

ATTACHMENT C – ExxonMobil Environmental Compliance Plan

ExxonMobil-Operated Production Activities Subject to the ExxonMobil Environmental Compliance Plan

Applicability

This Environmental Compliance Plan (ECP) applies to the following oil & gas production-related operations and activities in the geographical regions covered by the ECP:

Operations and Activities:

- Oil & gas well drilling
- Oil & gas well completion
- Workovers
- Oil & gas production facilities (tank batteries, meter stations, oil & gas treating facilities)
- Oil & gas waste storage / disposal facilities
- Oil & gas processing plants

Applicability of this ECP extends to those oil & gas production-related operations and activities for which ExxonMobil exercises direct and/or supervisory control over its employees or contractors engaged by ExxonMobil.

Operations and activities in which ExxonMobil is a working or royalty interest partner but which are under the direct and/or supervisory control of another party which is a designated operator of record subject to a joint venture agreement, joint operating agreement, or other similar instrument are NOT subject to this ECP.

Example operations and activities subject to this ECP:

- Well drilling operation in which ExxonMobil is the operator of record and has contracted for the drilling of the well. The well drilling contractor is under the supervision of the ExxonMobil Drilling representative. Even though a contractor is conducting the drilling operation, ExxonMobil is responsible for compliance with the ECP.
- Well completions: the situation is similar to that above in that the operation is conducted by a well service company under contract to ExxonMobil and under the supervision of an ExxonMobil representative. ExxonMobil is responsible for compliance with the ECP.
- Oil & gas production facilities operated by ExxonMobil are generally manned by ExxonMobil employees and contractors. These facilities are subject to the ECP. In the situation in which ExxonMobil may hire a contractor to operate a facility, that facility and operation will be subject to the ECP.

Example operations and activities not subject to this ECP:

- Well drilling and completion operations in which ExxonMobil has a royalty or working interest, but the responsibility for drilling the well resides with the operator of record subject to a joint venture agreement, joint operating agreement, or similar instrument and for which the operator of record has direct and/or supervisory control over the drilling and completion activity (i.e., ExxonMobil has no operational control over the activity).
- In oil and gas production operations in which ExxonMobil is a joint interest partner, but is not the designated operator, the designated operator exercises operational control over the daily activities and operations of the oil and gas field, and therefore, the operations and activities at these production locations are not subject to the ECP.

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Bird Protection Measures	
Drilling	<p>When liquids harmful to wildlife are introduced into a pit during drilling operations, the pit will be protected with netting, bird balls, or other approved measures of equal effectiveness (barrier-type device).</p> <p>Netting will be installed to cover the entire surface area of the pit. The netting will be installed to prevent birds from entering from the side perimeter of the pit, that is, the netting will go all the way to the ground on the perimeter of the pit. Exceptions to the requirement to provide net coverage to the ground surface will be allowed during active drilling to allow for openings in the netting along the sides of the pit needed for placing hoses and other equipment into the pits for fluid transfers.</p> <p>When bird balls are used for bird deterrent devices, sufficient balls will be placed on the pit to ensure the pit liquid surface is covered. After the initial deployment of bird balls, reasonable efforts will be made to maintain adequate pit liquid surface coverage.</p> <p>Cuttings pits used during drilling are excluded from the requirement for bird balls or netting as long as they are not used for the storage of liquid and any liquid that accumulates on the cuttings pile will be removed as soon as possible.</p> <p>A procedure will be employed to formally convey pit stewardship responsibility between entities using pits associated with drilling and completions to ensure the responsibilities for maintaining bird deterrent devices are transferred and understood.</p>
Completions	<p>When liquids harmful to wildlife are introduced into a pit or open top tank during completion operations, the pit/tank will be protected with netting, bird balls, or other approved measures of equal effectiveness (barrier-type device).</p> <p>Netting will be installed to cover the entire surface area of the pit/tank. The netting will be installed to prevent birds from entering from the side perimeter of pits, that is, the netting will go all the way to the ground on the perimeter of pits. Exceptions to the requirement to provide net coverage to the ground surface will be allowed during active completion operations to allow for openings in the netting along the sides of the pit needed for placing hoses and other equipment into the pits for fluid transfers.</p> <p>When bird balls are used for bird deterrent devices, sufficient balls will be placed on the pit/tank to ensure the pit liquid surface is covered. After the initial deployment of bird balls, efforts will be made to maintain adequate pit/tank liquid surface coverage.</p>

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Bird Protection Measures		
Workovers	<p>When liquids harmful to wildlife are introduced into a pit or open top tank during workover operations, the pit/tank will be protected with netting, bird balls, or other approved measures of equal effectiveness (barrier-type device).</p> <p>Netting will be installed to cover the entire surface area of the pit/tank. The netting will be installed to prevent birds from entering from the side perimeter of pits, that is, the netting will go all the way to the ground on the perimeter of pits. Exceptions will be allowed to the requirement to provide net coverage to the ground surface around pits during active workover operations to allow for openings in the netting along the sides of the pit needed for placing hoses and other equipment into the pits for fluid transfers.</p> <p>Exceptions will be allowed to the requirement to net open top tanks during manned, active workover operations. During inactive, unmanned periods (primarily during night time hours), nets or other approved measures will be employed to prevent birds from entering the tanks.</p> <p>When bird balls are used for bird deterrent devices, sufficient balls will be placed on the pit/tank to ensure the pit liquid surface is covered. After the initial deployment of bird balls, reasonable efforts will be made to maintain adequate pit/tank liquid surface coverage.</p>	
Production Facilities	<p>When liquids harmful to wildlife are introduced into a pit or open top tank at tank batteries and other surface production facilities, the pit/tank will be protected with netting, bird balls, or other measures of equal effectiveness (barrier-type device).</p> <p>Netting will be installed to cover the entire surface area of the pit/tank. The netting will be installed to prevent birds from entering from the side perimeter of pits, that is, the netting will go all the way to the ground on the perimeter of pits.</p> <p>When bird balls are used for bird deterrent devices, sufficient balls will be placed on the pit/tank to ensure the pit liquid surface is covered. After the initial deployment of bird balls, reasonable efforts will be made to maintain adequate pit/tank liquid surface coverage.</p> <p>If open pits or tanks are for temporary emergency use only, bird deterrent barriers will not be required if the pit/tank is emptied of contents within 24 hours.</p>	

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Bird Protection Measures	Processing / Treating Plants In Districts Other Than Wyoming	
		<p>Existing oil and gas processing and treating plants in the areas covered by this compliance plan (other than in the District of Wyoming) have a long history of operations using open ponds for various plant operations. These ponds have operated without causing hazards to migratory birds. The proximity to plant operations and site surveillance serve to mitigate hazards to migratory birds. Consequently, these existing ponds are not subject to netting / bird ball requirements as long as the operation of these ponds does not significantly change from current use.</p> <p>If pond operations change such that a hazard to migratory birds may exist, an assessment will be conducted in consultation with the U.S. Fish & Wildlife Service to determine if netting, bird balls, or other approved measures of equal effectiveness (barrier-type device) are required.</p> <p>The existing oil and gas processing and treating plants (Shute Creek and Black Canyon) covered by this compliance plan utilize open ponds for various plant operations. These sites and the McGinnis Pit Facility will employ the bird-deterrent methods described below:</p> <p><u>A. Shute Creek Treatment Facility</u></p> <p>On or about April 1, 2009 (to allow for prompt installation after thawing of winter ice on the ponds specifically referenced below), Exxon will install an automated electronic bird deterrent/hazing system covering the North, South and East Evaporation Ponds and the Sulfur Runoff Pond located within the Shute Creek Treatment Facility.</p> <p><u>B. Black Canyon Dehydration Facility</u></p> <p>Installation and operation of adequate agitation systems and evaporative blowers on both evaporation ponds.</p> <p><u>C. McGinnis Pit Facility</u></p> <p>Installation and operation of birds balls and booms necessary to prevent surface water contact by avian wildlife.</p>

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Inspections and Recordkeeping
As part of routine surveillance activities at covered sites, bird deterrent measures will be reviewed to verify that applicable measures are effective and are being maintained. Pits, open top tanks, and the area around within 50 yards of them will be observed for the presence of deceased, injured, or sick migratory birds. If such bird(s) are found, the USFWS will be notified as required by this ECP.

The following procedure will be used to formally inspect facilities with permanently installed open-top tanks and pits with bird deterrents. A log of such inspections will be maintained at the work area field office.

USP Semi-annual Migratory Bird Inspection Form

Instructions

1. This form is to be completed semi-annually, in March and September, and stored according to your field's file guidelines and retention policy. A PM in SAP should be set up to ensure this form is completed semi-annually and that all identified issues are resolved.
2. The form is set up for easy completion, tab or right arrow through the gray shaded fields to complete each section.
3. Under the 'Location' column of the form please use a unique well, tank battery or GPS coordinate to identify where the regulated tank or pit is located (e.g. Well #231-56 Union Lease or Lat. 29°10'11.5" Long. 89°01'01.8")
4. Under the Tank or Pit # column please use a unique vessel or pit ID number consistent with your field's records to identify the tank or pit that is regulated under the Migratory Bird Treaty Act.
5. If applicable, in the last column, please document the date any issues with bird excluder devices were corrected.
6. Send list of all open-top tanks, permanent pits, etc. and inspection results to the RSO group and confirm with that your semi-annual inspection PM is in SAP.

ALT:

Field:

Form Completed By:

Date:

LOCATION (Well #, Tank Battery #, etc)	TANK OR PIT #	EXCLUDER DEVICE IN PLACE?	IS THE EXCLUDER DEVICE INTACT TO KEEP BIRDS OUT OF THE TANK OR PIT?	IF NOT EFFECTIVE IDENTIFY THE DATE THE ISSUE WAS RESOLVED
		Y or N?	Y or N?	

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Training and Permitting	ExxonMobil will seek to obtain appropriate USFWS permits authorizing temporary possession and transportation of injured or dead migratory birds. In lieu of obtaining such permits, ExxonMobil may utilize third parties with proper permits to address any issues involving temporary possession and/or transportation of affected migratory birds.
	ExxonMobil will incorporate MBTA awareness and Compliance Plan obligations into training required of personnel involved in the operations and locations subject to this Compliance Plan.
Definitions	Liquids harmful to wildlife – The following liquids are included within this definition for purposes of this Environmental Compliance Plan: drilling fluids, completion fluids, and produced water. The definition also includes wastewater containing oil and grease, suspended solids, chlorides, metals, high/low pH, BTEX, VOCs, corrosion inhibitors, dehydration chemicals, oxygen scavengers, emulsifiers, flocculating agents, PAHs, NORM, weighting agents, lost circulation material, diesel, polymers. Clean blowdown water and make-up water are not "liquids harmful to wildlife".

¹ Open top tanks subject to this Environmental Compliance Plan include only those tanks that present a hazard to migratory birds due to the contents of the tanks and the risk of migratory birds entering the tanks. Therefore, the term "open top tanks" does not include secondary containment impoundments or curbing, drip pans, and similar open containment that is normally empty or contains only rainwater or uncontaminated fresh water such as air conditioner condenser condensate water.

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Cooperation - Reporting and Recordkeeping	<p>ExxonMobil shall create and maintain (1) records of any and all dead and injured or sick birds protected by the MBTA that are found on a covered ExxonMobil site within fifty yards of any pit or facility listed in the Environmental Compliance Plan (ECP) in Attachment C and (2) logs created and maintained as required by the ECP pursuant to Attachment C. This paragraph does not create an affirmative duty to monitor or otherwise search for dead or injured birds beyond the inspection and monitoring obligations specifically described in Attachment C. Records shall be retained for the period during which this BCP is in effect.</p> <p>ExxonMobil agrees to allow inspection and copying of the records described in this paragraph upon request by the USFWS with 24 hours advance telephonic notice. ExxonMobil further agrees to allow the USFWS access to covered ExxonMobil sites, upon request and without advance notice to monitor compliance with this Plea Agreement, the ECP and for related avian protection purposes. ExxonMobil expressly does not grant site access for any purpose not described above, including specifically access for the purpose of obtaining information for any civil or administrative proceedings against ExxonMobil, although nothing in this Agreement limits the use the United States may make of the information collected pursuant to this paragraph.</p> <p>ExxonMobil shall notify the USFWS via telephone of any mortalities, injuries or sickness of birds protected by the MBTA that are found on a covered ExxonMobil site within fifty yards of any operation and activity subject to the ECP requirements in Attachment C, within 24 hours of becoming aware of the event, including at a minimum the species, to the extent it can be determined, and location.</p>
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ECP Review and Maintenance	<p data-bbox="1312 426 1341 611"><u>Annual reviews</u></p> <p data-bbox="1208 426 1312 1860">The ECP will be reviewed annually by the parties involved in the MBTA enforcement agreement. The review will address the effectiveness of the ECP and any changes needed to improve its effectiveness. Changes to the ECP will be made in a manner consistent with Paragraph 26 of the Plea Agreement.</p> <p data-bbox="1105 426 1135 659"><u>Control of revisions</u></p> <p data-bbox="1040 426 1105 1782">A Revision Summary document that lists the section, page number, and revisions will be maintained with the master document.</p>
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