STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-RE-08-0030**
EXXONMOBIL OIL CORPORATION	*	
	*	
AI # 1376	*	**Enforcement Tracking No.**
	*	**RE-PP-06-0015**
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between ExxonMobil Oil 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 who owns and/or operates an oil refining facility located at 500 West St. Bernard Highway in Chalmette, St. Bernard Parish, Louisiana ("the Facility").

II

On May 9, 2006, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. RE-PP-06-0015, which was based upon the following findings of fact:

On or about January 30, 2006, a representative of Chalmette Refining, L.L.C., owned and/or operated by ExxonMobil Oil Corporation (Respondent), contacted the Louisiana Department of Environmental Quality to report a missing radiation source as a requirement of the Louisiana Environmental Quality Act (the Act) and the Radiation Protection Regulations. The facility is located at 500 West St. Bernard Highway in Chalmette, St. Bernard Parish, Louisiana.

While the Louisiana Department of Environmental Quality's (the Department) investigation is not yet complete, the following violation was noted during the course of the investigation:

> The Respondent failed to secure the licensed or registered radioactive material from unauthorized removal or access, in violation of LAC 33:XV.445.A. It was reported that the Texas Nuclear Analyzer (model number 9277), containing 45 mCi Fe-55 and 5 mCi Cd-109 sources, was most likely disposed of during clean up operations following the flooding of the storage building due to Hurricane Katrina. The analyzer has yet to be recovered.

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 ONE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS ($1,500.00) of which One Hundred Seventy and 91/100 Dollars ($170.91) represents DEQ'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 DEQ 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 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 St. Bernard, 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 a proof-of-publication affidavit 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.

EXXONMOBIL OIL CORPORATION

BY: _____
(Signature)

Kerry J. Maranto
(Print)

TITLE: Industrial Hygienist
RSO

THUS DONE AND SIGNED in duplicate original before me this 29th day of October, 20 09, at Chalmette, Louisiana.

Lisa D. Schell
NOTARY PUBLIC (ID # 39694)

Lisa D. Schell
(Print)

My Commission is 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 9th day of Feb., 20 09, at Baton Rouge, Louisiana.

_____
NOTARY PUBLIC (ID # 19781)

Perry Theriot
(Print)

Approved: _____
Peggy M. Hatch, Assistant Secretary