

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2008-0701-IWD-E **TCEQ ID:** RN100209832 **CASE NO.:** 35792  
**RESPONDENT NAME:** Shell Chemical LP and Equilon Enterprises LLC

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Westhollow Technology Center, located on the east side of Highway 6 at a point approximately 3,000 feet south of the intersection with Farm-to-Market Road 1093 (Westheimer-Beeler Road), Harris County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical research center with a wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondents have expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on October 20, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Ms. Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886;            Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> CT Corporation System, Registered Agent, Shell Chemical LP and Equilon Enterprises LLC, 350 North St. Paul Street, Dallas, Texas 75201            Ms. Deborah A. L. Johnson, General Manager of Operations, Shell Chemical LP, 333 Highway 6 South, Houston, Texas 77082            Mr. David Sexton, President, Equilon Enterprises LLC, 910 Louisiana Street, Houston, Texas 77002  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 24, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> April 9, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>WATER</b></p> <p>Failure to comply with permitted limits for total suspended solids, oil &amp; grease, and total ammonia nitrogen [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001853000, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a)].</p>	<p><b>Total Assessed:</b> \$4,830</p> <p><b>Total Deferred:</b> \$966  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$1,932</p> <p><b>Total Paid to General Revenue:</b> \$1,932</p> <p>CN601537673  <b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>CN601405145  <b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondents to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondents to, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001853000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): WQ001853000

**Attachment A**  
**Docket Number: 2008-0701-IWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondents:</b>	<b>Shell Chemical LP and Equilon Enterprises LLC</b>
<b>Payable Penalty Amount:</b>	<b>Three Thousand Eight Hundred Sixty-Four Dollars (\$3,864)</b>
<b>SEP Amount:</b>	<b>One Thousand Nine Hundred Thirty-Two Dollars (\$1,932)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Gulf Coast Waste Disposal Authority ("GCWDA")-River, Lakes, Bays 'N Bayous Trash Bash</b>
<b>Location of SEP:</b>	<b>Harris County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondents to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondents will contribute to Gulf Coast Waste Disposal Authority ("GCWDA") for its River, Lakes, Bays 'N Bayous Trash Bash in Harris County. The contribution will be used in accordance with the Supplemental Environmental Project Agreement between the GCWDA and the Texas Commission on Environmental Quality. Specifically, the contribution will be used to pay for materials, supplies, disposal costs, and transportation costs directly associated with the cleanup of trash and pollutants from the Galveston Bay and the San Jacinto watershed.

The Respondents certify that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by removing pollutants from the Galveston Bay and waterways in the San Jacinto watershed, which will improve water quality. The project will also help educate volunteers about non-point source pollution and what the volunteers can do to help keep the environment clean.



C. Minimum Expenditure

The Respondents shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondents must contribute the SEP Amount to the Third-Party Recipient. The Respondents shall mail the contribution, with a copy of the Agreed Order, to:

Lori Gernhardt  
Gulf Coast Waste Disposal Authority  
910 Bay Area Boulevard  
Houston, Texas 77058

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondents shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondents shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondents do not perform their obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondents shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondents must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondents shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondents may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondents under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to ensure the validity of the findings.

3. The third part of the document describes the results of the data analysis and the key findings. It notes that the data indicates a significant trend in the market, which has implications for the organization's strategic planning.

4. The fourth part of the document provides a detailed analysis of the findings, including a discussion of the strengths and weaknesses of the data. It also offers recommendations for how the organization can best respond to the identified trends and challenges.



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision March 8, 2008

<b>DATES</b>	Assigned	14-Apr-2008		
	PCW	2-May-2008	Screening	23-Apr-2008
			EPA Due	

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Shell Chemical LP and Equilon Enterprises LLC
Reg. Ent. Ref. No.	RN100209832
Facility/Site Region	12-Houston
Major/Minor Source	Minor

<b>CASE INFORMATION</b>				
Enf./Case ID No.	35792	No. of Violations	1	
Docket No.	2008-0701-IWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Cheryl Thompson	
Multi-Media		EC's Team	Enforcement Team 3	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<i>Subtotal 1</i>	\$3,000
---	-------------------	---------

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	61% Enhancement	<i>Subtotals 2, 3, &amp; 7</i>	\$1,830
---------------------------	-----------------	--------------------------------	---------

Notes: The Respondents self reported 10 months of effluent violations and received one NOV for the same or similiar violations and three NOVs for non-similiar violations.

<b>Culpability</b>	No	0% Enhancement	<i>Subtotal 4</i>	\$0
--------------------	----	----------------	-------------------	-----

Notes: The Respondents do not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<i>Subtotal 5</i>	\$0
------------------------------------	--------------	-------------------	-----

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondents do not meet the good faith criteria.

Total EB Amounts	\$75	0% Enhancement	<i>Subtotal 6</i>	\$0
Approx. Cost of Compliance	\$1,000	*Capped at the Total EB \$ Amount		

<b>SUM OF SUBTOTALS 1-7</b>	<i>Final Subtotal</i>	\$4,830
-----------------------------	-----------------------	---------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<i>Adjustment</i>	
---	----	-------------------	--

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<i>Final Penalty Amount</i>	\$4,830
-----------------------------	---------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<i>Final Assessed Penalty</i>	\$4,830
-----------------------------------	-------------------------------	---------

<b>DEFERRAL</b>	20% Reduction	<i>Adjustment</i>	-\$966
-----------------	---------------	-------------------	--------

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$3,864
------------------------	---------

Screening Date 23-Apr-2008

Docket No. 2008-0701-IWD-E

PCW

Respondent Shell Chemical LP and Equilon Enterprises LLC

Policy Revision 2 (September 2002)

Case ID No. 35792

PCW Revision March 8, 2008

Reg. Ent. Reference No. RN100209832

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	11	55%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 61%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondents self reported 10 months of effluent violations and received one NOV for the same or similar violations and three NOVs for non-similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 61%

<b>Screening Date</b> 23-Apr-2008	<b>Docket No.</b> 2008-0701-IWD-E	<b>PCW</b>
<b>Respondent</b> Shell Chemical LP and Equilon Enterprises LLC	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35792	<i>PCW Revision March 8, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN100209832		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Cheryl Thompson		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	TPDES Permit No. WQ000185300, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)	
<b>Violation Description</b>	Failed to comply with permitted limits, as documented during a record review conducted on March 24, 2008. See attached table.	
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>		<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>		<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="10%"/>	

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>

**Matrix Notes** Using a simplified model, it was determined that human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or the environment as the result of the excursions.

<b>Adjustment</b>	<input type="text" value="\$9,000"/>
<input type="text" value="\$1,000"/>	

**Violation Events**

<b>Number of Violation Events</b> <input type="text" value="3"/>	<input type="text" value="153"/>	<b>Number of violation days</b>												
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input checked="" type="checkbox"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input checked="" type="checkbox"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input type="text"/>													
<b>Violation Base Penalty</b>		<input type="text" value="\$3,000"/>												
Three quarterly events are recommended.														

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$75"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$4,830"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$4,830"/>	

## Economic Benefit Worksheet

**Respondent** Shell Chemical LP and Equilon Enterprises LLC  
**Case ID No.** 35792  
**Reg. Ent. Reference No.** RN100209832  
**Media** Water Quality  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	30-Jun-2007	31-Dec-2008	1.5	\$75	n/a	\$75

**Notes for DELAYED costs**  
 Estimated cost to make adjustments in the flocculent to allow for better settling of solids and to add a component to incident reporting protocol to capture all vehicular hose ruptures that are repaired on site to determine if they are having an affect on the oil & grease analyses. Date required is the month the first non-compliant excursion was documented. Final date is the expected date of compliance.

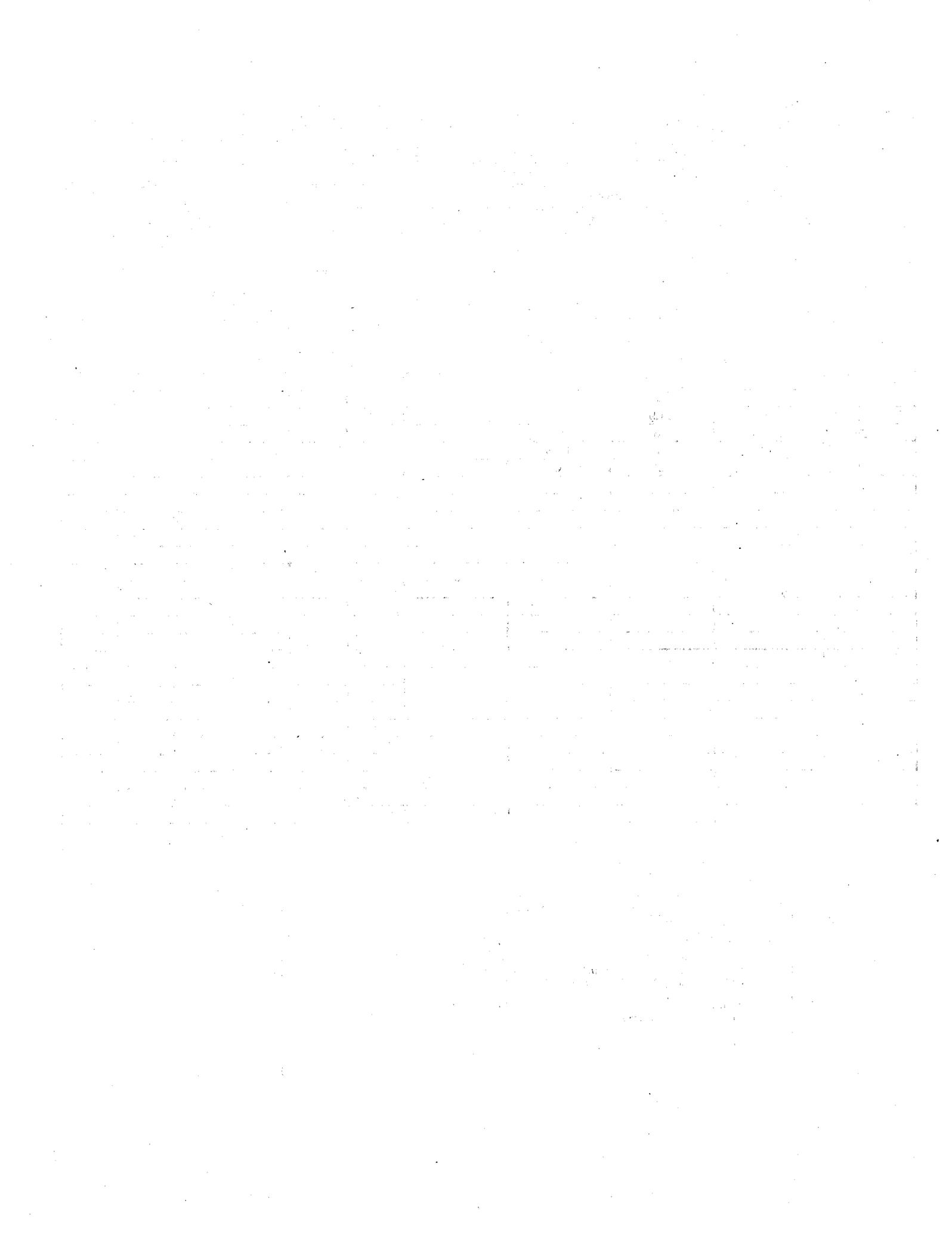
<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$1,000

**TOTAL** \$75





# Compliance History

Customer/Respondent/Owner-Operator:	CN601537673	Equilon Enterprises LLC	Classification: AVERAGE	Rating: 3.09
Regulated Entity:	RN100209832	WESTHOLLOW TECHNOLOGY CENTER	Classification: AVERAGE	Site Rating: 0.53
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXR000039040
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		86543
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD000820118
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		31304
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXR000017236
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		84732
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50298
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50298
	AIR OPERATING PERMITS	ACCOUNT NUMBER		HG0657D
	AIR OPERATING PERMITS	PERMIT		1604
	PUBLIC WATER SYSTEM/SUPPLY WASTEWATER	REGISTRATION		1010557
	WASTEWATER	PERMIT		WQ0001853000
	WASTEWATER	PERMIT		TPDES0052761
	WASTEWATER	PERMIT		TX0052761
	AIR NEW SOURCE PERMITS	PERMIT		4220
	AIR NEW SOURCE PERMITS	PERMIT		10890
	AIR NEW SOURCE PERMITS	PERMIT		32696
	AIR NEW SOURCE PERMITS	PERMIT		50309
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HG0657D
	AIR NEW SOURCE PERMITS	PERMIT		1190
	AIR NEW SOURCE PERMITS	AFS NUM		4820100307
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION		36310
	WATER LICENSING	LICENSE		1010557
	WASTEWATER LICENSING	LICENSE		WQ0001853000
	STORMWATER	PERMIT		TXRNEV398

Location: located on the east side of State Highway 6 at a point approximately 3,000 feet south of the intersection with Farm-to-Market Road 1093 (Westheimer-Beeler Road), Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON  
 Date Compliance History Prepared: April 28, 2008  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: April 28, 2003 to April 28, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Cheryl Thompson Phone: (817)588-5886

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

#### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	04/29/2003	(183794)
2	05/09/2003	(35499)
3	05/30/2003	(183798)
4	06/27/2003	(183802)
5	07/22/2003	(140568)
6	07/22/2003	(112810)
7	07/28/2003	(306248)
8	08/25/2003	(150780)
9	08/28/2003	(306250)
10	09/26/2003	(306252)
11	10/21/2003	(252210)
12	10/29/2003	(306254)
13	12/02/2003	(306255)
14	12/16/2003	(257761)
15	12/29/2003	(306256)
16	01/27/2004	(306257)
17	02/26/2004	(306240)
18	03/29/2004	(306242)
19	04/27/2004	(306243)
20	05/13/2004	(269149)
21	06/01/2004	(306245)
22	07/25/2004	(356448)
23	07/29/2004	(356447)
24	08/30/2004	(356449)
25	08/31/2004	(289279)
26	09/27/2004	(356450)
27	10/29/2004	(356451)
28	12/28/2004	(384263)
29	12/28/2004	(384264)
30	01/24/2005	(384265)
31	03/01/2005	(422202)
32	03/28/2005	(422203)
33	04/26/2005	(422204)
34	05/26/2005	(422205)
35	06/28/2005	(422206)
36	07/25/2005	(422207)
37	08/26/2005	(399150)
38	08/29/2005	(443123)
39	08/29/2005	(402122)
40	09/28/2005	(443124)
41	10/27/2005	(472793)
42	11/28/2005	(472794)
43	12/09/2005	(435487)
44	12/27/2005	(472795)
45	01/24/2006	(472796)
46	03/07/2006	(472792)
47	04/03/2006	(501131)
48	04/28/2006	(501132)
49	05/11/2006	(465179)
50	05/22/2006	(501133)
51	06/22/2006	(501134)
52	07/20/2006	(501135)
53	08/25/2006	(523343)
54	09/25/2006	(523344)
55	10/25/2006	(523345)
56	11/20/2006	(548217)
57	12/11/2006	(512677)
58	12/22/2006	(548218)
59	01/17/2007	(548219)

60 02/24/2007 (548215)  
 61 02/24/2007 (548216)  
 62 04/25/2007 (581255)  
 63 05/24/2007 (581256)  
 64 06/21/2007 (581257)  
 65 07/03/2007 (581258)  
 66 07/03/2007 (581259)  
 67 08/23/2007 (608105)  
 68 09/25/2007 (608106)  
 69 10/24/2007 (608107)  
 70 10/30/2007 (538875)  
 71 11/21/2007 (621652)  
 72 12/20/2007 (621653)  
 73 03/31/2008 (638866)  
 74 04/09/2008 (639987)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	07/22/2003	(112810)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.6(c)			
Rqmt Prov:	PERMIT II.C.1.d			
Description:	Failure to maintain an up-to-date notice of registration.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter O 335.431(c)(1) 40 CFR Chapter 268, SubChapter I, PT 268, SubPT E 268.50(b)			
Rqmt Prov:	PERMIT II.C.1. and 2.			
Description:	Failure to comply with the accumulation time limit of one year for hazardous waste stored in Tank NOR 017 (Permit No. 002).			
Self Report?	NO		Classification	Minor
Citation:	40 CFR Chapter 270, SubChapter I, PT 270, SubPT C 270.30(a)			
Rqmt Prov:	PERMIT III.C.2			
Description:	Failure to post warning signs in Spanish in the area of a hazardous waste tank (Permit No. 002).			
Date	08/29/2005	(402122)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(5)			
Description:	Failure to provide a housed and locked enclosure for hypochlorinator solution containers and pumps, to protect them from vandalism and adverse weather conditions. The solution container lid must be properly covered and sealed to prevent the entry of dust, insects, and other contaminants.			
Date	01/31/2006	(472792)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	05/31/2006	(501134)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	10/31/2006	(548217)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	11/30/2006	(548218)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	12/11/2006	(512677)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.726(d)(4) 5C THC Chapter 382, SubChapter D 382.085(b)			

Description: Failure to maintain flare flow data.  
Date 12/31/2006 (548219)  
Self Report? YES Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter  
Date 06/30/2007 (581258)  
Self Report? YES Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter  
Date 07/31/2007 (608105)  
Self Report? YES Classification Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
Date 08/31/2007 (608106)  
Self Report? YES Classification Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
Date 11/30/2007 (621653)  
Self Report? YES Classification Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
Date 12/31/2007 (581259)  
Self Report? YES Classification Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
Date 03/31/2008 (638866)  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT WQ0001853-000

Description: Failure to maintain compliance with the permitted effluent limits for total suspended solids (TSS), oil and grease (O&G), and ammonia (NH3N).  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 319, SubChapter A 319.9(c)  
Description: Failure to conduct the required quality assurance/quality control for fecal coliform analyses.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# Compliance History

Customer/Respondent/Owner-Operator:	CN601405145 Shell Chemical LP	Classification: AVERAGE	Rating: 2.24
Regulated Entity:	RN100209832 WESTHOLLOW TECHNOLOGY CENTER	Classification: AVERAGE	Site Rating: 0.53
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000039040
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	86543
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000820118
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31304
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000017236
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	84732
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50298
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50298
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0657D
	AIR OPERATING PERMITS	PERMIT	1604
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1010557
	WASTEWATER	PERMIT	WQ0001853000
	WASTEWATER	PERMIT	TPDES0052761
	WASTEWATER	PERMIT	TX0052761
	AIR NEW SOURCE PERMITS	PERMIT	4220
	AIR NEW SOURCE PERMITS	PERMIT	10890
	AIR NEW SOURCE PERMITS	PERMIT	32696
	AIR NEW SOURCE PERMITS	PERMIT	50309
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0657D
	AIR NEW SOURCE PERMITS	PERMIT	1190
	AIR NEW SOURCE PERMITS	AFS NUM	4820100307
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	36310
	WATER LICENSING	LICENSE	1010557
	WASTEWATER LICENSING	LICENSE	WQ0001853000
	STORMWATER	PERMIT	TXRNEV398

Location: located on the east side of State Highway 6 at a point approximately 3,000 feet south of the intersection with Farm-to-Market Road 1093 (Westheimer-Beeler Road), Harris County, Texas Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON  
 Date Compliance History Prepared: April 28, 2008  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: April 28, 2003 to April 28, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Cheryl Thompson Phone: (817)588-5886

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

#### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	04/29/2003	(183794)
2	05/09/2003	(35499)
3	05/30/2003	(183798)
4	06/27/2003	(183802)
5	07/22/2003	(140568)
6	07/22/2003	(112810)
7	07/28/2003	(306248)
8	08/25/2003	(150780)
9	08/28/2003	(306250)
10	09/26/2003	(306252)
11	10/21/2003	(252210)
12	10/29/2003	(306254)
13	12/02/2003	(306255)
14	12/16/2003	(257761)
15	12/29/2003	(306256)
16	01/27/2004	(306257)
17	02/26/2004	(306240)
18	03/29/2004	(306242)
19	04/27/2004	(306243)
20	05/13/2004	(269149)
21	06/01/2004	(306245)
22	07/25/2004	(356448)
23	07/29/2004	(356447)
24	08/30/2004	(356449)
25	08/31/2004	(289279)
26	09/27/2004	(356450)
27	10/29/2004	(356451)
28	12/28/2004	(384263)
29	12/28/2004	(384264)
30	01/24/2005	(384265)
31	03/01/2005	(422202)
32	03/28/2005	(422203)
33	04/26/2005	(422204)
34	05/26/2005	(422205)
35	06/28/2005	(422206)
36	07/25/2005	(422207)
37	08/26/2005	(399150)
38	08/29/2005	(443123)
39	08/29/2005	(402122)
40	09/28/2005	(443124)
41	10/27/2005	(472793)
42	11/28/2005	(472794)
43	12/09/2005	(435487)
44	12/27/2005	(472795)
45	01/24/2006	(472796)
46	03/07/2006	(472792)
47	04/03/2006	(501131)
48	04/28/2006	(501132)
49	05/11/2006	(465179)
50	05/22/2006	(501133)
51	06/22/2006	(501134)
52	07/20/2006	(501135)
53	08/25/2006	(523343)
54	09/25/2006	(523344)
55	10/25/2006	(523345)
56	11/20/2006	(548217)
57	12/11/2006	(512677)
58	12/22/2006	(548218)
59	01/17/2007	(548219)

60 02/24/2007 (548215)  
 61 02/24/2007 (548216)  
 62 04/25/2007 (581255)  
 63 05/24/2007 (581256)  
 64 06/21/2007 (581257)  
 65 07/03/2007 (581258)  
 66 07/03/2007 (581259)  
 67 08/23/2007 (608105)  
 68 09/25/2007 (608106)  
 69 10/24/2007 (608107)  
 70 10/30/2007 (538875)  
 71 11/21/2007 (621652)  
 72 12/20/2007 (621653)  
 73 03/31/2008 (638866)  
 74 04/09/2008 (639987)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date 07/22/2003 (112810)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Rqmt Prov: PERMIT II.C.1.d

Description: Failure to maintain an up-to-date notice of registration.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)(1)  
 40 CFR Chapter 268, SubChapter I, PT 268, SubPT E 268.50(b)

Rqmt Prov: PERMIT II.C.1. and 2.

Description: Failure to comply with the accumulation time limit of one year for hazardous waste stored in Tank NOR 017 (Permit No. 002).

Self Report? NO Classification Minor

Citation: 40 CFR Chapter 270, SubChapter I, PT 270, SubPT C 270.30(a)

Rqmt Prov: PERMIT III.C.2

Description: Failure to post warning signs in Spanish in the area of a hazardous waste tank (Permit No. 002).

Date 08/29/2005 (402122)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)

Description: Failure to provide a housed and locked enclosure for hypochlorinator solution containers and pumps, to protect them from vandalism and adverse weather conditions. The solution container lid must be properly covered and sealed to prevent the entry of dust, insects, and other contaminants.

Date 01/31/2006 (472792)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 05/31/2006 (501134)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 10/31/2006 (548217)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2006 (548218)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 12/11/2006 (512677)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain flare flow data.  
Date 12/31/2006 (548219)  
Self Report? YES Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter  
Date 06/30/2007 (581258)  
Self Report? YES Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter  
Date 07/31/2007 (608105)  
Self Report? YES Classification Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
Date 08/31/2007 (608106)  
Self Report? YES Classification Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
Date 11/30/2007 (621653)  
Self Report? YES Classification Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
Date 12/31/2007 (581259)  
Self Report? YES Classification Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
Date 03/31/2008 (638866)  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT WQ0001853-000

Description: Failure to maintain compliance with the permitted effluent limits for total suspended solids (TSS), oil and grease (O&G), and ammonia (NH3N).  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 319, SubChapter A 319.9(c)  
Description: Failure to conduct the required quality assurance/quality control for fecal coliform analyses.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SHELL CHEMICAL LP AND  
EQUILON ENTERPRISES LLC  
RN100209832**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2008-0701-IWD-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Shell Chemical LP and Equilon Enterprises LLC ("the Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents appear before the Commission and together stipulate that:

1. The Respondents own and/or operate a petrochemical research center with a wastewater treatment facility located on the east side of State Highway 6 at a point approximately 3,000 feet south of the intersection with Farm-to-Market Road 1093 (Westheimer-Beeler Road), Harris County, Texas (the "Facility").
2. The Respondents have caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the Respondents agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondents are subject to the Commission's jurisdiction.
4. The Respondents received notice of the violations alleged in Section II ("Allegations") on or about April 14, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Four Thousand Eight Hundred Thirty Dollars (\$4,830) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents have paid One Thousand Nine Hundred Thirty-Two Dollars (\$1,932) of the administrative penalty and Nine Hundred Sixty-Six Dollars (\$966) is deferred contingent upon the Respondents' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondents fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondents to pay all or part of the deferred penalty. One Thousand Nine Hundred Thirty-Two Dollars (\$1,932) shall be conditionally offset by the Respondents' completion of a Supplemental Environmental Project.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondents have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owners and/or operators of the Facility, the Respondents are alleged to have failed to comply with permitted limits, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001853000, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on March 24, 2008 and as depicted in the table below:

	Total Suspended Solids Daily Max	Oil & Grease Daily Max	Total Ammonia Nitrogen Daily Max
<i>Month/Year</i>	60 lbs/day	15 lbs/day	8 lbs/day
<b>Jun-07</b>	60.44	c	c
<b>Jul-07</b>	c	77.9	c
<b>Aug-07</b>	84.65	16	c
<b>Nov-07</b>	c	c	8.13
<b>Dec-07</b>	c	195	c

pounds per day = lbs/day  
max = maximum

compliant (no excursions) = c



### III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondents pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Shell Chemical LP and Equilon Enterprises LLC, Docket No. 2008-0701-IWD-E" to:  
  
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The Respondents shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section II Paragraph 6 above, One Thousand Nine Hundred Thirty-Two Dollars (\$1,932) of the assessed administrative penalty shall be offset with the condition that the Respondents implement the SEP defined in Attachment A, incorporated herein by reference. The Respondents' obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
4. It is further ordered that the Respondents shall, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001853000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

The certification shall include detailed supporting documentation including receipts, and/ or other records to demonstrate compliance, notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are



significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

5. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
6. If the Respondents fail to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
10. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondents, or three days after the date on which the Commission mails notice of



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

10/2/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

7/25/2008  
Date

**Deborah A. L. Johnson**  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Shell Chemical LP

General Manager - Operations  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*John S. Stein*  
For the Executive Director

10/15/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*David Sexton*  
Signature

7/29/08  
Date

DAVID SEXTON  
PRESIDENT - EQUILON ENTERPRISE  
Name (Printed or typed)  
Authorized Representative of  
Equilon Enterprises LLC

PRESIDENT - EQUILON ENTERPRISES, LLC  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.



**Attachment A**  
**Docket Number: 2008-0701-IWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondents:</b>	<b>Shell Chemical LP and Equilon Enterprises LLC</b>
<b>Payable Penalty Amount:</b>	<b>Three Thousand Eight Hundred Sixty-Four Dollars (\$3,864)</b>
<b>SEP Amount:</b>	<b>One Thousand Nine Hundred Thirty-Two Dollars (\$1,932)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Gulf Coast Waste Disposal Authority ("GCWDA")-River, Lakes, Bays 'N Bayous Trash Bash</b>
<b>Location of SEP:</b>	<b>Harris County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondents to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondents will contribute to Gulf Coast Waste Disposal Authority ("GCWDA") for its River, Lakes, Bays 'N Bayous Trash Bash in Harris County. The contribution will be used in accordance with the Supplemental Environmental Project Agreement between the GCWDA and the Texas Commission on Environmental Quality. Specifically, the contribution will be used to pay for materials, supplies, disposal costs, and transportation costs directly associated with the cleanup of trash and pollutants from the Galveston Bay and the San Jacinto watershed.

The Respondents certify that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by removing pollutants from the Galveston Bay and waterways in the San Jacinto watershed, which will improve water quality. The project will also help educate volunteers about non-point source pollution and what the volunteers can do to help keep the environment clean.

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

MEMORANDUM FOR THE RECORD  
DATE: 10/15/54  
TO: [Illegible]  
FROM: [Illegible]  
SUBJECT: [Illegible]

[Illegible text block]

[Illegible text block]

[Illegible text block]

C. Minimum Expenditure

The Respondents shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondents must contribute the SEP Amount to the Third-Party Recipient. The Respondents shall mail the contribution, with a copy of the Agreed Order, to:

Lori Gernhardt  
Gulf Coast Waste Disposal Authority  
910 Bay Area Boulevard  
Houston, Texas 77058

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondents shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondents shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondents do not perform their obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondents shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

Section 1

Text block 1

Text block 2

Text block 3

Text block 4

Text block 5

Text block 6

Text block 7

Text block 8

Text block 9

Text block 10

Text block 11

Text block 12

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondents must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondents shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondents may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondents under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

