

**BOBBY JINDAL**  
GOVERNOR



**PEGGY M. HATCH**  
SECRETARY

**State of Louisiana**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**OFFICE OF ENVIRONMENTAL COMPLIANCE**

**September 26, 2012**

CERTIFIED MAIL (7006 0810 0003 0347 6092)  
RETURN RECEIPT REQUESTED

**EXXON MOBIL CORPORATION**  
c/o Corporation Service Company  
Agent for Service of Process  
320 Somerulos Street  
Baton Rouge, LA 70802-6129

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. MM-CN-12-00838  
AGENCY INTEREST NOS. 286 & 2638**

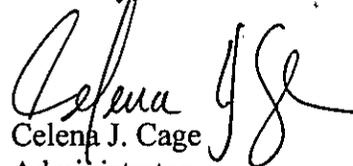
Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **EXXON MOBIL CORPORATION (RESPONDENT)** for the violations described herein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Craig Easley at (225) 219-3735.

Sincerely,

  
Celena J. Cage  
Administrator  
Enforcement Division

CJC/KCE/kce  
Alt ID No. LAD062662887; LAD000812818; P-0402  
Attachment

**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE**

**IN THE MATTER OF**

**EXXON MOBIL CORPORATION  
EAST BATON ROUGE PARISH  
ALT ID NO. LAD062662887; LAD000812818;  
P-0402**

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

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**ENFORCEMENT TRACKING NO.**

**MM-CN-12-00838**

**AGENCY INTEREST NOS.**

**286 & 2638**

**CONSOLIDATED  
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **EXXON MOBIL CORPORATION (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

I.

The Respondent owns and/or operates a petroleum refining and supply facility known to the Department as the Baton Rouge Refinery (BRR) located at 4045 Scenic Highway, Baton Rouge, East Baton Rouge Parish, Louisiana. The facility operates under EPA Identification No. LAD062662887 [Agency Interest No. 2638] and is classified as a Large Quantity Generator (LQG) of hazardous waste. The Respondent operates a Type I Industrial Solid Waste Surface Impoundment, designated as the Rain Bain 1 (RB-1) as authorized by Solid Waste Standard Permit No. P-0402 and which became effective on May 22, 2009. The Respondent does not have a permit and/or other authority from the Department to dispose of hazardous waste at its BRR facility.

## II.

The Respondent owns and/or operates a synthetic chemical manufacturing facility known to the Department as the Baton Rouge Chemical Plant (BRCP) located at 4999 Scenic Highway, Baton Rouge, East Baton Rouge Parish, Louisiana. The facility operates under EPA Identification No. LAD000812818 [Agency Interest No. 286] and is classified as an LQG of hazardous waste.

## III.

On June 14, 2012, at approximately 4:35 a.m., the Respondent discovered a leaking bleeder plug at Tank 801, which is located in the Respondent's BRCP Aromatics Production Unit. At approximately 5:04 a.m. on June 14, 2012, the Respondent provided notification to the Louisiana State Police (LSP) of a leaking bleeder plug, which resulted in the unauthorized release/discharge of steam-cracked naphtha. According to the associated material safety data sheet (MSDS) provided by the Respondent during the Department's investigation, the following hazardous constituents are found in significant concentrations in steam-cracked naphtha: 1) benzene; 2) ethyl benzene; 3) N-hexane; 4) naphthalene; 5) styrene; 6) toluene; and 7) various xylene compounds. Section 13 of the MSDS for steam-cracked naphtha also states, "Disposal of unused product may be subject to RCRA regulations (40 CFR 261). Disposal of used product may also be regulated due to ignitability, corrosivity, or toxicity as determined by the Toxicity Characteristic Leaching Procedure (TCLP). Potential RCRA characteristics: IGNITABILITY. TCLP (BENZENE)."

## IV.

The Department was subsequently notified of the release by Single Point of Contact (SPOC) at 5:25 a.m. on June 14, 2012. According to information provided by the Respondent during its initial notification, the unauthorized release was not considered an emergency incident. According to an update submitted by the Respondent at approximately 7:45 a.m. on June 14, 2012, the release and/or circumstances surrounding the release had escalated. As a result of this updated notification, the Department initiated measures to respond to and investigate the reported release incident.

## V.

On June 14, 2012, at approximately at 9:00 a.m., a Department Emergency Responder arrived at the Respondent's facility in order to conduct ambient air monitoring in connection with the aforementioned steam-cracked naphtha release. According to information provided to the Department's Emergency Responder by a LSP representative during the investigation, the Respondent reported that the steam-cracked naphtha release had reached the facility's sewer system and that all of the spilled

material was being contained within units located at the Respondent's BRR facility. The Department's Emergency Responder was also informed that the amount of specific hazardous materials released during the incident, particularly benzene, exceeded their respective Reportable Quantities (RQs).

#### VI.

On or about June 18, 2012, representatives of the Department and the Respondent met to discuss the circumstances associated with the release incident. According to information presented to the Department during the meeting, the Respondent informed the Department that at approximately at 8:42 a.m. on June 14, 2012, the Respondent deemed the release as a "Level 2 incident classification," which warranted a significant response on the part of the Respondent. The Respondent failed to make additional notification to the Department on June 14, 2012, when it became aware that the amount of released materials and the quantities of emissions associated with the release of those materials were significantly greater than what had been initially reported to the Department. On or about June 16, 2012, the Respondent provided verbal notification to the Department that approximately four-hundred and eleven (411) barrels (approximately 12,741 gallons) of steam-cracked naphtha were spilled and/or released during the incident.

#### VII.

On or about June 20, 2012, the Respondent submitted to the Department a written notification describing the facts and circumstances associated with the release incident. According to the information contained in the written notification report, the specific pollutants emitted during the unauthorized discharge event were as follows: 28,688 lbs. of benzene; 10,882 lbs. of toluene; 1,100 lbs. of cyclohexane; 1,564 lbs. of hexane; and 12,605 lbs. of additional volatile organic compounds (VOCs).

#### VIII.

As a result of the release incident, the Respondent generated a large volume of wastewater (a regulated solid waste) contaminated with significant concentrations of hazardous constituents contained within the steam-cracked naphtha discharged from Tank 801. According to information included in the Respondent's Unauthorized Discharge Written Report (Incident No. 12-03755) dated June 21, 2012, this contaminated wastewater flowed through an underground, concrete-lined wastewater collection system originating at the Respondent's BRCP facility and ultimately into a series of wastewater conveyances and management units at the Respondent's BRR facility that are collectively known as the Water Clarification of Louisiana (WCLA). This contaminated wastewater ultimately flowed to an oil/water separator within the Respondent's BRR facility's wastewater collection system designated as the 13/14

Separator. Based upon operator observations and air monitoring data in the vicinity of the 13/14 Separator, this contaminated wastewater reached the 13/14 Separator in the early morning hours of June 14, 2012. These operator observations and air monitoring data led the Respondent to determine that the severity of the steam-cracked naphtha release was more significant than it had initially estimated. According to the Respondent, all wastewaters being managed in the WCLA system at the time of and the hours immediately following the release were being transferred from the 13/14 Separator to WCLA wastewater Tank-22. At approximately 6:05 a.m. on June 14, 2012, the Respondent terminated all wastewater influents to WCLA wastewater Tank-22 except for those originating from 13/14 Separator. All other process wastewater influents to the WCLA system were diverted to WCLA wastewater Tank-21.

#### IX.

At its BRR facility, the Respondent operates a Type I Industrial Solid Waste Surface Impoundment, designated as the Rain Bain 1 (RB-1) governed by Solid Waste Standard Permit No. P-0402. According to the Respondent, at approximately 5:35 p.m. on June 14, 2012, a rain event occurred that resulted in WCLA wastewater Tank-22 to reach capacity. After Tank 22 reached capacity, the Respondent diverted wastewater contaminated with significant concentrations of organic contaminants (e.g., benzene, toluene, hexane, cyclohexane, and other VOCs) from the 13/14 Separator to RB-1, a Type I Industrial Solid Waste Surface Impoundment. RB-1 does not meet the design and/or construction criteria to be designated as a "tank" (as defined in LAC 33:V.109.*Tank*) or a "wastewater treatment unit" (as defined in LAC 33:V.109.*Wastewater Treatment Unit*). Therefore, any hazardous wastes managed within RB-1 would be subject to full regulation under the Resource Conservation and Recovery Act (RCRA). The Respondent does not have a permit and/or other authority from the Department to dispose of and/or treat hazardous waste in RB-1. Additionally, Solid Waste Standard Permit No. P-0402 prohibits the receipt, treatment, and/or storage of hazardous waste in RB-1.

#### X.

During its response to the steam-cracked naphtha spill/release incident, the Respondent collected numerous samples of wastewater contaminated by the steam-cracked naphtha from various locations and units within the Respondent's WCLA system. Samples were collected from the 13/14 Separator (previously described in Findings of Fact Paragraphs VIII and IX) and the surface impoundment RB-1 (previously described in Findings of Fact Paragraph IX). The 13/14 Separator is a WCLA unit located upstream from RB-1. In correspondence dated June 20, 2012, the Respondent reported total

concentrations of the hazardous constituents benzene and toluene at specific locations within the Respondent's WCLA collected at specific times during the course of the spill/release incident. The reported total concentrations for benzene and toluene are summarized in the following table:

Date/Time	13/14 Separator		RB-1	
	Benzene	Toluene	Benzene	Toluene
6/14/12; 1200 hrs.	620 mg/L	101 mg/L	Not reported	Not reported
6/16/12; 0400 hrs.	44.9 mg/L	18.0 mg/L	Not reported	Not reported
6/16/12; 1130 hrs.	30.7 mg/L	21.5 mg/L	29.4 mg/L	7.2 mg/L

#### XI.

Based upon the benzene concentrations in contaminated wastewater discharged to and managed within the surface impoundment designated as RB-1 (as described in Findings of Fact Paragraphs X) this wastewater was characteristically hazardous for benzene (D018). Additionally, the compounds benzene and toluene, which were documented in significant concentrations in wastewater generated as a result of the steam-cracked naphtha spill/release, are identified as "underlying hazardous constituents" (as defined in LAC 33:V.2203.A) listed in LAC 33:V.2299.Appendix, Table 7, Universal Treatment Standards.

#### XII.

On or about June 21, 2012, the Department conducted a focused multi-media compliance inspection of the Respondent's BRR and BRCP facilities to determine the Respondent's compliance with the Act, the Air Quality, Water Quality, Solid Waste, and Hazardous Waste Regulations prior to, during, and immediately after the release incident. The Department performed a subsequent file review on or about June 23, 2012, and June 24, 2012, regarding the steam-cracked naphtha spill described in Findings of Fact Paragraphs III – X. While the Department's investigation is not yet complete, the following violations were revealed as a result of the aforementioned inspection and file review:

- A. The Respondent disposed and/or treated regulated hazardous waste without a permit or other authorization, in violation of LAC 33:V.303.B, LAC 33:VII.315.J, LAC 33:V.709.B.6.a, LAC 33:V.713.D.1, LAC 33:V.901.A, and Solid Waste Standard Permit No. P-0402. Specifically, based upon the benzene concentrations in contaminated wastewater discharged to and managed within the surface impoundment designated as

RB-1 (as described in Findings of Fact Paragraphs X), the Respondent disposed and/or treated wastewater characteristically hazardous for benzene (D018) in RB-1 without a hazardous waste operating permit or other authorization. RB-1 is a permitted Type I Industrial Solid Waste Surface Impoundment that is not authorized to receive, store, treat, and/or dispose of hazardous waste.

- B. The Respondent failed to determine if generated solid waste was a hazardous waste, in violation of LAC 33:V.1103. Specifically, the Respondent failed to make an adequate hazardous waste determination for wastewater contaminated with steam-cracked naphtha resulting from the spill/release. According to information specified in the steam-cracked naphtha MSDS (as described in Findings of Fact Paragraph III), the contaminated wastewater generated as a result of the spill/release had the potential to be characteristically ignitable and/or toxic hazardous waste.
- C. The Respondent caused and/or allowed the land disposal of characteristic hazardous wastewater (D018) containing underlying hazardous constituents (as defined in LAC 33:V.2203) that failed to meet applicable treatment standards specified in LAC 33:V.2223.E, in violation of LAC 33:V.1109.E.1.e. Specifically, based upon the results of analysis summarized in Findings of Fact Paragraph X, the Respondent failed to meet the universal treatment standards for the underlying hazardous constituents benzene (i.e., 0.14 mg/kg) and toluene (i.e., 0.08 mg/kg) for the D018 characteristic hazardous wastewater land disposed in RB-1.
- D. The Respondent failed to determine whether a generated characteristic hazardous waste (D018) met applicable land disposal treatment standards prior to land disposal of that waste, in violation of LAC 33:V.2245.A. Specifically, the Respondent failed to analyze whether D018 characteristic hazardous wastewater met the universal treatment standards benzene (i.e., 0.14 mg/kg) and toluene (i.e., 0.08 mg/kg) specified in LAC 33:V.2299.Appendix, Table 7 prior to the land disposal of that wastewater in RB-1.
- E. The Respondent failed to control air pollutant emissions from a surface impoundment utilized for the treatment, storage, and/or disposal of hazardous waste in accordance with the applicable requirements specified in LAC 33:V.Chapter 43, Subchapters R and V, in violation of LAC 33:V.4456. Specifically, the Respondent failed to comply with the applicable air pollutant emission standards specified in LAC 33:V.Chapter 43,

Subchapters R and V for the D018 characteristic hazardous wastewater treated, stored, and/or disposed within RB-1.

### **COMPLIANCE ORDER**

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, the unauthorized treatment and/or disposal of hazardous waste.

II.

To conduct, within ninety (90) days after receipt of this **COMPLIANCE ORDER**, an audit of the Respondent's procedures, protocols, and employee training pertaining to the testing, characterization, and management of its generated solid and hazardous waste to ensure that the wastes are managed in compliance with all applicable solid and hazardous waste regulations. This audit shall specifically address those wastes that are generated as a result of spill, discharge, and/or emergency response events. The Respondent shall submit the results of this audit to the Department's Enforcement Division within thirty (30) day of the audit's completion.

III.

To conduct, within ninety (90) days after receipt of this **COMPLIANCE ORDER**, an audit of all facility operations, processes, structures, and units associated with the generation, conveyance, management, and treatment of wastewaters managed within the Respondent's WCLA system. The assessment shall address the necessity for any additional and/or upgraded equipment, as well as any new and/or revised operational procedures and protocols that will mitigate the potential for future unauthorized discharges, treatment, and or disposal of hazardous wastes. The Respondent shall submit the results of this audit to the Department's Enforcement Division within thirty (30) day of the audit's completion.

IV.

To submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report: 1) describing the contributing factors resulting in the unauthorized disposal and/or treatment of wastewater characteristically hazardous for benzene; 2) providing an estimate on the volume (including supporting calculations) of wastewater characteristically hazardous for benzene that was discharged to RB-1; 3) the results of sampling and analysis of wastewater samples collected from RB-1 after June 16,

2012; 4) describing the potential for impacts to soil, surface water, groundwater, and air quality due to elevated benzene concentrations discharged to and managed within RB-1; and 5) any and all corrective actions and/or measures taken by the Respondent to prevent and/or mitigate the potential for future events resulting in the unauthorized treatment and/or disposal of hazardous wastes and/or wastes which fail to meet applicable land disposal restriction treatment standards.

V.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Hazardous Waste Regulations.

VI.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
Attn: **Craig Easley**  
Re: **Enforcement Tracking No. MM-CN-12-00838**  
**Agency Interest No. 286 & 2638**

**THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:**

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality  
Office of the Secretary  
Post Office Box 4302  
Baton Rouge, Louisiana 70821-4302  
Attn: **Hearings Clerk, Legal Division**  
Re: **Enforcement Tracking No. MM-CN-12-00838**  
**Agency Interest No. 286 & 2638**

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty

in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

**NOTICE OF POTENTIAL PENALTY**

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Craig Easley at (225) 219-3735 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

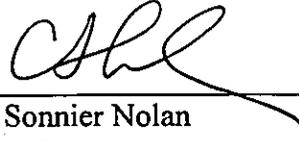
III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 26 day of September, 2012.



Cheryl Sonnier Nolan  
Assistant Secretary  
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
P.O. Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Craig Easley