quarter of 2005 twenty-three (23) instances of open ended lines were found. The permits associated with these open ended lines according to the letter are Title V Permit Nos. 2166-V1, 2031-V4, 2361-V0, 2299-V3, and 1924-V2. These open ended lines are violations of the aforementioned permits and LAC 33:III.2122.C.2, LAC 33:III.5109.A, LAC 33:III.501.C.4 and La. R.S. 30:2057 (A)(2).
- S. According to the Respondent's 2005 Title V 2nd Semi Annual Report dated March 20, 2006, "a tank hatch was discovered open on December 11, 2005 during an investigation conducted as part of Exxon Mobil's perimeter monitoring efforts that follows up on events that 'trigger' a monitoring trailer. The low concentration of VOC measured from the hatch opening suggests that it was not the cause of the trigger event." This is a violation of Permit No. 2393-V0, LAC 33:III.501.C.4 LAC 33:III.2103.B, and La. R.S. 30:2057(A)(2).
- T. According to the Respondent's 2006 Title V Annual Compliance Certification dated March 26, 2007, during the 1st quarter of 2006 eighty-nine (89) instances of open ended lines were found. The permits associated with these open ended lines according to the letter are Title V Permit Nos. 2156-V0, 2166-V1, 2390-V0, 2031-V4, 2361-V0, 2367-V0, 2299-V3, 1200-V2, 2393-V0, and 2396-V0. These open ended lines are violations of the aforementioned permits and LAC 33:III.2122.C.2, LAC 33:III.5109.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- U. According to the Respondent's 2006 Title V Annual Compliance Certification dated March 26, 2007, during the 2nd quarter of 2006 twenty-three (23) instances of open ended lines were found. The permits associated with these open ended lines according to the letter are Title V Permit Nos. 2031-V4, 2361-V0, 2367-V0, and 2299-V3. These open-ended lines are violations of the aforementioned permits and LAC 33:III.2122, LAC 33:III.5109.A, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- V. According to the Respondent's 2006 Title V Annual Compliance Certification dated March 26, 2007, during the 3rd quarter of 2006 twelve (12) instances of open ended lines were found. The permits associated with these open ended lines according to the letter are Title V Permit Nos. 2367-V0, and 2376-V0. These open ended lines are violations of the aforementioned permits and LAC 33:III.501.C.4, LAC 33:III.2122.C.2, LAC 33:III.5109.A and La. R.S. 30:2057(A)(2).
- W. According to the Respondent's 2006 Title V Annual Compliance Certification dated March 26, 2007, during the 4th quarter of 2006 two instances of open ended lines were found. The permits associated with these open ended lines according to the letter are Title V Permit Nos. 2156-V0, 2166-V1, 2390-V0, 2031-V4, 2361-V0, 2367-V0 2299-V3, 1200-V2, 2393-V0, and 2396-V0. These open ended lines are violations of the aforementioned permits and LAC 33:III.501.C.4, LAC 33:III.2122.C.2, LAC 33:III.5109.A and La. R.S. 30:2057(A)(2).
- X. According to the Respondent's 2006 Title V Annual Compliance Certification dated March 26, 2007, the Respondent failed to monitor 200 connectors each during the first half of 2006 on AT-01(part of E-1000), E-5000, and SFLA (part of MEK/SBA). The permits associated with these connectors according to the letter are Title V Permit Nos. 2156-V0, 1911-V0, and 2281-V0. The Respondents failures to monitor are violations of the aforementioned permits and LAC 33:III.501.C.4, LAC 33:III.2122.C.2, and La. R.S. 30:2057(A)(2).
- Y. According to the Respondent's 2006 Title V Annual Compliance Certification dated March 26, 2007, from June 16, 2006 until July 17, 2006 the #26 Flare Drum was not operating at the minimum of 300 BTU/SCF. This was because the ELDR72 A/B overhead was directly aligned to the #26 Flare Drum resulting in a lower than minimum of 300 BTU/SCF when no other streams were present at the flare tip. This is a violation of Specific Requirement 342 of Title V Permit No. 2390-V0, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).
- Z. According to the Respondent's 2006 Title V Annual Compliance Certification dated March 26, 2007, during the annual emissions inventory

review performed by the Respondent it was discovered that the ammonia emissions were over the limit. The AWT unit was permitted for 19.63 tpy and the actual emissions were 23.05 tpy. This is a violation of General Condition XI of Title V Permit No. 3006-V0, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

- AA. According to a letter sent to the Department dated February 5, 2003, on January 29, 2003, the F-5 Thermal Oxidizer (EIQ #s-69) tripped offline while its three flame eye scanners were being prepared for maintenance causing a release. The operator attempted to bypass the trip controls so work could be done on the thermal functioning scanner. During this procedure, the operator bypassed the two remaining eye flame scanners, before bypassing the third malfunctioning flame eye, causing F-5 to trip off. The release lasted 11 minutes. During that time 25.0 lbs of maleic anhydride, a hazardous pollutant, was released. The permit limit is 21.8 lbs/hr. This is a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).
- BB. On February 20, 2003 at 1:00 a.m., a fluctuation in the fuel gas composition caused a firebox temperature drop in both of the PALA Thermal Oxidizers, F-5 and F-6. While F-6 recovered successfully without incident, F-5 (EIQ #S-69) did not respond as effectively and the flame became unstable. The flame was stabilized by 6:00 a.m. During the time period of 4:00 a.m. to 5:00 a.m., the F-5 firebox temperature was low enough to cause a 7.9 pound exceedence of the maleic anhydride maximum hourly emissions limit. The permit limit for maleic anhydride, a hazardous pollutant, is 21.8 lbs per hour. This is a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

In a letter dated June 6, 2008, the Department was notified of an unauthorized air discharge occurring on June 1, 2008, at the above referenced facility. According to an Unauthorized Discharge Notification Report the Respondent experienced a release on June 1, 2008. The leak lasted approximately one and a half hours and released approximately 672 lbs of propylene. This is a violation of Title V Permit No. 2396-V0, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

III

In response to the Consolidated Compliance Order and Notice of Potential Penalty, Respondent made a timely request for a hearing.

IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FORTY-ONE THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$41,300.00), of which Five Thousand Two Hundred and No/100 Dollars (\$5,200.00) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement.

VI

Respondent, in addition to the penalty amount specified in Paragraph V above and as part of this Settlement, agrees to expend the amount of \$25,000.00 to implement and/or perform the following beneficial environmental project:

- A. To conduct an inventory of fuel use at and in the vicinity of Port Fourchon at a cost of \$25,000.00 which will include an inventory of types and activities of mobile, non-road mobile, and point sources to provide information to assist with NO_x emissions estimates using the fuel use statistics. To the extent practicable, provide information to assist modelers with temporal and spatial allocation of emissions into the regional airshed NO_x source files. The project is to be completed within a four month period following receipt of the finalized settlement.
- B. Respondent shall submit monthly reports regarding its progress on the project. The first shall be due on the 5th of the month following the date the Department signs this Settlement. Monthly reports shall be submitted on the 5th of every month thereafter

until the project is completed. Each such monthly report shall include a description of the project, tasks completed, tasks remaining, the percentage completed, and money expended on each project through the date of the report. Upon completion of the project required under this Settlement, Respondent shall submit a final report to include a summary of all the information previously submitted and a total amount spent on the project listed above. It shall also contain a certification that the project was completed as described.

- C. If Respondent does not spend the amount of \$25,000.00, then it shall, in its final report, propose additional projects for the Department's approval (or pay to the Department) in an amount equal to the difference between the amount of money agreed to be spent and the amount of money actually spent.
- D. The total amount of money expended by Respondent on cash payments to the Department and on beneficial environmental projects, as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30: 2050.7(E)(1).

VII

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Order and Notice of Potential Penalty, the Notice of Penalty, and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VIII

This agreement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

IX

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in LSA- R. S. 30:2025(E) of the Act.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in East Baton Rouge Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XI

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed

or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XII

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XIII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

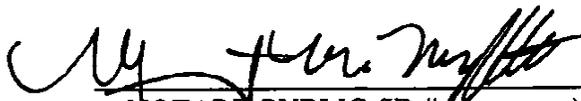
EXXONMOBIL CORPORATION

BY: 
(Signature)

Daniel Schuessler
(Print)

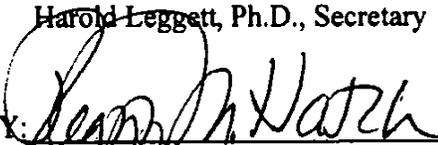
TITLE: BSCP SITE MANAGER

THUS DONE AND SIGNED in duplicate original before me this 28 day of September, 20 09, at Baton Rouge, LA.

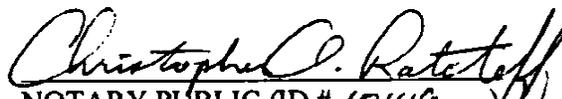

NOTARY PUBLIC (ID # 083508)

Marguerite M. Moffatt
083508
Notary for Life

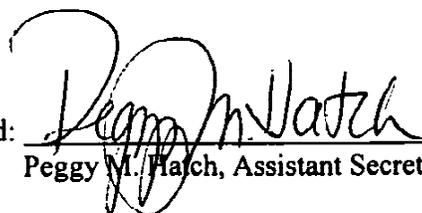
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Harold Leggett, Ph.D., Secretary

BY: 
Peggy M. Hatch, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 7th day of December, 20 09, at Baton Rouge, Louisiana.


NOTARY PUBLIC (ID # 10149)

Christopher A. Ratcliff
(Print)

Approved: 
Peggy M. Hatch, Assistant Secretary