

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

EXXON MOBIL CORPORATION

AI # 3519

PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT  
LA. R.S. 30:2001, ET SEQ.

\* Settlement Tracking No.  
\* SA-AE-10-0042  
\*  
\* Enforcement Tracking No.  
\* AE-CN-09-0663  
\* AE-CN-09-0663A  
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SETTLEMENT

The following Settlement is hereby agreed to between Exxon Mobil 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/or operates a chemical manufacturing facility at 12875 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana (“the Facility”).

II

On January 4, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-09-0663, which was based upon the following finds of fact:

The Respondent owns and/or operates Baton Rouge Polyolefins Plant, an existing chemical manufacturing plant located at 12875 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility was permitted to operate under the administratively amended Title V Permit No. 0840-00003-V2 issued on December 21, 2007, until it expired on January 6, 2009. The

Respondent submitted a Title V permit application dated and received on or about July 15, 2009, which is currently under review by the Department.

On or about November 25, 2009, 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:

- A. According to the Respondent's 2005 Annual Emissions Certification Statement dated March 29, 2006, the 2005 annual emissions of toxic volatile organic compounds (VOCs) and non-toxic VOCs were 144 tons per year (tons/yr). According to Title V Permit No. 0840-00003-V0 issued on January 6, 2004, and Title V Permit No. 0840-00003-V1 issued September 17, 2005, the permitted annual emission rate for VOCs is 126.63 tons/yr. The exceedance of the annual emission rate for VOCs is a violation of LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported this deviation in its Revised 2005 Annual Emissions Certification Statement dated August 4, 2006.
- B. The Respondent's operating air permit, Title V Permit No. 0840-00003-V2, expired on January 6, 2009. A minor modification application was dated and received by the Department on or about July 15, 2009. In a letter dated September 30, 2009, the Respondent requested that this minor modification application be treated as a permit renewal application. The failure to submit a permit application to renew an existing permit at least six months prior to the date of the permit expiration is a violation of LAC 33:III.507.E.4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- C. The Respondent's failure to submit a permit renewal application as per LAC 33:III.507.E.3 has resulted in the expiration of Title V Permit No. 0840-00003-V2. Therefore, the Respondent has been operating the facility without a permit since January 6, 2009. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(1) and 2057(A)(2).
- D. According to the Respondent's 40 CFR 60 Subpart DDD Semi-Annual Report dated March 17, 2009, "On December 10, 2008 the pilot was lost on Flare 234 (NSPS flare) [EQT0072]. There were no emissions from the flare during this time. The Polypropylene Unit was down during this pilot outage and no other streams were venting to the flare. The outage lasted from approximately 4:00 am until 5:30 am. ExxonMobil BRPO had no other periods during this reporting period in which the flare or pilot flame from Flare 234 (NSPS flare) was absent." The failure to operate Flare 234 with a

flame present at all times is a violation of Specific Requirement No. 209 of Title V Permit No. 0840-00003-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

On or about December 16, 2009, the Respondent submitted a request to continue to operate under Title V Permit No. 0840-00003-V2 until the issuance of Title V Permit No. 0840-00003-V3.

On March 9, 2010, the Department issued to Respondent an Amended Consolidated Compliance Order and Notice of Potential Penalty; Enforcement Action No. AE-CN-09-0663A, which amended Consolidated Compliance Order and Notice of Potential Penalty, Enforcement Action No. AE-CN-09-0663, as follows:

“The Department hereby amends Paragraph II of the Findings of Fact portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-09-0663, to remove Paragraph II.A.”

### III

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

### IV

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 TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$ 2,500.00), of which SEVEN HUNDRED THIRTY-THREE AND 07/100 DOLLARS (\$733.07) represents the Department’s enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

## V

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Order and Notice of Potential Penalty, the Amended Compliance Order and Notice of Potential 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.

## VI

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.

## VII

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.

## VIII

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.

#### IX

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).

#### X

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

#### XI

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.

EXXON MOBIL CORPORATION

BY: Angela H. Zeringue  
(Signature)  
Angela H. Zeringue  
(Print)

TITLE: BRPO Site Manager

THUS DONE AND SIGNED in duplicate original before me this 9 day of September, 20 10, at Baton Rouge, LA.

Marguerite M. Moffatt  
NOTARY PUBLIC (ID # 033508)  
Marguerite M. Moffatt  
(Print)

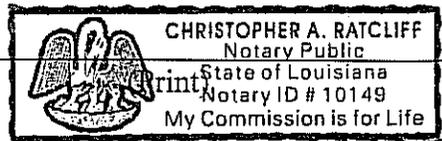
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Peggy M. Hatch, Secretary

BY: Beau James Brock  
Beau James Brock, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 19th day of January, 20 11, at Baton Rouge, Louisiana.

Christopher A. Ratcliff  
NOTARY PUBLIC (ID # \_\_\_\_\_)



Approved: Paul D. Miller  
Paul D. Miller, P.E., Assistant Secretary