STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-AE-11-0067**
EXXON MOBIL CORPORATION	*	
	*	**Enforcement Tracking No.**
AI # 286; 3230	*	**AE-CN-09-0197**
	*	**AE-CN-09-0197A**
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	*	

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 synthetic organic chemical manufacturing facility, located at 4999 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana and a resin finishing plant which is located at 12840 Scenic Highway Baton Rouge, East Baton Rouge Parish, Louisiana ("the Facility").

II

On February 5, 2010, the Department issued to Respondent a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. AE-CN-09-0197, which was based upon the following findings of fact:

The Respondent owns and/or operates the Baton Rouge Chemical Plant (AI # 286), a synthetic organic chemical manufacturing facility, located at 4999 Scenic Highway in Baton

Rouge, East Baton Rouge Parish, Louisiana. The Respondent's facility currently operates under approximately twenty-eight (28) individual Title V permits.

On or about May 14, 2009 and January 22, 2010, a file review was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations.

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

A. According to the 2007 Second Semiannual General Condition K Report dated March 31, 2008, the Respondent discovered two (2) open ended lines in the Isopropyl Alcohol Unit during the third quarter of 2007. The open ended lines were corrected upon discovery. Each open ended line is a violation of Title V Permit No. 1924-V3, LAC 33:III.501.C.4, LAC 33:III.2122, and La. R.S.30:2057(A)(2).

B. According to the 2007 Second Semiannual General Condition K Report dated March 31, 2008, the Respondent discovered an open ended line in the Plasticizer Unit during the third quarter of 2007. The line was corrected upon discovery. The open ended line is a violation of Title V Permit No. 2320-V0, LAC 33:III.501.C.4, LAC 33:III.5109.A, and La. R.S.30:2057(A)(2).

C. According to the 2007 Second Semiannual General Condition K Report dated March 31, 2008, the Respondent discovered an open ended line in the Coproducts Unit during the fourth quarter of 2007. Upon discovery the line was corrected. The open ended line is a violation of 40 CFR 63.167 which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2367-V0, LAC 33:III.501.C.4, and La. R.S.30:2057(A)(2).

D. According to the 2007 Second Semiannual General Condition K Report dated March 31, 2008, the S-01-OLA2X Steam Cracking Furnace AF-01 (EQT686) smoked with opacity greater than 20% for approximately forty-six (46) minutes on October 11, 2007. The smoking occurred due to failure in the convection section. Opacity greater than 20% is a violation of Specific Condition 78 of Title V Permit No. 2031-V6, LAC 33:III.501.C.4, LAC 33:III.1101.B, and La. R.S.30:2057(A)(2).

E. According to the 2007 Second Semiannual General Condition K Report dated March 31, 2008, the Respondent inadvertently mailed the Semiannual Report on November 2, 2007 instead of the required date of

October 30, 2007. Failure to submit the report in a timely fashion is a violation of Title V Permit No. 2123-V0, LAC 33:III.501.C.4, and La. R.S.30:2057(A)(2).

F. According to the 2007 Second Semiannual General Condition K Report dated March 31, 2008, the maximum hourly Volatile Organic Compounds (VOC) emission limit for the Phthalic Anhydride Unit (PALA) Thermal Oxidizer F-5 (S-69) was exceeded for approximately one (1) hour on November 10, 2007. During the hour the VOC emissions were 508.9 lbs/hr instead of the permitted limit of 242.0 lbs/hr. This is a violation of 40 CFR 63.113(a)(2) which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 1200-V2, LAC 33:III.501.C.4, and La. R.S.30:2057(A)(2).

G. According to the 2007 Second Semiannual General Condition K Report dated March 31, 2008, the operating pressures of Tanks 8 and 9 exceeded the pressure valve set points (to atmosphere) for approximately five (5) seconds on May 7, 2007. This is a violation of 40 CFR 63.119(e) which language had been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2390-V0, LAC33:III.501.C.4, and La. R.S.30:2057(A)(2).

H. According to the 2007 Second Semiannual General Condition K Report dated March 31, 2008, the Respondent discovered during the fourth quarter of 2007 that the February and March of 2007 monthly inspections were missing for one (1) bypass valve. The bypass valve is associated with a condenser used as a control device for three (3) surge control vessels at RLA-1. Each missing monthly inspection is a violation of 40 CFR 63.502(a) and 40 CFR 63.172(j)(2) which have been adopted as Louisiana Regulations in LAC 33:III.5122. This is also a violation of Title V Permit No. 2166-V1, LAC 33:III.501.C.4, and La. R.S.30:2057(A)(2).

I. According to the 2007 Second Semiannual General Condition K Report dated March 31, 2008, the Respondent discovered that a car seal was not adequately secured on a closed valve. Failure to have a car seal properly installed is a violation of 40 CFR 60.703(b)(2)(ii) which language has been adopted as a Louisiana Regulation in LAC 33:III.3003. This is also a violation of Title V Permit No. 2123-V0, LAC 33:III.501.C.4, and La. R.S.30:2057(A)(2).

J. According to the 2007 Second Semiannual General Condition K Report dated March 31, 2008, the Respondent discovered that EIQ#V-194 (Gas Scrubber Vent) emits hydrochloric acid (HCl). The emission point did not have an associated permit limit for HCl. The Respondent submitted a permit application in December of 2007 to add a permit limit

for HCl. Unpermitted emissions of HCl is a violation of Title V Permit No. 2156-V0, LAC 33:III.501.C.4, La. R.S.30:2057(A)(1) and 30:2057(A)(2). On December 9, 2008, Title V Permit No. 2156-V1 was issued to the Respondent. This permit includes emission limits for HCL for EIQ# V-194.

K. According to the 2007 Second Semiannual General Condition K Report dated March 31, 2008, the Respondent discovered in the first quarter of 2008 during the preparation of the annual emission inventory that emissions from EIQ T-3304 (Catalyst Drum Vent) exceeded the associated annual emission limit for chlorine by 17 lbs. (i.e., 0.07 tpy instead of the 0.06 tpy permit limit) This exceedence is a violation of Title V Permit No. 2376-V0, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

L. According to the 40 CFR 61 Subpart FF Benzene Waste Operation NESHAP Quarterly Report dated April 2, 2008, on February 7, 2008 Flare # 16 (EQT411, M-06) was without a flame for six (6) minutes in the Infrastructure Unit. The pilot flame was re-established. This is a violation of 40 CFR 60.18 which is required by 40 CFR 61.349(a)(2)(iii), which language has been adopted as a Louisiana Regulation in LAC 33:III.5116. This is also a violation of Title V Permit No. 2390-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

M. According to the 2007 General Condition M Annual Compliance Certification dated March 31, 2008, the Respondent discovered in January 2007 that ten (10) pounds of remediation material exempt from emission control was transferred offsite without the notification required by 40 CFR 63.7936(b)(3)(i). The material was sent to a facility that meets the requirements of 40 CFR 63.7936. Failure to notify before transferring is a violation of 40 CFR 63.7936(b)(3)(i), which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 3006-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

N. According to the 2007 General Condition M Annual Compliance Certification dated March 31, 2008, the Respondent discovered one (1) open ended line in the NOVA Unit during the first quarter of 2007. The line was corrected upon discovery. The open ended line is a violation of Title V Permit No. 2123-V0, LAC 33:III.501.C.4, LAC 33:III.5109.A, and La. R.S. 30:2057(A)(2).

O. According to the 2007 General Condition M Annual Compliance Certification dated March 31, 2008, the Respondent discovered one (1)

open ended line in the Maintrain Unit during the second quarter of 2007. The line was corrected upon discovery. The open ended line is a violation of 40 CFR 63 Subpart UU as referenced by 40 CFR 63 Subpart YY which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2031-V5, LAC 33:III.501.C.4, LAC 33:III.5109.A, and La. R.S. 30:2057(A)(2).

P. According to the 2007 General Condition M Annual Compliance Certification dated March 31, 2008, the Respondent exceeded the maximum permitted CO lbs/hr limit for three (3) hours on April 12, 2007. The exceedence occurred at the SCOLA Thermal Oxidizer (Source TRT001, S-86, in the Maintrain Complex) during a non-routine startup. This is a violation of Title V Permit No. 2031-V5, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

Q. According to the First Quarter General Condition R Report dated June 30, 2008, on March 19, 2008 Flare # 16 (EQT411, M-06) was without a flame for twenty-five (25) minutes in the Infrastructure Unit. The pilot flame was re-established. This is a violation of Specific Conditions 123 and 132 of Title V Permit No. 2390-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, and La. R.S. 30:2057(A)(2). This is also a violation of 40 CFR 63.11(b)(5) which language has been adopted as a Louisiana Regulation in LAC 33:III.5122.

R. According to the First Quarter General Condition R Report dated June 30, 2008, due to a malfunction of a nitrogen regulator in Tank T-1955 (Source ID T-1955), the tank was overpressured and vented a portion of the tank vapors out of the emergency vapor vent instead of to the closed vent system to the flare. This was a bypass of the control device required by 40 CFR 60 Subpart Kb. This occurred intermittently for four (4) hours and five (5) minutes on March 12, 2008. This is a violation of 40 CFR 60 Subpart Kb which language has been adopted as a Louisiana Regulation in LAC 33:III.3003. This is also a violation of Title V Permit No. 2156-V0, LAC 33:III.501.C.4, LAC 33:III.5109.A, and La. R.S. 30:2057(A)(2).

S. According to the 40 CFR 61 Subpart FF Benzene Waste Operation NESHAP Quarterly Report dated July 2, 2008, on May 14, 2008, Flare # 26 (EQT413, M-08) was without a flame for five (5) minutes in the Infrastructure Unit. The pilot flame was re-established. This is a violation of 40 CFR 60.18 which is required by 40 CFR 61.349(a)(2)(iii), which language has been adopted as a Louisiana Regulation in LAC 33:III.5116. This is a violation of title V Permit No. 2390-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

T. According to the First Half of 2008 Part 70 General Condition K Report dated September 26, 2008, the Respondent failed to perform daily zero and span calibration drift checks as required by 40 CFR 60.13(d)(1). From March 14, 2008 until March 20, 2008, for seven (7) consecutive daily validation periods, the daily auto validation did not occur for the A-1843 NSPS fuel gas H2S CEMS analyzer due to a validation programming error. Each failure to perform daily zero and span calibration drifts is a violation of 40 CFR 60.13(d)(1), which language has been adopted as a Louisiana Regulation in LAC 33:III.3003. These are also violations of Title V Permit No. 2299-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

U. According to the First Half of 2008 Part 70 General Condition K Report dated September 26, 2008, the Respondent discovered six (6) open ended lines in the E-1000 Unit in May of 2008. Upon discovery the lines were corrected. The open ended lines are violations of Title V Permit No. 2156-V0, LAC 33:III.501.C.4, LAC 33:III.5109.A, and La. R.S.30:2057(A)(2).

V. According to the First Half of 2008 Part 70 General Condition K Report dated September 26, 2008, during the monthly car seal inspection on May 3, 2008 it was noted that a ¾ inch bleeder valve on the KZD-22OH to the flare was missing a car seal. Failure to have a car seal properly installed is a violation of 40 CFR 61.349 which language has been adopted as a Louisiana Regulation in LAC 33:III.5116. This is also a violation of Title V Permit No. 2361-V1, LAC 33:III.501.C.4, and La. R.S.30:2057(A)(2).

W. According to the First Half of 2008 Part 70 General Condition K Report dated September 26, 2008, the Respondent failed to perform daily validation/calibration drift checks for F-5 on May 3, 2008, and on F-6 for May 8-13, 2008. Each failure to perform daily validation/calibration drifts is a violation of Table 3 Requirements of PSD Permit No. PSD-LA-221(M-1), Title V Permit No. 1200-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

X. According to the First Half of 2008 Part 70 General Condition K Report dated September 26, 2008, on June 6, 2008, the H2S levels in the NSPS fuel gas system increased above allowable limits due to a valve misalignment. The 160 ppm 3-hour average H2S limit for fuel gas was exceeded for 4 consecutive averaging periods as follows:

Times	Three (3) hour average H2S
08:00-11:00	651.23
09:00-12:00	1087.77
10:00-13:00	1094.80
11:00-14:00	511.97

Once discovered the valve misalignment was correct. The unscrubbed gas entering the NSPS fuel gas system resulted in permit deviations for three (3) furnaces subject to NSPS Subpart J standard of 160 ppm 3- hour average H2S limit in fuel gas. The furnaces were Aromatics F-200X (EQT0876, S-39), Aromatics F-160 (EQT0875, S-38), and POLY F-IRX (EQT0365, S-112). Failure to operate within permit limits is a violation of Title V Permit Nos. 2299-V4 and 2396-V0, 40 CFR 60.104(a)(1) which language has been adopted as a Louisiana Regulation inLAC 33:III.3003, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). In addition, three (3) furnaces exceeded their permit limits for SO2 in flue gas emissions as follows:

Unit (EQT)	Time	Pounds Over Limit
Aromatics F-160 (EQT0875, S-38),	10:00-11:00	2.46
Aromatics F-402 (EQT0877, S-76),	10:00-11:00	11.84
Aromatics F-402 (EQT0877, S-76),	11:00-12:00	5.67
POLY F-IRX (EQT0365, S-112)	10:00-11:00	1.22
POLY F-IRX (EQT0365, S-112)	11:00-12:00	0.1

Failure to operate within permit limits is a violation of Title V Permit Nos. 2299-V4 and 2396-V0, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

Y. According to the First Half of 2008 Part 70 General Condition K Report dated September 26, 2008, a field instrument failure caused a gas recovery compressor in the Olefins Unit to shutdown on June 27, 2008. When the compressor shutdown several of the furnaces in the Olefins Unit were evacuated to the flare system causing the flare to smoke. This is a violation of 40 CFR 60.18(c)(1) which language has been adopted as a

Louisiana Regulation in LAC 33:III.3003. This is also a violation of Title V Permit No. 2390-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

Z. According to the First Half of 2008 Part 70 General Condition K Report dated September 26, 2008, the PALA F-5 (Source ID S-69) and PALA F-6 (Source ID S-70) incinerators smoked for approximately fifty-six (56) minutes on June 27, 2008. The smoking was greater than 20% opacity. This is a violation of the Table 3 Requirements of Title V Permit No. 1200-V2, LAC 33:III.501.C.4, LAC 33:III.1101.B, LAC 33:III.1311.C, and La. R.S. 30:2057(A)(2).

AA. According to the Third Quarterly Deviation Report for 2008 dated December 23, 2008, Furnace A at the Maintrain Unit intermittently smoked due to a tube leak on July 25, 2008. This is a violation of Title V Permit No. 2031-V6, LAC 33:III.1101.B, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

BB. According to the Third Quarterly Deviation Report for 2008 dated December 23, 2008, the Respondent failed to perform a daily validation/calibration drift check for the CEMS on August 27, 2008. Failure to perform the daily validation/calibration drift check is a violation of Table 3 Requirements of Title V Permit No. 1200-V2, PSD Permit PSD-LA-221(M-1), LAC 33:III.509, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

CC. According to the Third Quarterly Deviation Report for 2008 dated December 23, 2008, the Respondent performed an internal audit and discovered an opened ended line in September 2008. The line was plugged upon discovery. The open ended line is a violation of 40 CFR 63.167 which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2299-V5, LAC 33:III.501.C.4, and La. R.S 30:2057(A)(2).

DD. According to the 2008 Annual Compliance Certification dated March 31, 2009, the Respondent discovered six (6) open ended lines at Escorez 1000 Unit in May 2008. All lines were corrected upon discovery. Each open ended line is a violation of Title V Permit No. 2156-V0, LAC 33:III.501.C.4, LAC 33:III.5109.A, and La. R.S 30:2057(A)(2).

EE. According to the 2008 Annual Compliance Certification dated March 31, 2009, the Respondent discovered that monitoring for six (6) pumps was missed during the months of May, June, August, September, and October of 2008. The pumps were being monitored on a quarterly basis according to the Louisiana MACT Determination for Non-HON

Sources but were not being monitored monthly as required by the MON. No leaks were found when the monitoring was completed in July and November of 2008. Each failure to monitor a pump is a violation of 40 CFR 63 Subparts FFFF and UU which have been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2156-V0, LAC 33:III.501.C.4, LAC 33:III.5109.A, and La. R.S.30:2057(A)(2).

FF. According to the 2008 Annual Compliance Certification dated March 31, 2009, the Respondent discovered on October 13, 2008, an open bleeder valve on the discharge line from Group I Wastewater Tank XPD-716. The Respondent reported that they believe that the bleeder valve was accidently left open after retrieving a sample to check the pH of the wastewater the previous evening. The bleeder valve was immediately closed upon discovery. This is a violation of 40 CFR 63 Subparts FFFF which language has been adopted as a Louisiana Regulations in LAC 33:III.5122. This is also a violation of Title V Permit No. 2365-V2, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S.30:2057(A)(1) and 30:2057(A)(2).

GG. According to the 2008 Annual Compliance Certification dated March 31, 2009, the Respondent discovered on December 10, 2008, an unplugged bleeder valve on the Oxo Tankfield Vapor Recovery System Header. The valve was closed and plugged. A portion of the vapors from the tank were emitted to the atmosphere instead of being routed to the fuel gas system. Having an unplugged bleeder valve is a violation of 40 CFR 63 Subpart FFFF which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2393-V1, LAC 33:III.5109.A, LAC 33:III.501.C.4, La. R.S.30:2057(A)(1) and 30:2057(A)(2).

HH. According to the 2008 Annual Compliance Certification dated March 31, 2009, the Respondent failed to submit the notification of completed construction with ten (10) calendar days of construction being certified as complete. The construction report was due December 30, 2008 and was submitted on March 13, 2009. Late submittal of the report is a violation of State General Condition VI of Title V Permit No. 2031-V7, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

II. According to the 2008 Second Semiannual Monitoring Report dated March 31, 2009, the Respondent's Flare #25 smoked for approximately four (4) hours due to an upset in a process unit. The same upset caused Flare # 10 to smoke for approximately ten (10) minutes. This upset incident occurred on October 26, 2008. This is a violation of 40 CFR 60.18(c) which language has been adopted as a Louisiana Regulation in

LAC 33:III.3003. This is also a violation of Title V Permit No.2390-V1, LAC 33:III.1105.A, LAC 33:III.501.C.4, and La.R.S.30:2057(A)(2).

JJ. According to the 2008 Annual Compliance Certification and the State General Condition XI.C both dated March 31, 2009, the Respondent discovered the following exceedences for secondary wastewater emissions (EIQ #M-57) at the Halobutyl Unit during compliance verification activities and/or emission inventory calculations:

Emitted 1.39 tons VOC (vs the annual permit limit of 1.1 TPY)
Annual Average Flowrate exceeded the 100 gpm normal permitted operating rate
Maximum flowrate exceeded the 400 gpm maximum operating rate 39 times in 2008
Exceeded the annual emission limit of n-hexane (0.28 tons per year vs 0.27 tons per year) and of methyl chloride (0.35 tons per years vs 0.28 tons per year)
Exceeded the maximum hourly emissions rate of n-hexane 25 times in 2008. Exceeded the maximum hourly emissions rate of methyl chloride 39 times in 2008

Each exceedence is a violation of Title V Permit No. 2166-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). This is also a violation of 40 CFR63 Subpart U which language has been adopted as a Louisiana Regulation in LAC 33:III.5122.

KK. According to the 40 CFR 63 Subparts F and G Semiannual Report dated May 18, 2009, the vapor pressure valve on Tank 153 leaked for approximately thirty-seven (37) minutes on September 25, 2008. This is a violation of Title V Permit No. 1200-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). This is also a violation of 40 CFR63 Subpart G which language has been adopted as a Louisiana Regulation in LAC 33:III.5122.

LL. According to the 40 CFR 63 Subpart F and G Semiannual Report dated May 18, 2009, the Respondent's Flare #25 smoked for approximately thirty-five (35) minutes due to an upset in a process unit. The same upset caused Flare # 26 to smoke for approximately thirty-four (34) minutes and Flare # 10 to smoke for approximately twenty-eight (28) minutes. This is a violation of Title V Permit No. 2390-V1, LAC 33:III.1105.A, LAC 33:III.501.C.4, and La. R.S.30:2057(A)(2).

MM. According to the 40 CFR 63 Subpart FFFF Semiannual Compliance Report dated August 28, 2009, the Respondent found two (2) open ended lines in January 2009. These were corrected upon discovery. This is a violation of Title V Permit No. 2367-V1, LAC 33:III.501.C.4, LAC 33.III.5109.A, and La. R.S. 30:2057(A)(2).

NN. According to the 40 CFR 63 Subpart FFFF Semiannual Compliance Report dated August 28, 2009, the Respondent found two (2) bleeder valves with missing plugs on April 21, 2009. The plugs were replaced upon discovery. Each open ended line is a violation of 40 CFR Subpart FFFF which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2396-V0, LAC 33:III.501.C.4, LAC 33.III.5109.A, LAC 33:III.2122, and La. R.S. 30:2057(A)(2).

OO. According to the 40 CFR 63 Subpart FFFF Semiannual Compliance Report dated August 28, 2009, the Respondent found a drain valve open on the distance piece of a compressor associated with the Baton Rouge Chemical Plant Flare System. The valve was closed upon discovery. An open valve is a violation of Title V Permit No. 2390-V1, LAC 33:III.501.C.4, LAC 33.III.5109.A, and La. R.S. 30:2057(A)(2).

PP. According to the 40 CFR 63 Subpart FFFF Semiannual Compliance Report dated August 28, 2009, the Respondent discovered that four (4) valves located in the Poly MCPU were found on the delay of repair list dated 2005. The Poly MCPU had been shutdown from April 28, 2008 until June 2, 2008 for a major turnaround. However the valves were not monitored at that time. The valves were monitored on May 6, 2009 and found to be leaking. A first attempt was made to repair the valves on May 11, 2009 but was unsuccessful. Three of the valves were injected and the fourth which was a control valve was adjusted by an instrument technician on May 12, 2009. All leaks were below 500 ppmv when remonitored. Each failure to correct a component on the Delay of Repair during the next down time is a violation of Title V Permit No. 2396-V0, LAC 33:III.501.C.4, LAC 33:III.2122.C.2, and La. R.S. 30:2057(A)(2).

QQ. According to the 40 CFR 63 Subpart FFFF Semiannual Compliance Report dated August 28, 2009, the Respondent found four (4) bleeder valves with missing plugs on June 18, 2009. The plugs were replaced upon discovery. Each open ended line is a violation of Title V Permit No. 1924-V3, LAC 33:III.501.C.4, LAC 33.III.2122.C.2, and La. R.S. 30:2057(A)(2).

RR. According to the 40 CFR 63 Subpart FFFF Semiannual Compliance Report dated August 28, 2009, the Respondent found two (2) open ended lines in April 2009. These were corrected upon discovery. Each open ended line is a violation of 40 CFR Subpart H which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2367-V1, LAC 33:III.501.C.4, LAC 33.III.5109.A, and La. R.S. 30:2057(A)(2).

SS. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009, the Respondent's SACC "A" Furnace (Furnace AF-01 EIQ #S-01) smoked for approximately twenty-five (25) minutes due to a tube leak on February 5, 2009. This is a violation of Title V Permit No. 2031-V7, LAC 33:III.1101.B, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

TT. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009, the Respondent's SACC "A" Furnace (Furnace AF-01 EIQ #S-01) smoked for approximately four (4) minutes due to a tube leak on February 14, 2009. This is a violation of Title V Permit No. 2031-V7, LAC 33:III.1101.B, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

UU. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009, the Respondent had a process upset on February 17, 2009 that caused three (3) flares smoke. Each smoked for approximately thirty (30) minutes. This is a violation of 40 CFR 60.18(c) which language has been adopted as a Louisiana Regulation in LAC 33:III.3003. This is also a violation of Title V Permit No. 2390-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2)

VV. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009, the Respondent brought a certified compression ignition (CI) engine over 500 HP onsite for 105 days without emission reduction equipment. The engine was used temporarily to replace a different engine (EIQ# S-109) out of service for maintenance. The replacement had a higher HP than listed in the permit application. The Respondent states that no permit limits were exceeded during this time. The Respondent removed the temporary engine prior to the required performance testing due date, therefore a parameter for continuous monitoring could not be established. Operating a piece of equipment not in the permit or permitting action is a violation of Title V Permit No. 2031-V7, LAC 33:III.501.C.4, LAC 33:III.501.C.1, and La. R.S.30:2057(A)(2).

WW. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009, the respondent determined on April 27, 2009 that Tank 1987, a Group I Storage Vessel, was equipped with a vapor mounted primary seal instead of the required liquid mounted seal. The tank was removed from service on May 14, 2009. The Respondent states that no permit limits were exceeded during this time. Failure to have the correct primary seal on a Group I Storage Vessel is a violation of 40 CFR 63 Subpart U which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2166-V1, LAC 33:III.501.C.4, LAC 33.III.2103, and La. R.S. 30:2057(A)(2).

XX. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009, the Respondent's SACC "A" Furnace (Furnace AF-01 EIQ #S-01) smoked for approximately three (3) hours and twenty (20) minutes due to a tube leak on May 20, 2009. This is a violation of Title V Permit No. 2031-V7, LAC 33:III.1101.B, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

YY. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009, the Respondent's SACC "G" (Furnace GF-01 EIQ #S-07) Furnace smoked for approximately nine (9) minutes due to a tube leak on May 20, 2009. This is a violation of Title V Permit No. 2031-V7, LAC 33:III.1101.B, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

ZZ. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009, a furnace smoked for approximately ten (10) minutes due to a mechanical lag in oxygen supply on May 20, 2009. This is a violation of Title V Permit No. 2379-V0, LAC 33:III.1101.B, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

AAA. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009, the Respondent had exceedences for secondary wastewater emissions (EIQ M-57) at the Halobutyl Unit. The maximum flowrate exceeded the 400 gpm maximum operating rate for a total of nine (9) hours over five (5) different days. The Respondent also exceeded the maximum hourly VOC emissions permitted rate on those five (5) days due to the flow-rate being greater than 400 gpm. Each exceedence of flowrate and VOC emissions is a violation of Title V Permit No. 2166-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

BBB. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009, during an internal audit, the Respondent discovered four (4) open ended lines in the CPLA Unit. The lines were plugged upon

discovery. Each open ended line is a violation of 40 CFR 63.167 which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. Each open ended line is also a violation of Specific Requirement 335 of Title V Permit No. 2367-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, and La. R.S. 30:2057(A)(2).

CCC. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009, during an internal audit, the Respondent discovered four (4) open ended lines in the IPA Unit. The lines were plugged upon discovery. Each open ended line is a violation of 40 CFR 63.167 which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. Each open ended line is also a violation of Title V Permit No. 1924-V3, LAC 33:III.501.C.4, LAC 33:III.5109.A, and La. R.S. 30:2057(A)(2).

DDD. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009, during an internal audit the Respondent discovered one (1) open ended line in the MEK Unit. The line was plugged upon discovery. The open ended line is a violation of 40 CFR 63.167 which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. The open ended line is also a violation of Title V Permit No. 2281-V1, LAC 33:III.501.C.4 LAC 33:III.5109.A, and La. R.S. 30:2057(A)(2).

EEE. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009, during an internal audit, the Respondent discovered one (1) open ended line in the OLA-2X Unit. The line was plugged upon discovery. The open ended line is a violation of Title V Permit No. 2379-V0, LAC 33:III.501.C.4, LAC 33:III.5109.A, and La. R.S. 30:2057(A)(2).

FFF. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009, during an internal audit, the Respondent discovered two (2) open ended lines in the Poly Unit. The lines were plugged upon discovery. Each open ended line is a violation of Title V Permit No. 2396-V0, LAC 33:III.501.C.4, LAC 33:III.2122, LAC 33:III.5109.A, and La. R.S. 30:2057(A)(2).

GGG. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009, during an internal audit, the Respondent discovered one (1) open ended line in the RGR Unit. The line was plugged upon discovery. The open ended line is a violation of 40 CFR 63 Subpart UU which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. The open ended line is also a violation of Title V Permit No. 2361-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, and La. R.S. 30:2057(A)(2).

HHH. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009 the Respondent discovered that two (2) engines were inadvertently omitted from a Title V Permit No. 2376-V1. This is a violation of LAC 33:III.517.A.1, LAC 33:III.501.C.1, LAC 33:III.501.C.2, and La. R.S. 30:2057(A)(2). Additional information received from the Respondent dated December 18, 2009, clarifies that one engine called Hydroblaster C-28 qualifies for insignificant activity.

III. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009 the Respondent discovered that an emergency generator was inadvertently omitted from a Title V Permit No. 2390-V1. This is a violation, LAC 33:III.517.A.1, LAC 33:III.501.C.1, LAC 33:III.501.C.2 and La. R.S. 30:2057(A)(2).

JJJ. According to First Half of 2009 Part 70 General Condition K Report dated September 30, 2009 the Respondent had exceedences for secondary wastewater emissions (EIQ M-57) at the Halobutyl Unit. The maximum hourly n-hexane emissions exceeded the permitted emission for a total of nine (6) hours on four (4) days. Each exceedence of permitted n-hexane emission is a violation of Title V Permit No. 2166-V1, LAC 33:III.5109.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

KKK. According to the Notice of Exceedence of Permit Limits Letter dated December 1, 2009, the Respondent exceeded multiply permit limits for the Flare Cap Emission Point M-1000. The exceedence were determined using updated flow measurement calculations. The exceedences can be found in the following table:

M-1000	**2009 YTD (TPY)**	**Permit Limit (TPY)**
VOC:		
2,2,4-Trimethylpentane	0.028	0.02
Acetonitrile	0.036	0.01
M-1000	**2009 YTD (TPY)**	**Permit Limit (TPY)**
Biphenyl	0.113	0.01
Cumene	0.027	0.02
Dimethylformamide	0.017	0.01
Ethylene Gycol	0.017	0.01
Methanol	0.680	0.66

Methyl Ethyl Ketone	0.028	0.01
Methyl Isobutyl Ketone	0.021	0.01
Methyl Tert-Butyl Ether	0.040	0.02
N-Butyl Alcohol	0.039	0.01
Phenol	0.045	0.01
Non-VOC:		
Ammonia	0.039	0.01
Sulfur Dioxide	9.325	0.86
Subtotal PAH	0.500	0.003
Subtotal TRS	0.032	0.01

Each Exceedence is a violation of Title V Permit No. 2390-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). This is also 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."

LLL. According to the Notice of Exceedence of Permit Limits Letter dated December 4, 2009, the Baton Rouge Turbine Generator lost NO_x suppression steam due to a drop in temperature on November 30, 2009. This caused a ten (10) minute exceedence of the NO_x concentration in the exhaust. According to Appendix A of the permit, the NO_x concentration in the exhaust shall not exceed 25 ppmv. During this ten (10) minute exceedence, approximately 4.5 lbs of excess NO_x emissions were released. This is a violation of Appendix A of Title V Permit No. 2012-V2, LAC 33:III.905, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

The Respondent owns and/or operates Baton Rouge Resin Finishing Plant (AI # 3230), which is located at 12840 Scenic Highway, Baton Rouge, East Baton Rouge Parish, Louisiana. The Facility is permitted as a minor stationary source and began operation prior to 1969. The Facility previously operated under Air Permit No. 0840-00035-10 issued on September 8, 2002, which was administratively amended on May 22, 2003. The facility is currently operating under

Air Permit No. 0840-00035-11 issued on July 16, 2004. Baton Rouge Resin Finishing Plant receives resin solutions from ExxonMobil Baton Rouge Chemical Plant Escorez 1000 (E-1000) and Escorez 5000 (E-5000) Units. The resin solution is pumped to storage tanks prior to stripping the diluents.

On or about May 14, 2009 and January 22, 2010, a file review was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations.

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

> According to the Third Quarterly Deviation Report for 2008 dated December 23, 2008, the Respondent exceeded emissions for insignificant activities. One boiler needed to be cleaned three (3) times instead of the two (2) times the Respondent had requested. This created excess emissions of 0.34 TPY of VOC, 0.01 TPY of formaldehyde, and 0.13 TPY of ethylene glycol. Each exceedence is a violation of Permit No. 0840-00035-11, LAC 33:III.501.B.5.B, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

On or about December 21, 2009, a follow up letter to a meeting held on December 3, 2009 was received by the Department. The letter was dated December 18, 2009. The letter requests interim emission limits for Flare CAP (Emission Point M-1000).

On or about March 16, 2010, the Department issued to Respondent an Amended Consolidated Compliance Order and Notice of Potential Penalty with Enforcement No. AE-CN-09-0197A which was based upon the following findings of fact:

The Department hereby deletes the second Paragraph II of the Compliance Order in its entirety.

The Department hereby amends Paragraph III.C of the Compliance Order to read as follows:

"III.

C. To submit to the Air Permits Division, within ninety (90) days after review and acceptance of the flare sampling results an updated Permit application for Permit No. 2390-V1. The Respondent shall submit a copy of the cover letter to the Enforcement Division."

The Department incorporated all of the remainder of the original Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. AE-CN-09-0197 and Agency Interest Nos. 286 and 3230 as if reiterated therein.

III

The issues listed below are not the subject matter of an enforcement action issued by the Department, but are included as a part of this Settlement:

A. In a letter dated January 15, 2010, the Department was notified of an unauthorized air discharge occurring on June 1, 2008, at the Baton Rouge Chemical Plant. According to the Unauthorized Discharge Notification Report the Respondent had a release on January 9-11, 2010. A leak was found in a propylene line at the Ethylene Purification Unit. The Unit was shut down to stop the leak and the flaring. Approximately 716 pounds of ethylene, 2,562,647 pounds of Flammable Vapor, 2,421,834 pounds of propylene, and 141,454 pounds of volatile organic compounds were released. This is a violation of Title V Permit No. 2031-V6, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). After further investigation it was discovered that the leak actually started on October 9, 2009.

B. According to the 2009 Annual Compliance Certification, the follow up leak verification test for Maintrain 91-AHUC, was not completed within thirty (30) days of repair. The repair was completed on or about December 16, 2008 with the follow up verification test due on or about January 15, 2009. The follow up verification test was completed on or about January 19, 2009. The failure to complete the leak verification test within thirty (30) days of repair is a violation of 40 CFR 82.156(h)(3), General Condition T.5 of Title V Permit No. 2031-V7, LAC 33:III.501.C.4, and La R.S. 30:2057(A)(2).

C. According to the 2009 Annual Compliance Certification, furnace EQT0326 emitted smoke for approximately ten minutes due to a mechanical lag in the oxygen supply. Having an opacity greater than twenty percent for more than six minutes during a sixty minute period is a violation of Specific Condition 5 of Title V Permit No. 2379-V0, LAC 33:III.1101.B, LAC 33:III.501.C.4, La R.S. 30:2057(A)(1), and 30:2057(A)(2).

D. According to the 2009 Annual Compliance Certification, on or about April 27, 2009, it was determined that Tank 1987 (EQT0983), a Group I storage vessel equipped with an external floating roof, was equipped with a vapor mounted primary seal. In East Baton Rouge Parish a storage vessel of this type is required to be equipped with a liquid mounted seal. Tank 1987 was taken out of service on or about May 14, 2009. The failure to properly control organic emissions is a violation of LAC 33:III.2103.D, 40 CFR 63 Subpart U, and La R.S. 30:2057(A)(2).

E. According to the 2009 Annual Compliance Certification dated March 31, 2010, the Respondent discovered fourteen (14) open ended lines (OELs) during the period of on or about January 1-June 30, 2009. Each open ended line is a violation of Title V Permit Nos. 2167-V1, 2390-V1, 1924-V3, 2031-V7, 2281-V1, 2396-V0, 2361-V1, 40 CFR 63 Subpart H, 40 CFR 63 Subpart UU, LAC 33:III.501.C.4, LAC 33:III.5109.A, and La. R.S 30:2057(A)(2).

F. According to the first 2010 Semiannual Monitoring Report dated March 31, 2011, two valves at the ACLA Rack (U-47) were not monitored as required by 40 CFR 63 Subpart H. Each failure is a violation of Title V Permit No. 2367-V1, 40 CFR 63 Subpart H, LAC 33:III.5122, and La R.S. 30:2057(A)(2).

G. According to the first 2010 Semiannual Monitoring Report dated September 30, 2010, four components at BELA-5 were discovered that had not been included in the database and were not monitored as required by 40 CFR 63 Subpart H. Each monitoring failure is a violation of Title V Permit No. 2367-V1, 40 CFR 63 Subpart H, LAC 33:III.5122, LAC 33:III.501.C.4, and La R.S. 30:2057(A)(2).

H. According to the first 2010 Semiannual Monitoring Report dated September 30, 2010, eight (8) open ended lines were discovered during the reporting period. Each open ended line is a violation of 40 CFR 63 Subpart H, 40 CFR 63 Subpart UU, Title V Permit Nos. 2299-V5, 2367-V1, 1911-V1, 2031-V7, 2361-V1, LAC 33:III.5122, LAC 33:501.C.4, and La R.S. 30:2057(A)(2).

I. According to the first 2010 Semiannual Monitoring Report dated September 30, 2010, two (2) portable 440 horsepower air compressors were brought onsite to temporarily replace two (2) existing 415 horsepower air compressors that required maintenance. The failure to submit a permit modification application prior to modification and operation of the source is a violation of LAC 33:501.C.1, LAC 33:III.501.C.2, LAC 33:517.A.1, La R.S. 30:2057(A)(1), and 30:2057(A)(2)

J. According to the first 2010 Semiannual Monitoring Report dated September 30, 2010, a fifty-five (55) gallon drum containing asbestos gaskets was an unsecured lid and inadequate labeling. The failure to adequately secure and label asbestos containing wasted is a violation of 40 CFR 61.150(a)(1)(iii-iv).

K. According to the first 2010 Semiannual Monitoring Report dated September 30, 2010, one (1) bypass valve was inspected quarterly rather than monthly. This failure is a violation of LAC 33:III.5122.A, 40 CFR 63.489(d)(2), and 40 CFR 63.491(3)(4)(i).

L. According to the first 2010 Semiannual Monitoring Report dated September 30, 2010, on or about May 26, 2010, one of the engines exceeded twenty percent opacity. The failure to control smoke emissions is a violation of Title V Permit No. 2376-V1, LAC 33:III.501.C.4, LAC 33:III.1101.B, La R. S. 30:2057(A)(1), and 30:2057(A)(2).

M. According to the 2010 Annual Compliance Certification dated March 31, 2011, twenty-one (21) open ended lines were discovered during the reporting period as required by 40 CFR 63 Subpart H and 40 CFR Subpart UU. Each open ended line is a violation Title V Permit Nos. 2367-V1, 2156-V1, 1924-V4, 2031-V8, 2365-V3, 2210-V0, 2376-V1, LAC 33:III.5122, LAC 33:501.C.4, and La R.S. 30:2057(A)(2).

N. According to the 2010 Annual Compliance Certification dated March 31, 2011, on or about July 12, 2010, the SACC Furnace C smoked due to a leaking tube. The failure to control smoke emissions is a violation of Title V Permit No. 2031-V8, LAC 33:III.501.C.4, LAC 33:III.1101.B, La R.S. 30:2057(A)(1), and 30:2057(A)(2).

O. According to the 2010 Annual Compliance Certification dated March 31, 2011, on or about July 31, 2010, the SACC Furnace C smoked due to a tube rupture. The failure to control smoke emissions is a violation of the Title V Permit No. 2031-V8, LAC 33:III.501.C.4, LAC 33:III.1101.B, La R.S. 3057(A)(1), and 30:2057(A)(2).

P. According to the 2010 Annual Compliance Certification dated March 31, 2011, three (3) valves within the DILA were not monitored in August 2010 as part of the semiannual monitoring schedule. Each monitoring failure is a violation of 40 CFR 63 Subpart UU, LAC 33:III.5122, and La R.S. 30:2057(A)(2).

Q. According to the 2010 Annual Compliance Certification dated March 31, 2011, the facility failed to perform monthly monitoring on twelve (12) agitators (U-29) on the Plastisizer Unit during the period of August 1, 2010 through December 31, 2010. Each monitoring failure is a violation of

40 CFR 63 Subpart UU, Title V Permit No. 2320-V0, LAC 33:III.501.C.4, and La R.S. 30:2057(A)(2).

R. According to the 2010 Annual Compliance Certification dated March 31, 2011, on or about September 10, 2010, three (3) flares smoked more than six minutes during a consecutive sixty minute period. One flare smoked for thirty-eight minutes. Two additional flares smoked for fifteen minutes each. Each failure to control opacity is a violation of 40 CFR 63.11, Title V Permit No. 2390-V1, LAC 33:III.501.C.4, LAC 33:III.1311.C, La R.S. 30:2057(A)(1), and 30:2057(A)(2).

S. According to the 2010 Annual Compliance Certification dated March 31, 2011, the following smoking incidents were noted:

Date	Emission Source
September 12, 2010	SACC Furnace KAF-01
September 23, 2010	SACC Furnace KAF-01
September 27, 2010	SACC Furnace KCF-01
October 3, 2010	SACC Furnace H
October 7, 2010	SACC Furnace G

Each failure to control smoke emissions is a violation of Title V Permit No. 2031-V8, LAC 33:III.501.C.4, LAC 33:III.1101.B, LAC 33:III.1311.C, La R.S. 30:2057(A)(1), and 30:2057(A)(2).

T. According to the 2010 Annual Compliance Certification dated March 31, 2011, one (1) connector at the SCOLA was not monitored during the year 2010. At the time of the required monitoring, the connector was not in service. The failure to monitor this connector in timely manner is a violation of 40 CFR 63 Subpart UU, LAC 33:III.501.C.4, LAC 33:III.5122, and La R. S. 30:2057(A)(2).

U. According to the 2010 Annual Compliance Certification dated March 31, 2011, the Respondent noted that there was the potential that some of the provisions required for monitoring closed vent systems to flares and for monitoring the WILA fugitive emissions may not have been used. Each failure to monitor fugitive emissions is a violation of 40 CFR 63 Subpart H, 40 CFR Subpart FF, Title V Permit No. 2390-V1, LAC 33:III.501.C.4, LAC 33:III.5122, and La R.S. 30:2057(A)(2).

V. According to the 2010 Annual Compliance Certification dated March 31, 2011, a process hazard analysis was not conducted within five (5) years of the initial process hazard analysis for the ammonia facilities. This process hazard analysis was due during or about the year 2010. This failure to

follow chemical accident prevention measures is a violation of 40 CFR 68.67(f), LAC 33:III.5901, and La R.S. 30:2057(A)(2).

W. On or about October 12, 2009, during scheduled maintenance of the PALA unit the facility released 230 pounds of hydrogen sulfide, surpassing the reportable quantity of 100 pounds. The failure to adhere to the terms of the Title V Permit No. 1200-V2 is a violation of LAC 33:III.501.C.4, La R.S. 30:2057(A)(1), and 30:2057(A)(2).

X. On or about October 13, 2010, the Respondent reported that the HC-01 compressor tripped, resulting in a release of 107 pounds volatile organic compounds. Ethylene comprised 97 pounds of the release and 10 pounds were propylene. The facility exceeded the reportable quantity 100 pounds for highly reactive volatile organic compounds. On or about October 14, 2010, the facility noted that the HC-01 second stage valve failed to reseat properly following the restart of the compressor, allowing additional material to enter the flare system. The failure of the installed control facilities is a violation of Title V Permit No. 2031-V6, LAC 33:III.501.C.4, LAC 33:III.905, La R.S. 30:2057(A)(1), and 30:2057(A)(2).

Y. On or about December 29, 2010, the facility opened a bypass valve on the knockout drum KD-05 on the Ethylene Clarification Unit due to high liquid levels. The material was routed to the downstream quench water drum HD-02. This resulted in a disruption in the quench water flow and flaring of the HC-01 Compressor. The facility released 304 pounds of ethylene, 16 pounds of benzene, and 13 pounds of 1,3-butadiene. The release exceeded the ethylene reportable quantity of 100 pounds, the benzene reportable quantity of 10 pounds, and the 1,3-butadiene reportable quantity of 10 pounds. The failure to adhere to the terms of Title V Permit No. 2031-V7 is a violation of LAC 33:III.501.C.4, La R.S. 30:2057(A)(1), and 30:2057(A)(2).

Z. On or about March 30, 2011, the facility discovered that three (3) seal oil pit vents of the EPLA-S were lined up to the atmosphere instead of the flare system. On or about March 19, 2011, the seal oil pit vents were not redirected after the unit had been isolated for maintenance. In addition, on March 20, 2011, EPLA-S developed a head leak during startup operations due to thermal cycling. The incidents resulted in 2,218 pounds of propylene, surpassing the reportable quantity of 100 pounds. The facility also released 1,282 pounds of ethylene, surpassing the reportable quantity of 100 pounds. The failure to properly operate control facilities is a violation of LAC 33:III.905. The failure to adhere to the terms of Title V Permit No. 2361-V1 is a violation of LAC 33:III.501.C.4, La R.S. 30:2057(A)(1), and 30:2057(A)(2).

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 ONE HUNDRED TWENTY-THREE THOUSAND TWENTY-FIVE AND NO/100 DOLLARS ($123,025.00) of which Three Thousand Six Hundred Seventy Dollars and 75/100 ($3,670.75) 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 ONE HUNDRED TWENTY-SIX THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS and NO/100 ($126,975.00) to implement and/or perform the following beneficial environmental projects:

A. To conduct annual monitoring surveys utilizing the optical imaging camera at each of the Baton Rouge Chemical Plant (BRCP) units. These surveys have already been initiated. The use of the camera contributes to the reduction of the duration and emission of potential leaks. The goal of using the optical imaging camera, primarily, is to find leaks sooner than traditional Leak Detection and Repair (LDAR) methodologies. A study conducted at the Baton Rouge Chemical Plant demonstrated that finding the larger mass rate leaks sooner is the key to

effective emission reduction. The amount of SEVENTY-EIGHT THOUSAND NINE HUNDRED SEVETY-FIVE DOLLARS and NO/100 ($78,975.00) is designated for this purpose.

To direct an amount of TWENTY THOUSAND DOLLARS AND NO/100 ($20,000) to the Southern University and A&M College's Department of Urban Forestry to provide funding for the development of wetlands at the ExxonMobil Greenspace along Scenic Highway in Baton Rouge.

To direct an amount of TWENTY-EIGHT THOUSAND DOLLARS AND NO/100 ($28,000.00) to Baton Rouge Green to provide funding for the NeighborWoods Urban Gardens Project. This program is a commitment by the Baton Rouge Green to recruit, educate, and assist economically and environmentally underserved neighborhoods across the City of Baton Rouge with regards to the benefits of tree canopy and improved green spaces.

B. Respondent shall submit monthly reports regarding its progress on the projects. 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 all projects 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 projects listed above. It shall also contain a certification that the projects were completed as described.

C. If Respondent does not spend the amount of $ ONE HUNDRED TWENTY-SIX THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS AND NO/100 ($126,975.00), 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 permit record(s), the Consolidated Compliance Order and Notice of Potential Penalty, the Amended Consolidated 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.

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 and the rules relating to beneficial environmental projects set forth in LAC 33:I.Chapter 25.

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.

EXXON MOBIL CORPORATION

BY: _____
(Signature)

_____
(Print)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at _____.

_____
NOTARY PUBLIC (ID #_____)

_____
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Peggy Hatch, Secretary

BY: _____
Cheryl S. Nolan, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20_____, at Baton Rouge, Louisiana.

_____
NOTARY PUBLIC (ID # _____)

_____
(stamped or printed)

Approved: _____
Cheryl S. Nolan, Assistant Secretary