

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0837-AIR-E TCEQ ID: RN100211879 CASE NO.: 33527  
 RESPONDENT NAME: SHELL CHEMICAL LP AND SHELL OIL COMPANY

|   |   |  |
|---|---|--|
| ORDER TYPE:   |   |  |
| <input type="checkbox"/> 1660 AGREED ORDER  | <input checked="" 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                    |  |
| CASE TYPE:  |   |  |
| <input checked="" 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 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>SITE WHERE VIOLATION(S) OCCURRED: 5900 Highway 225, Deer Park, Harris County</p> <p>TYPE OF OPERATION: Chemical plant and petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two pending enforcement actions regarding this facility location: 2008-1092-AIR-E and 2008-1621-AIR-E.</p> <p>INTERESTED PARTIES: There are no complaints. No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 3, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST:<br/>                 TCEQ Attorney: Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914<br/>                 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019<br/>                 SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223<br/>                 TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Air Enforcement Section, MC R-12, (713) 422-8938<br/>                 TCEQ Regional Contact: Ms. Linda Vasse, Houston Regional Office, MC R-12, (713) 767-3637<br/>                 Respondent: Mr. Steven R. Hansen, Manager, Environmental Affairs, Shell Chemical LP, Deer Park Chemical Plant, 5900 Highway 225 East, Deer Park, TX 77536<br/>                 Respondent's Attorney: Mr. Arnoldo Medina, Sr. Legal Counsel, Shell Legal US-Regulatory Matters, One Shell Plaza, OSP 4860, 910 Louisiana Street, PO Box 2463, Houston, TX 77002</p> |   |  |

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION  | PENALTY CONSIDERATIONS   | CORRECTIVE ACTIONS TAKEN/REQUIRED  |
|--|--|--|
| <p><b>Type of Investigation:</b><br/> <input type="checkbox"/> Complaint<br/> <input checked="" type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b><br/>None</p> <p><b>Dates of Investigation Relating to this Case:</b><br/>July 10, 2006, February 15, 2007, March 1, 2007 and May 3, 2007</p> <p><b>Date of NOE Relating to this Case:</b><br/>April 25, 2007, May 9, 2007, May 15, 2007, and May 29, 2007</p> <p><b>Background Facts:</b><br/>The EDPRP was filed on December 14, 2007. The Respondent filed an Answer and the case was referred to SOAH. The Agreed Order was signed on August 14, 2008.</p> <p><b>Current Compliance Status:</b><br/>The Respondent has completed all corrective actions since the Agreed Order was signed on August 14, 2008.</p> <p><b>AIR:</b></p> <p>1. Failed to submit a PI-7 Form within 10 days following modification of three storage tanks [30 TEX. ADMIN. CODE § 106.262(a)(3) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2. Failed to comply with the 20 parts per million ("ppm") Hazardous Air Pollutant ("HAP") limit for Spent Air Incinerator H9200 [30 TEX. ADMIN. CODE §§ 115.122(a)(2)(A), 116.115(c), and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), 40 CFR § 63.113(a)(2), Air Permit No. O-01945, Special Terms and Conditions Nos. 1A and 21 and Air Permit No. 3179, Special Condition No. 2].</p> <p>3. Failed to comply with the 9.0 pounds per hour ("lbs/hr") acetone emissions limit for Spent Air Incinerator H9200 [30 TEX. ADMIN. CODE §§ 122.143(4) and 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), Air Permit No. O-01945, Special Terms and Condition No. 21, and Air Permit No. 3179, Special Condition No. 1].</p> <p>4. Failed to comply with the 20 ppm volatile organic compound ("VOC") emissions limit for Spent Air Incinerator H9200 [30 TEX. ADMIN. CODE §§ 115.122(a)(2)(A), and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b) and Air Permit No. O-01945, Special Terms and Condition No. 1A].</p> | <p><b>Total Assessed:</b> \$166,530</p> <p><b>Total Deferred:</b> \$0<br/> <input type="checkbox"/> Expedited Order<br/> <input type="checkbox"/> Financial Inability to Pay<br/> <input checked="" type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid to General Revenue:</b><br/>\$83,265</p> <p>The Respondent has paid \$83,265 of the administrative penalty. The remainder shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b><br/>September 1, 2002</p> <p><b>Findings Order Justification:</b><br/>This is a findings order because the environment has been exposed to significant amounts of pollutants which exceed levels that are protective (violation no. 11).</p> | <p><b>Ordering Provisions:</b></p> <p>The Respondent shall implement and complete a SEP, as defined in Attachment A.</p> <p><b>Corrective Action(s) Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures:</p> <ol style="list-style-type: none"> <li>Submitted a PI-7 Form for the three storage tanks on November 1, 2005.</li> <li>Replaced an interchanger that was a source of leaks in Spent Air Incinerator H9200 on December 6, 2007.</li> <li>Installed a new refractory in Spent Air Incinerator H9200 on December 7, 2007. Specifically, the refractory was changed from kaolin wool to gunnite to minimize catalyst bed plugging.</li> <li>Increased the monitoring frequency of key process parameters for Spent Air Incinerator H9200 to avoid recurrence on December 15, 2007.</li> <li>Installed caps, plugs, flanges, or double-blocked the 22 open-ended lines within one day of discovery as follows: tag numbers 057354 and 420073 on June 8, 2006; tag numbers 318715, 321679, 321683, and 420572 on September 1, 2006; tag numbers 344749, 344752, 440198, and 71343 on September 29, 2006; tag numbers 1567, 4121, 950498, 318670, 321679, 460005.C, 460006, 70930, and 71415 on February 14, 2006; and tag numbers 35, 40, and 622 on January 31, 2006.</li> <li>Placed a leaking component tag on the leaking component in Unit PAU3 on February 14, 2006.</li> <li>Made a first attempt to repair the leaking component with Tag No. 3000000 on June 29, 2006.</li> <li>Rebuilt the hard drive for the Chemical ODS and resumed maintenance of the required monitoring analysis data on September 19, 2006.</li> </ol> |

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION  | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED   |
|--|------------------------|---|
| <p>5. Failed to maintain a cap, plug, or blind flange on all open-ended lines [30 TEX. ADMIN. CODE §§ 115.352(4), 116.115(c), and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), 40 CFR § 63.167(a)(1), Air Permit No. O-01945, Special Terms and Condition Nos. 1A and 21, and Air Permit No. 3179, Special Condition No. 21E].</p> <p>6. Failed to maintain a leaking component tag on leaking components until the component is repaired [30 TEX. ADMIN. CODE §§ 115.354(5), 116.115(c), and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), Air Permit No. O-01945, Special Terms and Condition Nos. 1A and 21, Air Permit No. 3179, Special Condition No. 21H, and 40 CFR § 63.162(f)(1)].</p> <p>7. Failed to make a first attempt to repair a leaking component within five days after discovery [30 TEX. ADMIN. CODE §§ 115.352(2), and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), Air Permit No. O-01945, Special Terms and Condition No. 1A, and 40 CFR § 63.163(c)(2)].</p> <p>8. Failed to maintain all required monitoring analysis data [30 TEX. ADMIN. CODE §§ 122.143(4), and 122.144(1)(E), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. O-01945, General Terms and Conditions].</p> <p>9. Failed to perform continuous monitoring of the flare pilot flame [30 TEX. ADMIN. CODE §§ 116.115(c), and 122.142(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), 40 CFR §§ 63.118(a)(1), 63.114(a)(2), 63.113(a)(1)(i), and 63.11(b)(5), Air Permit No. O-01945, Special Terms and Condition Nos. 1A and 21, and Air Permit No. 3179, Special Condition No. 14].</p> <p>10. Failed to submit an annual compliance certification and deviation report with 30 days after the reporting period [30 TEX. ADMIN. CODE §§ 122.146(2), 122.143(4), and 122.145(2)(C), TEX. HEALTH &amp; SAFETY CODE § 382.085(b) and Air Permit No. O-01945, General Terms and Conditions].</p> <p>11. Failed to prevent unauthorized emissions during an emissions event that started on December 5, 2005 [30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 21262, Special Condition No. 1].</p> <p>12. Failed to prevent unauthorized emissions during a December 14, 2006, emissions event [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), Air Permit No. 3219 and PSD-TX-974].</p> <p>13. Failed to prevent unauthorized emissions during a February 1, 2007, emissions event [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), Air Permit No. 3219 and PSD-TX-974].</p> |                        | <p>9. Installed a guard on May 30, 2006, to protect the breaker handle to prevent the breaker from tripping and losing continuous monitoring of the pilot flare flame.</p> <p>10. Submitted an annual compliance certification for the October 19, 2005, to October 15, 2006, certification period and a deviation report for the April 16, 2006, to October 15, 2006, reporting period on November 15, 2006.</p> <p>11. To prevent the recurrence of emissions events due to the same cause as the December 5, 2005, emissions event, new requirements and installation review provisions for strong-back clamps to include "multi-point" design instead of "2-point" design were implemented on May 16, 2006. Use of "multi-point" design, in this case, will provide for better performance and clamp integrity.</p> <p>12. To prevent the recurrence of emissions events due to the same cause as the December 14, 2006, emissions event, the minimum operating level in Tank S-429 was raised, and the oil was skimmed to prevent hydrocarbon entrainment in the sour water stream during Tank J-317 movement on December 16, 2006; the operational response to hydrocarbon upset units was reviewed with the Sulfur Board Operators on December 23, 2006; and complex acid gas flaring guidelines were reviewed with OP-3 operators on January 12, 2007.</p> <p>13. To prevent the recurrence of emissions events due to the same cause as the February 1, 2007, emissions event, the affected tubing was repaired on February 2, 2007; and on March 31, 2007, details of the incident and learnings were communicated to the contractor that installed the tubing during the 2006 turnaround to ensure the effectiveness of their Quality Assurance/Quality Control process.</p> |

Attachment A  
Docket Number: 2007-0837-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

|                        |  |
|------------------------|--|
| Respondent:            | SHELL CHEMICAL LP  |
| Penalty Amount:        | One hundred sixty six thousand five hundred thirty dollars (\$166,530.00)  |
| SEP Amount:            | Eighty three thousand two hundred sixty five dollars (\$83,265.00)   |
| Type of SEP:           | Pre-approved   |
| Third-Party Recipient: | Houston-Galveston Area Emission Reduction Credit Organization ("AERCO") <i>Clean Cities/Clean Vehicles Program</i> |
| Location of SEP:       | Harris County  |

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent 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 Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used in accordance with the Supplemental Environmental Project Agreement between AERCO and the Texas Commission on Environmental Quality for the *Clean Cities/Clean Vehicles Program* in Harris County. SEP monies will be used to aid local school districts and area transit agencies, and may be used to reach local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP funds will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. SEP funds will be used for the costs of retrofitting or replacing older diesel buses with alternative fueled or clean fuel diesel buses. The older "high emission" buses will be permanently retired and sold only for scrap.

The Respondent certifies 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

Passengers, drivers, and students in the area where school buses idle during transportation are subject to harmful diesel exhaust emission every school day. Apart from containing the ozone precursors nitrogen oxides ("NOx") and hydrocarbons ("HC"), diesel exhaust is known to cause or exacerbate a number of respiratory

diseases, including asthma. Due to the more stringent emissions standards introduced by the Environmental Protection Agency (EPA), model 2007 and newer buses are also cleaner in terms of particulate matter (PM) emissions than model year 2004 buses. New NOx and HC standards phased in between 2007 and 2010 will result in new school bus engines being 72% cleaner for HC and 90% cleaner for NOx than a bus produced to meet the 2004 federal standards for these pollutants.

This SEP will provide a discernible environmental benefit by retiring high-emission buses from service, purchasing newer, clean fuel technology buses, and replacing newer buses with fuel treatment technology that reduces PM and HC.

C. Minimum Expenditure

The Respondent 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 Respondent shall contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Houston-Galveston Area Council  
Houston-Galveston AERCO  
P.O. Box 22777  
Houston, TX 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent 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 Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its 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.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality  
Office of Legal Services  
Attention: SEP Coordinator, MC 175  
P.O. Box 13088  
Austin, Texas 78711-3088

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent 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 Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent 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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

TCEQ

|       |          |             |           |             |         |             |
|-------|----------|-------------|-----------|-------------|---------|-------------|
| DATES | Assigned | 30-Apr-2007 | Screening | 18-May-2007 | EPA Due | 20-Jan-2008 |
|       | PCW      | 15-Dec-2008 |           |             |         |             |

|                                 |   |
|---------------------------------|---|
| RESPONDENT/FACILITY INFORMATION |   |
| Respondent                      | Shell Chemical LP and Shell Oil Company |
| Reg. Ent. Ref. No.              | RN100211879                             |
| Facility/Site Region            | 12-Houston                              |
| Major/Minor Source              | Major                                   |

|                   |                   |                   |                  |
|-------------------|-------------------|-------------------|------------------|
| CASE INFORMATION  |                   |                   |                  |
| Enf./Case ID No.  | 33527             | No. of Violations | 13               |
| Docket No.        | 2007-0837-AIR-E   | Order Type        | Findings         |
| Media Program(s)  | Air               | Enf. Coordinator  | Kimberly Morales |
| Multi-Media       |                   | EC's Team         | 5                |
| Admin. Penalty \$ | Limit Minimum \$0 | Maximum           | \$10,000         |

## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

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

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

Compliance History 330% Enhancement Subtotals 2, 3, & 7

Notes: Penalty enhancement due to 38 Notices of Violations ("NOVs") issued for same or similar violations, six NOVs issued for unrelated violations, 16 self-reported effluent discharge violations, five agreed orders with a denial of liability, two agreed orders without a denial of liability, and one court order with a denial of liability. Penalty reduction due to 51 Notices of Indented Audits submitted and nine Disclosures of Violations submitted.

Culpability No 0% Enhancement Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5

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

Notes: The Respondent has not completed all corrective actions.

Total EB Amounts  0% Enhancement\* Subtotal 6   
 Approx. Cost of Compliance  \*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL 0% Reduction Adjustment

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 18-May-2007

Docket No. 2007-0837-AIR-E

PCW

Respondent Shell Chemical LP and Shell Oil Company

Policy Revision 2 (September 2002)

Case ID No. 33527

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Kimberly Morales

### 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)  | 38                | 190%    |
|                               | Other written NOVs   | 22                | 44%     |
| Orders                        | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)   | 5                 | 100%    |
|                               | 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 | 2                 | 50%     |
|                               | 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)                                       | 1                 | 30%     |
| Judgments and Consent Decrees | 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)              | 51                | -51%    |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)   | 9                 | -18%    |
| <i>Please Enter Yes or No</i> |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | Yes               | -10%    |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | Yes               | -5%     |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes  
 Penalty enhancement due to 38 Notices of Violations ("NOVs") issued for same or similar violations, six NOVs issued for unrelated violations, 16 self-reported effluent discharge violations, five agreed orders with a denial of liability, two agreed orders without a denial of liability, and one court order with a denial of liability.  
 Penalty reduction due to 51 Notices of Indented Audits submitted and nine Disclosures of Violations submitted.

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

Screening Date 18-May-2007

Docket No. 2007-0837-AIR-E

PCW

Respondent Shell Chemical LP and Shell Oil Company

Policy Revision 2 (September 2002)

Case ID No. 33527

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 106.262(a)(3) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit a PI-7 Form within 10 days following modification of the three storage tanks. Specifically, during the February 15, 2007 investigation it was documented that a PBR was being claimed for the tanks as early as October 19, 2005, however a PI-7 Form was not submitted until November 1, 2005.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm                 |                      |                      | Percent                         |
|-----------|----------------------|----------------------|----------------------|---------------------------------|
|           | Major                | Moderate             | Minor                |                                 |
| Actual    | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="0%"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> |                                 |

>> Programmatic Matrix

| Falsification        | Major                               | Moderate                 | Minor                    | Percent                          |
|----------------------|-------------------------------------|--------------------------|--------------------------|----------------------------------|
| <input type="text"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text" value="25%"/> |

Matrix Notes 100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events  Number of violation days

|                            |              |                                     |
|----------------------------|--------------|-------------------------------------|
| mark only one<br>with an x | daily        | <input type="text"/>                |
|                            | monthly      | <input type="text"/>                |
|                            | quarterly    | <input type="text"/>                |
|                            | semiannual   | <input type="text"/>                |
|                            | annual       | <input type="text"/>                |
|                            | single event | <input checked="" type="checkbox"/> |

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

# Economic Benefit Worksheet

**Respondent** Shell Chemical LP and Shell Oil Company  
**Case ID No.** 33527  
**Reg. Ent. Reference No.** RN100211879  
**Media Air**  
**Violation No.** 1

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0              | 15                    |

**Item Cost**    **Date Required**    **Final Date**    **Yrs**    **Interest Saved**    **Onetime Costs**    **EB Amount**  
 No commas or \$

**Delayed Costs**

|                          |         |             |            |     |     |     |     |
|--------------------------|---------|-------------|------------|-----|-----|-----|-----|
| 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)        | \$2,000 | 19-Oct-2005 | 1-Nov-2005 | 0.0 | \$4 | n/a | \$4 |

**Notes for DELAYED costs**  
 Estimated cost to submit a PI-7 Form for the three tanks. Date required based on the earliest date the violations was documented. Final date based on the date the PI-7 Form was submitted.

**Avoided Costs**

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    \$2,000    **TOTAL**    \$4

Screening Date 18-May-2007

Docket No. 2007-0837-AIR-E

PCW

Respondent Shell Chemical LP and Shell Oil Company

Policy Revision 2 (September 2002)

Case ID No. 33527

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 2

Rule Cite(s) Air Permit No. O-01945, Special Terms and Conditions Nos. 1A and 21, Air Permit No. 3179, Special Condition No. 2, 40 Code of Federal Regulations § 63.113(a)(2), 30 Tex. Admin. Code §§ 115.122(a)(2)(A), 116.115(c), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the 20 parts per million ("ppm") hazardous air pollutant ("HAP") limit for Spent Air Incinerator H9200. Specifically, during the February 15, 2005 investigation it was documented that on the following dates HAP emissions from Spent Air Incinerator H9200 ranged from 20.76 to 23.66 ppm: December 10, 2005, December 11, 2005, December 12, 2005, January 03, 2006, January 12, 2006, January 13, 2006, January 14, 2006, January 15, 2006, April 9, 2006, April 10, 2006, April 14, 2006, April 17, 2006, June 13, 2006, June 14, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          | x     |
| Potential |       |          |       |

Percent 25%

>> Programmatic Matrix

| Falsification | Harm  |          |       |
|---------------|-------|----------|-------|
|               | Major | Moderate | Minor |
|               |       |          |       |

Percent 0%

Matrix Notes

Human health and the environment have been exposed to an insignificant amount of pollutants which did not exceed levels protective of human health and the environment as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

14 Number of violation days

|                         |            |   |
|-------------------------|------------|---|
| mark only one with an x | daily      |   |
|                         | monthly    |   |
|                         | quarterly  | x |
|                         | semiannual |   |
|                         | annual     |   |
| single event            |            |   |

Violation Base Penalty \$7,500

Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$901

Violation Final Penalty Total \$32,250

This violation Final Assessed Penalty (adjusted for limits) \$32,250

## Economic Benefit Worksheet

Respondent Shell Chemical LP and Shell Oil Company  
 Case ID No. 33527  
 Reg. Ent. Reference No. RN100211879  
 Media Air  
 Violation No. 2

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 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)        | \$8,000   | 10-Dec-2005   | 11-Mar-2008 | 2.3 | \$901          | n/a           | \$901     |

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure that Spent Air Incinerator H9200 is operated within the HAP emissions limit. Date required based on the earliest documentation of the violation. Final date based on the projected compliance date.

| Item Description  | Yrs | Interest Saved | Onetime Costs | EB Amount |
|---|-----|----------------|---------------|-----------|
| <b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b> |     |                |               |           |
| 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 TOTAL

|         |       |
|---------|-------|
| \$8,000 | \$901 |
|---------|-------|

Screening Date 18-May-2007

Docket No. 2007-0837-AIR-E

PCW

Respondent Shell Chemical LP and Shell Oil Company

Policy Revision 2 (September 2002)

Case ID No. 33527

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 3

Rule Cite(s) Air Permit No. O-01945, Special Terms and Condition No. 21, Air Permit No. 3179, Special Condition No. 1, 30 Tex. Admin. Code §§ 122.143(4) and 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the 9.0 pounds per hour ("lbs/hr") acetone emissions limit for Spent Air Incinerator H9200. Specifically, during the February 15, 2007 investigation it was documented that Spent Air Incinerator H9200 exceeded the 9.0 lbs/hr acetone emissions limit on the following dates: April 16, 2006, April 17, 2006, April 18, 2006, April 19, 2006, April 20, 2006, April 21, 2006, June 7, 2006, June 11, 2006, June 13, 2006, and June 14, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          | x     |
| Potential |       |          |       |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health and the environment have been exposed to an insignificant amount of pollutants which did not exceed levels protective of human health and the environment as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

10 Number of violation days

|                         |              |   |
|-------------------------|--------------|---|
| mark only one with an x | daily        |   |
|                         | monthly      |   |
|                         | quarterly    | x |
|                         | semiannual   |   |
|                         | annual       |   |
|                         | single event |   |

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$762

Violation Final Penalty Total \$10,750

This violation Final Assessed Penalty (adjusted for limits) \$10,750

# Economic Benefit Worksheet

Respondent Shell Chemical LP and Shell Oil Company

Case ID No. 33527

Reg. Ent. Reference No. RN100211879

Media Air

Violation No. 3

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

**Delayed Costs**

|                          |         |             |             |     |       |     |       |
|--------------------------|---------|-------------|-------------|-----|-------|-----|-------|
| 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)        | \$8,000 | 16-Apr-2006 | 11-Mar-2008 | 1.9 | \$762 | n/a | \$762 |

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that the Spent Air Incinerator H9200 is operated within the acetone emissions limit. Date required based on the earliest documentation of the violation. Final date based on the projected compliance date.

**Avoided Costs**

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

\$8,000

TOTAL

\$762

Screening Date 18-May-2007

Docket No. 2007-0837-AIR-E

PCW

Respondent Shell Chemical LP and Shell Oil Company

Policy Revision 2 (September 2002)

Case ID No. 33527

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 4

Rule Cite(s) Air Permit No. O-01945, Special Terms and Condition No. 1A, 30 Tex. Admin. Code §§ 115.122(a)(2)(A) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the 20 ppm volatile organic compound ("VOC") emissions limit for Spent Air Incinerator H9200. Specifically, during the February 15, 2007 investigation it was documented that Spent Air Incinerator H9200 exceeded the 20 ppm VOC emissions limit on the following dates: April 3, 2006, April 17, 2006, April 18, 2006, April 28, 2006, April 29, 2006, April 30, 2006, May 8, 2006, May 9, 2006, May 10, 2006, May 11, 2006, May 16, 2006, May 17, 2006, May 18, 2006, May 19, 2006, May 20, 2006, May 21, 2006, May 22, 2006, June 7, 2006, June 13, 2006, June 14, 2006, June 15, 2006, June 30, 2006, July 1, 2006, July 2, 2006, July 7, 2006, July 8, 2006, July 9, 2006, July 10, 2006, July 11, 2006, July 12, 2006, and July 13, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          | x     | 25%     |
| Potential |       |          |       |         |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               |       |          |       | 0%      |

Matrix Notes Human health and the environment have been exposed to an insignificant amount of pollutants which did not exceed levels protective of human health and the environment as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 Number of violation days 31

|                         |              |   |
|-------------------------|--------------|---|
| mark only one with an x | daily        |   |
|                         | monthly      |   |
|                         | quarterly    | x |
|                         | semiannual   |   |
|                         | annual       |   |
|                         | single event |   |

Violation Base Penalty \$5,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$776

Violation Final Penalty Total \$21,500

This violation Final Assessed Penalty (adjusted for limits) \$21,500

## Economic Benefit Worksheet

**Respondent** Shell Chemical LP and Shell Oil Company  
**Case ID No.** 33527  
**Reg. Ent. Reference No.** RN100211879  
**Media Air**  
**Violation No.** 4

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 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            | \$0           | \$0       |
| Record Keeping System    |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Training/Sampling        |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Remediation/Disposal     |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Permit Costs             |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Other (as needed)        | \$8,000   | 3-Apr-2006    | 11-Mar-2008 | 1.9 | \$776          | \$0           | \$776     |

**Notes for DELAYED costs**  
 Estimated cost to implement measures designed to ensure that Spent Air Incinerator H9200 is operated within the VOC emissions limit. Date required based on the earliest documentation of the violation. Final date based on the projected compliance date.

| Item Description   | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime-Costs | EB Amount |
|--|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <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**  
 (Empty box for notes)

Approx. Cost of Compliance \$8,000      TOTAL \$776

Screening Date 18-May-2007

Docket No. 2007-0837-AIR-E

PCW

Respondent Shell Chemical LP and Shell Oil Company

Policy Revision 2 (September 2002)

Case ID No. 33527

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number

Rule Cite(s) Air Permit No. O-01945, Special Terms and Condition Nos. 1A and 21, Air Permit No. 3179, Special Condition No. 21E, 40 Code of Federal Regulations § 63.167(a)(1), 30 Tex. Admin. Code §§ 115.352(4), 116.115(c), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain a cap, plug, or blind flange on all open-ended lines. Specifically, during the February 15, 2007 investigation it was documented that 22 open-ended lines without a cap, plug, or blind flange were documented to have been discovered between January 30, 2006 to September 28, 2006 (Tag numbers 057354, 420073, 318715, 321679, 321683, 420572, 344749, 344752, 440198, 71343, 1567, 4121, 950498, 318670, 321679, 46005.C, 46006, 70930, 71415, 35, 40, 622).

Base Penalty

>> Environmental, Property and Human Health Matrix

| Release   | Harm                 |                      |                                     | Percent                          |
|-----------|----------------------|----------------------|-------------------------------------|----------------------------------|
|           | Major                | Moderate             | Minor                               |                                  |
| Actual    | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> | <input type="text" value="25%"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input type="text"/>                |                                  |

>> Programmatic Matrix

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

Matrix Notes Estimated emissions of 2.01 lbs were calculated utilizing the Facility Specific Fugitive Emission Factors in the "Air Permit Technical Guidance for Chemical Sources: Equipment Leak Fugitives" publication.

Adjustment

Violation Events

Number of Violation Events   Number of violation days

|                         |              |                                     |
|-------------------------|--------------|-------------------------------------|
| mark only one with an x | 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"/>                |

Violation Base Penalty

Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

Respondent Shell Chemical LP and Shell Oil Company  
 Case ID No. 33527  
 Reg. Ent. Reference No. RN100211879  
 Media Air  
 Violation No. 6

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 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)        | \$7,000   | 30-Jan-2006   | 29-Sep-2006 | 0.7 | \$232          | n/a           | \$232     |

Notes for DELAYED costs: Estimated cost to install caps, plugs, and/or flanges on the open-ended lines. Date required based on the earliest documentation of the violation. Final date based on the date all corrective measures were implemented.

| Item Description   | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--|-----|----------------|---------------|-----------|
| <b>ANNUALIZE [1]: avoided costs before entering item (except for one-time avoided costs)</b> |     |                |               |           |
| 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 \$7,000 TOTAL \$232

Screening Date 18-May-2007

Docket No. 2007-0837-AIR-E

PCW

Respondent Shell Chemical LP and Shell Oil Company

Policy Revision 2 (September 2007)

Case ID No. 33527

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 6

Rule Cite(s) Air Permit No. O-01945, Special Terms and Condition Nos. 1A and 21, Air Permit No. 3179, Special Condition No. 21H, 40 Code of Federal Regulations § 63.162(f)(1), 30 Tex. Admin. Code §§ 115.354(5), 116.115(c), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain a leaking component tag on leaking components until the component is repaired. Specifically, during a February 15, 2007 investigation it was documented that on February 13, 2006 a component previously discovered to be leaking in Unit PAU3 did not have an affixed leaking component tag.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       |          | x     |

Percent 10%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health and the environment could be exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

1

1

Number of violation days

mark only one with an x

|              |   |
|--------------|---|
| daily        |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,300

This violation Final Assessed Penalty (adjusted for limits) \$4,300

## Economic Benefit Worksheet

Respondent Shell Chemical LP and Shell Oil Company  
 Case ID No. 33527  
 Reg. Ent. Reference No. RN100211879  
 Media Air  
 Violation No. 7

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

**Delayed Costs**

|                          |       |             |             |     |     |     |     |
|--------------------------|-------|-------------|-------------|-----|-----|-----|-----|
| 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)        | \$150 | 13-Feb-2006 | 14-Feb-2006 | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to ensure a leaking component tag is affixed to the leaking component. Date required based on the date the component was documented without a leaking component tag. Date required based on the date a tag was placed on the leaking component.

**Avoided Costs**

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

\$150

TOTAL

\$0

Screening Date 18-May-2007

Docket No. 2007-0837-AIR-E

PCW

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

Respondent Shell Chemical LP and Shell Oil Company

Case ID No. 33527

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 7

Rule Cite(s) Air Permit No. O-01945, Special Terms and Condition No. 1A, 40 Code of Federal Regulations § 63.163(c)(2), 30 Tex. Admin. Code §§ 115.352(2) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to make a first attempt to repair a leaking component within five days after discovery. Specifically, during a February 15, 2007 investigation it was documented that a first attempt to repair the leaking component with Tag No. 3000000 was due on June 28, 2006, however the first attempt to repair was not made until June 29, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          | X     | 25%     |
| Potential |       |          |       |         |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               |       |          |       | 0%      |

Matrix Notes

Estimated emissions of 1.05 pounds were calculated utilizing the Facility Specific Fugitive Emission Factors in the "Air Permit Technical Guidance for Chemical Sources: Equipment Leak Fugitives" publication.

Adjustment \$7,500

\$2,500

Violation Events

|                         |              |   |   |                                |
|-------------------------|--------------|---|---|--------------------------------|
|                         |              | 1 | 1 | Number of violation days       |
| mark only one with an x | daily        |   |   | Violation Base Penalty \$2,500 |
|                         | monthly      |   |   |                                |
|                         | quarterly    | X |   |                                |
|                         | semiannual   |   |   |                                |
|                         | annual       |   |   |                                |
|                         | single event |   |   |                                |

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$10,750

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

Respondent Shell Chemical LP and Shell Oil Company  
 Case ID No. 33527  
 Reg. Ent. Reference No. RN100211879  
 Media Air  
 Violation No. 8

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 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)        | \$100     | 28-Jun-2006   | 29-Jun-2006 | 0.0 | \$0            | n/a           | \$0       |

Notes for DELAYED costs: Estimated cost to make the first attempt to repair the leaking component. Date required based on the date the first attempt to repair was due to be made. Final date based on the date the first attempt to repair was made.

| Item Description  | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|---|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <b>Avoided Costs</b>  |           |               |            |     |                |               |           |
| <b>ANNUALIZE (1) avoided costs before entering item (except for one-time avoided costs)</b> |           |               |            |     |                |               |           |
| 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 \$100 TOTAL \$0

Screening Date 18-May-2007

Docket No. 2007-0837-AIR-E

PCW

Respondent Shell Chemical LP and Shell Oil Company

Policy Revision 2 (September 2002)

Case ID No. 33527

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 8

Rule Cite(s) Air Permit No. O-01945, General Terms and Conditions, 30 Tex. Admin. Code §§ 122.143(4) and 122.144(1)(E), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain all required monitoring analysis data. Specifically, during a February 15, 2007 investigation it was documented that monitoring analysis data for the period of September 18, 2006 to September 19, 2006 was not maintained as a result of a hard drive failure.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          |       | 0%      |
| Potential |       |          |       |         |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               |       |          | x     | 1%      |

Matrix Notes

Less than 30% of the required five years of monitoring data was not maintained.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 2

|                         |            |  |
|-------------------------|------------|--|
| mark only one with an x | daily      |  |
|                         | monthly    |  |
|                         | quarterly  |  |
|                         | semiannual |  |
|                         | annual     |  |
| single event            | x          |  |

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$430

This violation Final Assessed Penalty (adjusted for limits) \$430

## Economic Benefit Worksheet

**Respondent** Shell Chemical LP and Shell Oil Company  
**Case ID No.** 33527  
**Reg. Ent. Reference No.** RN100211879  
**Media Air**  
**Violation No.** 9

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

**Delayed Costs**

|                          |         |             |             |     |     |     |     |
|--------------------------|---------|-------------|-------------|-----|-----|-----|-----|
| 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)        | \$2,000 | 18-Sep-2006 | 19-Sep-2006 | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to rebuild the hard drive for the Chemical ODS. Date required based on the date the hard drive failed and the monitoring data was lost. Final date based on the date the hard drive was re-built and maintenance of the required monitoring analysis data was resumed.

**Avoided Costs**

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

\$2,000

TOTAL

\$0

Screening Date 18-May-2007

Docket No. 2007-0837-AIR-E

PCW

Respondent Shell Chemical LP and Shell Oil Company

Policy Revision 2 (September 2002)

Case ID No. 33527

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 9

Rule Cite(s) Air Permit No. O-01945, Special Terms and Condition Nos. 1A and 21, Air Permit No. 3179, Special Condition No. 14, 40 Code of Federal Regulations §§ 63.118(a)(1), 63.114(a)(2), 63.113(a)(1)(i), and 63.11(b)(5), 30 Tex. Admin. Code §§ 116.115(c) and 122.142(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to perform continuous monitoring of the flare pilot flame. Specifically, during the February 15, 2007 investigation it was documented that flares A1301 and A133 weren't continuously monitored for a flame for seven hours on May 30, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          |       | 10%     |
| Potential |       |          | x     |         |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               |       |          |       | 0%      |

Matrix Notes

Human health and the environment could have been exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health and environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 1

|              |   |
|--------------|---|
| daily        |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,300

This violation Final Assessed Penalty (adjusted for limits) \$4,300

## Economic Benefit Worksheet

Respondent Shell Chemical LP and Shell Oil Company  
 Case ID No. 33527  
 Reg. Ent. Reference No. RN100211879  
 Media Air  
 Violation No. 10

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

**Delayed Costs**

|                          |         |             |             |     |     |     |     |
|--------------------------|---------|-------------|-------------|-----|-----|-----|-----|
| 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)        | \$2,000 | 30-May-2006 | 30-May-2006 | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to install a guard to protect the breaker handle to prevent the breaker from tipping and losing continuous electronic monitoring of the flare pilot flame. Date required based on the earliest documentation of the violation. Final date based on the date corrective measures were completed.

**Avoided Costs**

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

\$2,000

TOTAL

\$0

Screening Date 18-May-2007

Docket No. 2007-0837-AIR-E

PCW

Respondent Shell Chemical LP and Shell Oil Company

Policy Revision 2 (September 2002)

Case ID No. 33527

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 10

Rule Cite(s) Air Permit No. O-01945, General Terms and Conditions, 30 Tex.Admin. Code §§ 122.143(4), 122.145(2)(C), and 122.146(2), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit an annual compliance certification and deviation report with 30 days after the reporting period. Specifically, during a February 15, 2007 investigation it was documented that the annual compliance certification for the October 19, 2005 to October 15, 2006 reporting period was submitted on November 15, 2006 and the deviation report for the April 16, 2006 to October 15, 2006 reporting period was submitted on November 15, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          |       | 0%      |
| Potential |       |          |       |         |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               | X     |          |       | 25%     |

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 Number of violation days 1

|                         |            |  |
|-------------------------|------------|--|
| mark only one with an x | daily      |  |
|                         | monthly    |  |
|                         | quarterly  |  |
|                         | semiannual |  |
|                         | annual     |  |
| single event            | X          |  |

Violation Base Penalty \$5,000

Two single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$21,500

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

**Respondent** Shell Chemical LP and Shell Oil Company  
**Case ID No.** 33527  
**Reg. Ent. Reference No.** RN100211879  
**Media Air**  
**Violation No.** 11

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

### Delayed Costs

| Item Description         | Item Cost | Date Required | Final Date  | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|-----|----------------|---------------|-----------|
| 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            | \$0           | \$0       |
| Record Keeping System    |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Training/Sampling        |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Remediation/Disposal     |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Permit Costs             |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Other (as needed)        | \$2,000   | 14-Nov-2006   | 15-Nov-2006 | 0.0 | \$0            | \$0           | \$0       |

Notes for DELAYED costs

Estimated cost to prepare and submit the annual compliance certification and deviation report. Date required based on the date the reports were due. Final date based on the compliance date.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

| Item Description              | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| 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

\$2,000

TOTAL

\$0

Screening Date 18-May-2007

Docket No. 2007-0837-AIR-E

PCW

Respondent Shell Chemical LP and Shell Oil Company

Policy Revision 2 (September 2002)

Case ID No. 33527

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Kimberly Morales

V12 11

Rule Cite(s)

Air Permit No. 21262, Special Condition No. 1, 30 Tex. Admin. Code § 116.715(a), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions during an emissions event that started on December 5, 2005. Specifically, during the December 5, 2005 emissions event the following unauthorized emissions were released from the West Property Flare and Distillation Unit 2 over a period of 21 hours and 30 minutes: 33,339 lbs of sulfur dioxide, 12,916 pounds of VOCs, 5,901 lbs of heptane, 3,867 lbs of hexane, 615 lbs of butane, 1,080 lbs of carbon monoxide, 362 lbs of hydrogen sulfide, 242 lbs of benzene, 168 lbs of 1,3-butadiene, 150 lbs of nitrogen dioxide, 59 lbs of propylene, 20 lbs of ethylene, and 20 lbs of particulate matter. Since the emissions event was avoidable and determined to be excessive the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222 were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    | x     |          |       |
| Potential |       |          |       |

Percent 100%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

The Houston-Galveston-Brazoria ozone nonattainment area has been exposed to an excessive amount of pollutants as a result of the violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1

1 Number of violation days

|                         |              |   |
|-------------------------|--------------|---|
| mark only one with an x | daily        | x |
|                         | monthly      |   |
|                         | quarterly    |   |
|                         | semiannual   |   |
|                         | annual       |   |
|                         | single event |   |

Violation Base Penalty \$10,000

One daily event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$881

Violation Final Penalty Total \$43,000

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

Respondent Shell Chemical LP and Shell Oil Company  
 Case ID No. 33527  
 Reg. Ent. Reference No. RN100211879  
 Media Air  
 Violation No. 12

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0              | 15                    |

|   |               |            |     |                |               |           |
|---|---------------|------------|-----|----------------|---------------|-----------|
| Item Cost                                       | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
| Item Description <small>No commas or \$</small> |               |            |     |                |               |           |

**Delayed Costs**

| Item Description         | Item Cost | Date Required | Final Date  | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|-----|----------------|---------------|-----------|
| 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)        | \$7,000   | 5-Dec-2005    | 11-Jun-2008 | 2.5 | \$881          | n/a           | \$881     |

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events caused by leaks on the suction line of the HDU-2 Debutanizer Column bottoms. Date required based on the date of the emissions event. Final date based on the projected date all corrective actions will be completed.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

| Item Description              | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| 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

\$7,000

TOTAL

\$881

Screening Date 18-May-2007

Docket No. 2007-0837-AIR-E

PCW

Respondent Shell Chemical LP and Shell Oil Company

Policy Revision 2 (September 2002)

Case ID No. 33527

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 12

Rule Cite(s) Air Permit No. 3219 and PSD-TX-974, 30 Tex. Admin. Code § 116.115(b)(2)(F), and Tex. Health & Safety Code §382.085(b)

Violation Description

Failed to prevent unauthorized emissions during a December 14, 2006 emissions event. Specifically, during the December 14, 2006 emissions event 6,787 lbs of unauthorized sulfur dioxide emissions and 74 lbs of unauthorized hydrogen sulfide emissions were released from the OP3 Elevated Flare over a period of 32 minutes. Since the emissions event was avoidable the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222 were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       | X        |       |
| Potential |       |          |       |

Percent 50%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health and the environment have been exposed to a significant amount of pollutants which did not exceed levels protective of human health and the environment as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

|                         |              |   |
|-------------------------|--------------|---|
| mark only one with an x | daily        |   |
|                         | monthly      | X |
|                         | quarterly    |   |
|                         | semiannual   |   |
|                         | annual       |   |
|                         | single event |   |

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$434

Violation Final Penalty Total \$21,500

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

Respondent Shell Chemical LP and Shell Oil Company  
 Case ID No. 33527  
 Reg. Ent. Reference No. RN100211879  
 Media Air  
 Violation No. 13

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

**Delayed Costs**

| Item Description         | Item Cost | Date Required | Final Date  | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|-----|----------------|---------------|-----------|
| Equipment                | 0.0       |               |             | 0.0 | \$0            | \$0           | \$0       |
| Buildings                | 0.0       |               |             | 0.0 | \$0            | \$0           | \$0       |
| Other (as needed)        | 0.0       |               |             | 0.0 | \$0            | \$0           | \$0       |
| Engineering/construction | 0.0       |               |             | 0.0 | \$0            | \$0           | \$0       |
| Land                     | 0.0       |               |             | 0.0 | \$0            | n/a           | \$0       |
| Record Keeping System    | 0.0       |               |             | 0.0 | \$0            | n/a           | \$0       |
| Training/Sampling        | 0.0       |               |             | 0.0 | \$0            | n/a           | \$0       |
| Remediation/Disposal     | 0.0       |               |             | 0.0 | \$0            | n/a           | \$0       |
| Permit Costs             | 0.0       |               |             | 0.0 | \$0            | n/a           | \$0       |
| Other (as needed)        | \$7,000   | 14-Dec-2006   | 11-Mar-2008 | 1.2 | \$434          | n/a           | \$434     |

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of an emissions event caused by the sulfur recovery units going offline after process adjustments. Date required based on the date of the emissions event. Final date based on the projected date all corrective actions will be completed.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| Item Description              | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| Disposal                      | 0.0       |               |            | 0.0 | \$0            | \$0           | \$0       |
| Personnel                     | 0.0       |               |            | 0.0 | \$0            | \$0           | \$0       |
| Inspection/Reporting/Sampling | 0.0       |               |            | 0.0 | \$0            | \$0           | \$0       |
| Supplies/equipment            | 0.0       |               |            | 0.0 | \$0            | \$0           | \$0       |
| Financial Assurance [2]       | 0.0       |               |            | 0.0 | \$0            | \$0           | \$0       |
| ONE-TIME avoided costs [3]    | 0.0       |               |            | 0.0 | \$0            | \$0           | \$0       |
| Other (as needed)             | 0.0       |               |            | 0.0 | \$0            | \$0           | \$0       |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$7,000

TOTAL

\$434

Screening Date 18-May-2007

Docket No. 2007-0837-AIR-E

PCW

Respondent Shell Chemical LP and Shell Oil Company

Policy Revision 2 (September 2002)

Case ID No. 33527

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 13

Rule Cite(s) Air Permit No. 3219 and PSD-TX-974, 30 Tex. Admin. Code § 116.115(b)(2)(F), and Tex. Health & Safety Code §382.085(b)

Violation Description

Failed to prevent unauthorized emissions during a February 1, 2007 emissions event. Specifically, during the February 1, 2007 emissions event the following unauthorized emissions were released from the OP-2 Elevated Flare, the OP-3 Elevated Flare, and the OP-3 Ground Flare over a period of five hours and 39 minutes: 5,274 lbs of carbon monoxide, 2,202 lbs of ethylene, 1,803 lbs of isopentane, 1,308 lbs of propylene, 912 lbs of nitrogen monoxide, 477 lbs of 1,3-butadiene, 381 lbs 1-butene, 234 lbs of sulfur dioxide, 111 lbs of butene, 108 lbs of 2-butene-trans, 75 lbs of nitrogen dioxide, 57 lbs of propane, 36 lbs of 2-butene-cis, 24 lbs of isobutane, 15 lbs of acetylene, and 3 lbs of hydrogen sulfide. Since the emissions event was avoidable the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222 were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       | x        |       |
| Potential |       |          |       |

Percent 50%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health and the environment have been exposed to a significant amount of pollutants which did not exceed levels protective of human health and the environment as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

|                         |            |   |
|-------------------------|------------|---|
| mark only one with an x | daily      |   |
|                         | monthly    | x |
|                         | quarterly  |   |
|                         | semiannual |   |
|                         | annual     |   |
| single event            |            |   |

Violation Base Penalty \$5,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$277

Violation Final Penalty Total \$21,500

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

Respondent Shell Chemical LP and Shell Oil Company  
 Case ID No. 33527  
 Reg. Ent. Reference No. RN100211879  
 Media Air  
 Violation No. 14

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

**Delayed Costs**

|                          |         |            |             |     |       |     |       |
|--------------------------|---------|------------|-------------|-----|-------|-----|-------|
| 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)        | \$5,000 | 1-Feb-2007 | 11-Mar-2008 | 1.1 | \$277 | n/a | \$277 |

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of an emissions event caused by improper quality control review and maintenance of the governor oil dump valve. Date required based on the date of the emissions event. Final date based on the projected date all corrective actions will be completed.

**Avoided Costs**

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

\$5,000

TOTAL

\$277

# Compliance History

Customer/Respondent/Owner-Operator:

CN601405145 Shell Chemical LP

Classification: AVERAGE

Rating: 2.82

Regulated Entity:

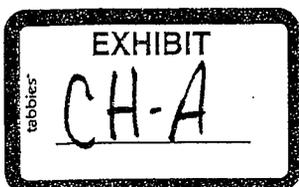
RN100211879 SHELL OIL DEER PARK

Classification: AVERAGE

Site Rating: 4.49

ID Number(s):

| ACCOUNT NUMBER         | HG0659W      |
|------------------------|--------------|
| AIR OPERATING PERMITS  | 1669         |
| AIR OPERATING PERMITS  | 1668         |
| AIR OPERATING PERMITS  | 1940         |
| AIR OPERATING PERMITS  | 1941         |
| AIR OPERATING PERMITS  | 1942         |
| AIR OPERATING PERMITS  | 1943         |
| AIR OPERATING PERMITS  | 1945         |
| AIR OPERATING PERMITS  | 1946         |
| AIR OPERATING PERMITS  | 1947         |
| AIR OPERATING PERMITS  | 1948         |
| AIR OPERATING PERMITS  | 2108         |
| AIR OPERATING PERMITS  | 3179         |
| WASTEWATER             | WQ0000402000 |
| WASTEWATER             | TPDES0004863 |
| WASTEWATER             | TX0004863    |
| WASTEWATER             | WQ0000403000 |
| WASTEWATER             | TPDES0004871 |
| AIR NEW SOURCE PERMITS | 3180         |
| AIR NEW SOURCE PERMITS | 21262        |
| AIR NEW SOURCE PERMITS | 54895        |
| AIR NEW SOURCE PERMITS | 55312        |
| AIR NEW SOURCE PERMITS | 76382        |
| AIR NEW SOURCE PERMITS | 75524        |
| AIR NEW SOURCE PERMITS | 55717        |
| AIR NEW SOURCE PERMITS | 55730        |
| AIR NEW SOURCE PERMITS | 55869        |
| AIR NEW SOURCE PERMITS | 76315        |
| AIR NEW SOURCE PERMITS | PSDTX815     |
| AIR NEW SOURCE PERMITS | 48912        |
| AIR NEW SOURCE PERMITS | 56476        |
| AIR NEW SOURCE PERMITS | 56496        |
| AIR NEW SOURCE PERMITS | 70389        |
| AIR NEW SOURCE PERMITS | 70613        |
| AIR NEW SOURCE PERMITS | 70903        |
| AIR NEW SOURCE PERMITS | 71223        |
| AIR NEW SOURCE PERMITS | PSDTX896     |
| AIR NEW SOURCE PERMITS | 71567        |
| AIR NEW SOURCE PERMITS | 52089        |
| AIR NEW SOURCE PERMITS | 52088        |
| AIR NEW SOURCE PERMITS | 50388        |
| AIR NEW SOURCE PERMITS | 50423        |
| AIR NEW SOURCE PERMITS | 50548        |
| AIR NEW SOURCE PERMITS | 52565        |
| AIR NEW SOURCE PERMITS | 50815        |
| AIR NEW SOURCE PERMITS | 54061        |
| AIR NEW SOURCE PERMITS | 52476        |
| AIR NEW SOURCE PERMITS | 52477        |
| AIR NEW SOURCE PERMITS | 70612        |
| AIR NEW SOURCE PERMITS | 74572        |
| AIR NEW SOURCE PERMITS | 75045        |
| AIR NEW SOURCE PERMITS | PSDTX974     |
| AIR NEW SOURCE PERMITS | 76699        |
| AIR NEW SOURCE PERMITS | PSDTX896     |
| AIR NEW SOURCE PERMITS | PSDTX928     |
| AIR NEW SOURCE PERMITS | PSDTX928M1   |
| AIR NEW SOURCE PERMITS | PSDTX961     |
| AIR NEW SOURCE PERMITS | 77284        |
| AIR NEW SOURCE PERMITS | 77952        |
| AIR NEW SOURCE PERMITS | 76265        |
| AIR NEW SOURCE PERMITS | 78624        |
| AIR NEW SOURCE PERMITS | 78816        |



|                        |                |            |
|------------------------|----------------|------------|
| AIR NEW SOURCE PERMITS | REGISTRATION   | 78839      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 78864      |
| AIR NEW SOURCE PERMITS | PERMIT         | 6949       |
| AIR NEW SOURCE PERMITS | PERMIT         | 7855       |
| AIR NEW SOURCE PERMITS | PERMIT         | 9856       |
| AIR NEW SOURCE PERMITS | PERMIT         | 11177      |
| AIR NEW SOURCE PERMITS | PERMIT         | 12152      |
| AIR NEW SOURCE PERMITS | PERMIT         | 12537      |
| AIR NEW SOURCE PERMITS | PERMIT         | 13373      |
| AIR NEW SOURCE PERMITS | PERMIT         | 13713      |
| AIR NEW SOURCE PERMITS | PERMIT         | 16429      |
| AIR NEW SOURCE PERMITS | PERMIT         | 1119       |
| AIR NEW SOURCE PERMITS | PERMIT         | 1120       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3178       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3179       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3216       |
| AIR NEW SOURCE PERMITS | PERMIT         | 5801       |
| AIR NEW SOURCE PERMITS | PERMIT         | 6791       |
| AIR NEW SOURCE PERMITS | PERMIT         | 7621       |
| AIR NEW SOURCE PERMITS | PERMIT         | 9334       |
| AIR NEW SOURCE PERMITS | PERMIT         | 10888      |
| AIR NEW SOURCE PERMITS | PERMIT         | 11096      |
| AIR NEW SOURCE PERMITS | PERMIT         | 11586      |
| AIR NEW SOURCE PERMITS | PERMIT         | 12373      |
| AIR NEW SOURCE PERMITS | PERMIT         | 12829      |
| AIR NEW SOURCE PERMITS | PERMIT         | 13678      |
| AIR NEW SOURCE PERMITS | PERMIT         | 15961      |
| AIR NEW SOURCE PERMITS | PERMIT         | 8236       |
| AIR NEW SOURCE PERMITS | PERMIT         | 9505       |
| AIR NEW SOURCE PERMITS | PERMIT         | 15262      |
| AIR NEW SOURCE PERMITS | PERMIT         | 15365      |
| AIR NEW SOURCE PERMITS | PERMIT         | 15499      |
| AIR NEW SOURCE PERMITS | PERMIT         | 15940      |
| AIR NEW SOURCE PERMITS | PERMIT         | 18209      |
| AIR NEW SOURCE PERMITS | PERMIT         | 18576      |
| AIR NEW SOURCE PERMITS | PERMIT         | 18738      |
| AIR NEW SOURCE PERMITS | PERMIT         | 18768      |
| AIR NEW SOURCE PERMITS | PERMIT         | 19849      |
| AIR NEW SOURCE PERMITS | PERMIT         | 22038      |
| AIR NEW SOURCE PERMITS | PERMIT         | 23273      |
| AIR NEW SOURCE PERMITS | PERMIT         | 24096      |
| AIR NEW SOURCE PERMITS | PERMIT         | 24874      |
| AIR NEW SOURCE PERMITS | PERMIT         | 26368      |
| AIR NEW SOURCE PERMITS | PERMIT         | 27598      |
| AIR NEW SOURCE PERMITS | PERMIT         | 29597      |
| AIR NEW SOURCE PERMITS | PERMIT         | 32282      |
| AIR NEW SOURCE PERMITS | PERMIT         | 33524      |
| AIR NEW SOURCE PERMITS | PERMIT         | 34230      |
| AIR NEW SOURCE PERMITS | PERMIT         | 34358      |
| AIR NEW SOURCE PERMITS | PERMIT         | 35243      |
| AIR NEW SOURCE PERMITS | PERMIT         | 35608      |
| AIR NEW SOURCE PERMITS | PERMIT         | 37206      |
| AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | HG0659W    |
| AIR NEW SOURCE PERMITS | AFS NUM        | 4820100039 |
| AIR NEW SOURCE PERMITS | PERMIT         | 96         |
| AIR NEW SOURCE PERMITS | PERMIT         | 97         |
| AIR NEW SOURCE PERMITS | PERMIT         | 266        |
| AIR NEW SOURCE PERMITS | PERMIT         | 747        |
| AIR NEW SOURCE PERMITS | PERMIT         | 748        |
| AIR NEW SOURCE PERMITS | PERMIT         | 920        |
| AIR NEW SOURCE PERMITS | PERMIT         | 1920       |
| AIR NEW SOURCE PERMITS | PERMIT         | 1968       |
| AIR NEW SOURCE PERMITS | PERMIT         | 2597       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3173       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3177       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3214       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3215       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3217       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3218       |

|   |                                  |              |
|---|----------------------------------|--------------|
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 3219         |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 3985A        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 4256         |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 4406         |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 4596         |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 4933         |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 41920        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 41875        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 42221        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 42573        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 42512        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 43605        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 42118        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 45654        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 45653        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 45652        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 45944        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 46535        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 47575        |
| AIR NEW SOURCE PERMITS                          | REGISTRATION                     | 79604        |
| AIR NEW SOURCE PERMITS                          | REGISTRATION                     | 80525        |
| AIR NEW SOURCE PERMITS                          | REGISTRATION                     | 80503        |
| AIR NEW SOURCE PERMITS                          | REGISTRATION                     | 81503        |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION       | EPA ID                           | TXD067285973 |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION       | SOLID WASTE REGISTRATION # (SWR) | 30007        |
| INDUSTRIAL AND HAZARDOUS WASTE STORAGE          | PERMIT                           | 50099        |
| INDUSTRIAL AND HAZARDOUS WASTE STORAGE          | PERMIT                           | 50099        |
| INDUSTRIAL AND HAZARDOUS WASTE STORAGE          | PERMIT                           | 50099        |
| UNDERGROUND INJECTION                           | PERMIT                           | WDW172       |
| UNDERGROUND INJECTION                           | PERMIT                           | WDW173       |
| PETROLEUM STORAGE TANK STAGE                    | REGISTRATION                     | 32780        |
| WATER LICENSING                                 | LICENSE                          | 1010320      |
| WASTEWATER LICENSING                            | LICENSE                          | WQ0000402000 |
| PUBLIC WATER SYSTEM/SUPPLY                      | REGISTRATION                     | 6001443      |
| PUBLIC WATER SYSTEM/SUPPLY                      | REGISTRATION                     | 1010320      |
| IHW CORRECTIVE ACTION                           | SOLID WASTE REGISTRATION # (SWR) | 30007        |
| INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS | PERMIT                           | 50099        |
| PETROLEUM STORAGE TANK REGISTRATION             | REGISTRATION                     | 32780        |

Location: 5900 HIGHWAY 225, DEER PARK, TX, 77536 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 11, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 30, 2002 to April 30, 2007

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

Name: Rebecca Johnson Phone: (713) 422-8931

#### 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? Yes
3. If Yes, who is the current owner?
  - Shell Chemical LP
  - Shell Deer Park Refining Company
  - Shell Chemical LP
  - Shell Oil Company
  - Deer Park Refining Limited Partnership

4. if Yes, who was/were the prior owner(s)?

Resolution Performance Products

5. When did the change(s) in ownership occur?

6/10/2004  
12/03/2002

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

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

1 Effective Date: 06/12/2003

ADMINORDER 2002-0478-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
40 CFR Part 61, Subpart V 61.242-6(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 4 PERMIT

Description: Failure to install redundant valves or end caps on open ended lines.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(1)(i)

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

Description: Failure to adjust monitoring schedule to monthly from quarterly when leak rate exceeds 2%.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.120

40 CFR Part 63, Subpart G 63.114(a)(1)(ii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 2 PERMIT

Description: Failure to install a temperature monitoring device in the gas stream immediately before and after the catalyst bed.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 8(A) PERMIT

Description: Failure to operate incinerator H9200 at a VOC outlet concentration of less than 20 ppmv.

✓ Effective Date: 08/30/2004

ADMINORDER 2003-1321-AIR-E

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT PERMIT

Description: Failed to comply with the permitted limit established in the MAERT of Air Permit No. 9334 for benzene. Specifically, Shell failed to prevent the unauthorized emission of benzene at the ACU Tank Farm, Tank D-371, for a period of 58 minutes on April 28, 2003. The permitted benzene limit for Tank D-371 is 0.45 lbs/hour.

3 Effective Date: 09/26/2004

ADMINORDER 2004-0101-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100[G]  
30 TAC Chapter 113, SubChapter C 113.120

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.116(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to conduct flare performance testing in accordance with 40 CFR 63.11 within 180 days of startup or rule applicability.

Effective Date: 08/20/2005

ADMINORDER 2004-0867-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.224(11)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.103(c)

Description: Failure to conduct compliance testing for the PHenol-3 BIF and submit recertification of compliance within three years of the previous certification.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.224(14)  
Description: Failure to cease the burning of waste in the Phenol-3 BIF on October 12, 2003.

Effective Date: 02/20/2006

ADMINORDER 2005-0765-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.721(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to obtain control emissions from an emissions event that occurred on December 21, 2000 at the Coker Unit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)

30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit a complete final report for a reportable emissions event which occurred at the Coker Unit on December 21, 2000.

Effective Date: 02/20/2006

ADMINORDER 2005-0734-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent a power outage at Switchback 6B13 which resulted in unauthorized emissions from the HIPA Flare, HIPA Vent, Benji Vent (PC5500A), and Relief Valves RV0624, RV3033B, and RV0298 on May 9, 2004. Category A.11.i(6).

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Also No. 3219, GC #8 PERMIT

Description: Failed to maintain the ratio of hydrogen to acetylene in the converter resulting in the flaring of off-specification product resulting in excess emissions from the OP2 Elevated Flare, OP3 Elevated Flare, and OP3 Ground Flare on June 17, 2004.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC #1 PERMIT

Description: Failed to prevent the lifting of Relief Valve RV3033B on the fat acid storage tank (T-75B) on June 27, 2004 which resulted in unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]

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

Rqmt Prov: Also No. 3219, GC #8 PERMIT

Description: Failed to maintain steam pressure on the Olefins 2 Unit and operated the Propylene Refrigerator Compressor with a faulty suction/pressure indicating controller resulting in the flaring of off-specification products at the OP2 Elevated Flare, OP3 Elevated Flare, and OP3 Ground Flare on September 13, 2004.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]

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

Rqmt Prov: NSR Permit #3173, Special Condition #1 PA

Description: Failed to comply with the maximum allowable emission rates for carbon monoxide, volatile organic compounds ("VOC"), and nitrogen oxides and varied from permit representations for VOC emissions from the IPA Purge Line on September 6, 2004

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Also Permit No. 3219, Gen. Condition 8 PERMIT

Description: Failed to control the ammonia concentration in the sour hydrogen feed resulting in excess emissions from the OP2 Elevated Flare, OP3 Elevated Flare, and OP3 Ground Flare on May 22, 2004. Category A.11.i(6).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit initial notification of a reportable emissions event at the Isopropyl Alcohol (IPA) Unit which occurred on September 6, 2004 within 24 hours of discovery.

Effective Date: 05/12/2006

ADMINORDER 2005-1614-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report the December 25, 2004 emissions event within 24 hours of discovery.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No 3214, Gen Cond. No. 8 OP

Description: Failed to prevent unauthorized emissions of 241 lbs of 1, 3-Butadiene, 322 lbs of Butene, 1,299 lbs of Pentane, 2,182 lbs of Ethylene, 68 lbs of Benzene and 1,018 lbs of Propylene during a 10 hour and 30 minute emissions event that occurred on December 25, 2004 in the OP3 Unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Condition #8 PERMIT

Description: Failed to prevent unauthorized emissions of 686 lbs of 1, 3-Butadiene, 949 lbs of Butene, 1,299 lbs of Pentane, 4,059 lbs of Ethylene and 2,044 lbs of Propylene during a 23 minute emissions event that occurred on February 17, 2005 in the Olefins No. 3 Unit ("OP3").

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 3219, Max. Allow. Em. Rate Ta PERMIT

Description: Failed to prevent unauthorized emissions of 1847.7 lbs of Ethylene, 680.70 lbs of Carbon Monoxide, and 87.3 lbs of Nitrogen Monoxide during a 3-hour emissions event that occurred on February 24, 2005 at the Acetylene Converters in the Olefins #2 Unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 3219, Gen. Cond. No. 8 OP

Description: Failed to prevent unauthorized emissions of 404 lbs of volatile organic compounds ("VOC") in one hour on January 13, 2005 in the OP2 Unit Elevated Flare. Specifically, 868 lbs of VOCs were released and the VOC maximum allowable emission rate for the flare is 464 lbs per hour.

Effective Date: 08/29/2006

COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4  
30 TAC Chapter 101, SubChapter A 101.5

30 TAC Chapter 111, SubChapter B 111.201

Description: Shell caused, suffered, allowed the outdoor burning of low sulfur diesel fuel and heavy crude oil sludge in such concentration and of such duration to interfere with the normal use and enjoyment of property and caused a freeway closure.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4  
30 TAC Chapter 101, SubChapter A 101.5

30 TAC Chapter 111, SubChapter B 111.201

Description: Shell caused, suffered, allowed the outdoor burning of natural gas in such concentration and of such duration to interfere with the normal use and enjoyment of property and caused a freeway closure.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

Rqmt Prov: mact rates PERMIT

Description: Exceeded maximum allowable emission rates for hydrogen sulfide.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4

Description: Discharged approximately 327 pounds of unspciated VOC resulting in air contaminants in such concentration and duration so as to interfere with the normal use and enjoyment of property in teh area.

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.)

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 379 12/27/2006 (544409)  
 380 12/29/2006 (343599)  
 381 01/19/2007 (531892)  
 382 01/31/2007 (537439)  
 383 01/31/2007 (538238)  
 384 01/31/2007 (538659)  
 385 02/17/2007 (532455)  
 386 02/20/2007 (457345)  
 387 02/23/2007 (532463)  
 388 02/23/2007 (532452)  
 389 02/27/2007 (532471)  
 390 03/01/2007 (509707)  
 391 03/05/2007 (406521)  
 392 04/12/2007 (554202)  
 393 04/25/2007 (542681)  
 394 04/25/2007 (532459)  
 395 04/26/2007 (541475)  
 396 04/30/2007 (542592)  
 397 04/30/2007 (542683)

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

1 Date: 05/31/2002 (157749)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

2 Date: 12/16/2002 (16626)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)  
 Description: Failure to protect the vent opening on the ground storage tank with a 16-mesh or finer corrosion resistant screen.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(D)  
 Description: Failure to provide scales for determining the amount of disinfectant used daily.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)  
 Description: Failure to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)  
 Description: Failure to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound.

3 Date: 12/30/2002 (13462)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to comply with permitted effluent limits for pH, Oil and Grease, TOC, and BOD.

4 Date: 12/31/2002 (157729)

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

✓ Date: 01/24/2003 (17948)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(10)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
 Description: Failure to identify cause of the event and failure to comply with TCEQ Air Permit 3219.

✓ Date: 01/31/2003 (157683)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

✓ Date: 05/11/2003 (26340)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 Description: Shell failed to prevent unauthorized emissions from an activity or event that could have been foreseen and avoided by good design, operation, and maintenance practices.

✓ Date: 06/28/2003 (33595)  
 Self Report? NO Classification: Moderate  
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
 Description: Failed to prevent an emissions release by good design, operation, and maintenance practices.

✓ Date: 07/31/2003 (157709)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

✓ Date: 09/30/2003 (295219)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

✓ Date: 11/30/2003 (295239)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

✓ Date: 01/04/2004 (251319)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT TCEQ AIR PERMIT #19849, SC #1  
 Description: Shell allowed 237 lbs of unauthorized emissions of mesityl oxide (a highly irritating ketone, which overflowed Tank T-40-16 due to an inaccurate level indicator and failure to respond to a high level alarm from the back up high level alarm system.

✓ Date: 01/14/2004 (254260)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT 1A  
 Description: Main induced-draft fan on Boiler H-8610 shut down when governor seized due to dirty oil (inadequate attention to the status of the oil). The (large) boiler tripped on loss of the fan. Two olefin plants were shut down due to insufficient steam supply to the steam turbines driving the large critical compressors.

✓ Date: 01/21/2004 (252556)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PERMIT TCEQ AIR PERMIT #21262, SC #1  
Description: Shell damaged the lube oil pump for the Recycle Gas Compr. Either possible root cause (failure to prime the pump or improperly installing the new motive screws ) avoidably damaged those screws. Shell failed to control SO2 emissions during a startup activity.

Date: 04/30/2004 (295228)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date: 06/30/2004 (352011)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date: 07/13/2004 (260134)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT TCEQ AIR PERMIT #920, SC #1

Description: Failure to report an emissions event in a timely manner.

Date: 08/31/2004 (272715)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT No. 3219 and PSD-TX-974, GC #8

Description: Failure to operate within the permit limits.

Date: 08/31/2004 (267451)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT No. 21262 and PSD-TX-928

Description: Failure to prevent unauthorized emissions.

Date: 09/22/2004 (335028)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain all pressure maintenance facilities and related appurtenances in a watertight condition.

Date: 09/30/2004 (352007)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date: 11/22/2004 (285617)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT No. 3219 and PSD-TX-974, GC #8

Description: Failure to operate within the permit limits.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Failure to indicate the air contaminants from the flare completely in the final report.

Date: 11/30/2004 (352009)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date: 12/14/2004 (340217)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
TWC Chapter 26 26.121(a)(1)

Description: Failure to prevent the unauthorized discharge of untreated or partially treated process, sanitary, balast, and utility wastewaters through outfall 008. The permittee is authorized to discharge storm water and fire water only to outfall 008. See attached Table 1.

Date: 12/28/2004 (290091)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT No. 3219 and PSD-TX-974, GC #8

Description: Failure to avoid loss of cooling in the PRC surface condensate system.

Date: 12/30/2004 (344491)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA Permit #21262/PSD-TX-928, SC#1

Description: Failure to control emissions.

Date: 12/30/2004 (344374)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA Permit #s:21262,PSD-TX-928, SC #1

Description: Failure to Control Emissions

Date: 01/04/2005 (342600)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT No. 3219 and PSD-TX-974, GC # 8

Description: Failure to control hydrate formation in the demethanizer column.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to report emissions event in a timely manner.

Date: 01/07/2005 (288436)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT No. 21262 and PSD-TX-928

Description: Exceeded permit limits during an avoidable emissions event.

Date: 01/09/2005 (289381)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT TCEQ Air Permit #3219 and PSD-TX-974

Description: Exceeded permit limits during an avoidable emissions event.

Date: 03/31/2005 (419640)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date: 04/29/2005 (344372)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to control emissions.

Date: 06/20/2005 (395120)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT No. 9334, Gen. Condition #8

Description: Failure to prevent spill during tank heel transfer.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failure to submit an emissions event in a timely manner.

36 Date: 07/31/2005 (419643)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

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

Date: 08/17/2005 (404327)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)

Description: Failure to maintain ammonia emissions below 10ppm on furnace 110.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)

Description: Failure to maintain ammonia emissions below 10ppm on furnace 150.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)

Description: Failure to maintain ammonia emissions below 10ppm on furnace 180.

Date: 09/30/2005 (468331)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

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

37 Date: 10/10/2005 (406428)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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

Description: Failure to control emissions.

38 Date: 12/08/2005 (418800)

Self Report? NO Classification: Moderate

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

Description: Failure to maintain compliance with the effluent permit limits. Effluent violations were reported for ammonia-nitrogen at outfall 104 in 07/05 and for calcium, nickel and fecal coliform at outfall 001 in 03/05.

Date: 02/23/2006 (439108)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: PA 3219 AND PSD-TX-974

Description: Exceeded permit limits during an avoidable emissions event.

Date: 02/27/2006 (438342)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

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

Description: Failed to control unauthorized emissions.

Date: 04/04/2006 (455004)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: PA NSR Permit #3173, Special Condition #1

Description: Failure to control unauthorized emissions for Incident #64365.

Date: 05/17/2006 (461235)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

|              |  |                 |          |
|--------------|--|-----------------|----------|
|              | 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(f)  |                 |          |
|              | 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(7)  |                 |          |
|              | 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)   |                 |          |
|              | 5C THC Chapter 382, SubChapter A 382.085(b)  |                 |          |
| Rqmt Prov:   | OP 1946, Special Condition 15H   |                 |          |
|              | OP 1946, Special Condition 1A  |                 |          |
| Description: | Failure to record whether the pilot flame was continuously present during each hour for Flares OP2ELFLA and OP3ELFLA |                 |          |
| Self Report? | NO   | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  |                 |          |
|              | 30 TAC Chapter 122, SubChapter B 122.143(4)  |                 |          |
|              | 5C THC Chapter 382, SubChapter A 382.085(b)  |                 |          |
| Rqmt Prov:   | OP 1668, Special Condition 1A  |                 |          |
| Description: | Failure to record daily flare observations for Flares OP2ELFLA, OP3ELFLA and OP3GRFLA.                               |                 |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]   |                 |          |
|              | 30 TAC Chapter 116, SubChapter B 116.115(c)  |                 |          |
|              | 30 TAC Chapter 122, SubChapter B 122.143(4)  |                 |          |
|              | 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  |                 |          |
|              | 5C THC Chapter 382, SubChapter A 382.085(b)  |                 |          |
| Rqmt Prov:   | OP 1668, Special Condition 1A  |                 |          |
|              | PERMIT 3219, Special Conditions 5 and 6  |                 |          |
| Description: | Operation of Flares OP2ELFLA, OP3ELFLA and OP3GRFLA with visible emissions .   |                 |          |
| Self Report? | NO   | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 115, SubChapter D 115.352(4)  |                 |          |
|              | 30 TAC Chapter 115, SubChapter H 115.783(5)  |                 |          |
|              | 30 TAC Chapter 116, SubChapter B 116.115(c)  |                 |          |
|              | 30 TAC Chapter 122, SubChapter B 122.143(4)  |                 |          |
|              | 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)   |                 |          |
|              | 5C THC Chapter 382, SubChapter A 382.085(b)  |                 |          |
| Rqmt Prov:   | OP 1946, Special Condition 1A  |                 |          |
|              | OP 1946, Special Condition 21  |                 |          |
|              | PERMIT 3216, Special Condition 6E  |                 |          |
|              | PERMIT 3218, Special Condition 8E  |                 |          |
| Description: | Nine OELs in HT2; 2 OELs in CIPX   |                 |          |
| Self Report? | NO   | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 115, SubChapter D 115.352(4)  |                 |          |
|              | 30 TAC Chapter 115, SubChapter H 115.783(5)  |                 |          |
|              | 30 TAC Chapter 116, SubChapter B 116.115(c)  |                 |          |
|              | 30 TAC Chapter 122, SubChapter B 122.143(4)  |                 |          |
|              | 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  |                 |          |
|              | 5C THC Chapter 382, SubChapter A 382.085(b)  |                 |          |
| Rqmt Prov:   | PERMIT 18576, Special Condition 7E   |                 |          |
|              | OP 1946, Special Condition 1A  |                 |          |
|              | OP 1946, Special Condition 21  |                 |          |
| Description: | Failure to seal 18 OELs in IRU.  |                 |          |
| Self Report? | NO   | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 115, SubChapter D 115.352(4)  |                 |          |
|              | 30 TAC Chapter 115, SubChapter H 115.783(5)  |                 |          |
|              | 30 TAC Chapter 116, SubChapter B 116.115(c)  |                 |          |
|              | 30 TAC Chapter 122, SubChapter B 122.143(4)  |                 |          |
|              | 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)   |                 |          |
| Rqmt Prov:   | OP 1946, Special Condition 1A  |                 |          |
|              | OP 1946, Special Condition 21  |                 |          |
|              | PERMIT 3217, Special Condition 3E  |                 |          |
| Description: | Failure to seal OELs in BD3.   |                 |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)  |                 |          |
|              | 30 TAC Chapter 122, SubChapter B 122.143(4)  |                 |          |
|              | 5C THC Chapter 382, SubChapter A 382.085(b)  |                 |          |
| Rqmt Prov:   | OP 1946, Special Condition 21  |                 |          |
|              | PERMIT 3216, Special Condition 1   |                 |          |
|              | PERMIT 3216, Special Condition 5   |                 |          |
| Description: | Furnaces FOL-601 and FOL-602 exceeded the permitted maximum hourly firing rates.                                     |                 |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)  |                 |          |
|              | 30 TAC Chapter 122, SubChapter B 122.143(4)  |                 |          |
|              | 5C THC Chapter 382, SubChapter A 382.085(b)  |                 |          |
| Rqmt Prov:   | OP 1946, Special Condition 21  |                 |          |
|              | PERMIT 3216, Special Conditions 1 and 4  |                 |          |
| Description: | The fuel gas used by Furnaces FOL601, FOL602, FOL603 and FOL604 exceeded the   |                 |          |

permitted maximum H2S concentration.

47 Date: 05/31/2006 (455293)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PERMIT No. 3219 and PSD-TX-974 MAERT  
Description: Failure to prevent an operator error resulting in unauthorized emissions.

48 Date: 06/15/2006 (457735)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PERMIT 9334 MAERT  
Description: Failure to prevent a leak from a line that was bent beyond its minimum flex radius creating a weak point that resulted in unauthorized emissions.

49 Date: 06/16/2006 (510170)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT Self-reporting Requirements  
Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.

50 Date: 06/28/2006 (467525)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT #21262, Special Condition #1  
Description: Failure to prevent overpressure of Secondary Debutanizer Column, V-613.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
Description: Failed to identify the preconstruction authorization.

51 Date: 06/30/2006 (520133)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

52 Date: 07/14/2006 (467608)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT No 3219 MAERT  
Description: Failure to prevent unauthorized emissions during decoking of furnace FOL170.

53 Date: 07/31/2006 (440775)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

54 Date: 08/18/2006 (457259)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT 266, SC 7E  
PERMIT 3985A, SC 7E  
OP O-01947, Special Condition 13  
OP O-01947, Special Condition 1A  
Description: 3 OELs in SITEFE and 1 OEL in WRACKFE

55 Date: 08/23/2006 (457432)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)

5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP 1948, Special Condition 1A  
 Description: Components associated with Tank F-347 and Tank F-349 were not identified as being subject to 40 CFR 63, Subpart H.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1948, Special Condition 13  
 OP 1948, Special Condition 1A  
 PERMIT 19849, Special Condition 11E

Description: 10 OELs in MPLANTFE

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)

Rqmt Prov: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 OP 1948, Special Condition 13  
 OP 1948, Special Condition 1A  
 PERMIT 1968, Special Condition 3E  
 PERMIT 19849, Special Condition 11E  
 PERMIT 3173, Special Condition 6E

Description: 5 OELs in LPGFE; 15 OELs in IPAFINFE; 8 OELs in IPACRUFE; 1 OEL in HPLANTFE

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1948, Special Condition 13  
 OP 1948, Special Condition 1A  
 PERMIT 3173, Special Condition 6F

Description: Failure to monitor Valve Tag No. 301622 in IPAFINFE during the first quarter of 2005

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1948, Special Condition 13  
 PERMIT 19849, Special Condition 7D

Description: Failure to inspect Tank T667B by the due date of March 2005

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1948, Special Condition 13  
 PERMIT 3173, Special Condition 1

Description: VOC emissions from V118 exceeded the combined hourly emissions limit of 6.49 lb/hr-0.52 lb/hr permitted in Permit 3173 and 5.97 lb/hr represented in PBR Registration No. 74572.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1948, Special Condition 1H(iv)

Description: Failure to repair Component No. 200706 in IPACRUFE within seven days

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1948, Special Condition 1A

Description: Failure to monitor a relief valve in Unit LPGFE within 24 hours after the valve released emissions to the atmosphere

Date: 08/28/2006 (479997)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 3219, Special Condition 2I  
 OP O-1668, Special Condition 15  
 OP O-1668, Special Condition 1H(v)  
 Description: Failure to repair Component No. 64110.P in OP2FUG within 15 days  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 3219, Special Condition 2E  
 OP O-1668, Special Condition 15  
 OP O-1668, Special Condition 1A  
 Description: Forty-nine incidences of open-ended lines in OP2FUG  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)

Rqmt Prov: PERMIT 3214, Special Condition 5E  
 OP O-1668, Special Condition 15  
 OP O-1668, Special Condition 1A  
 Description: 26 OELs in OL3FUG and 4 OELs in PYR3FUG  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 3214, Special Condition 5E  
 PERMIT 3219, Special Condition 2E  
 OP O-1668, Special Condition 15  
 OP O-1668, Special Condition 1A  
 Description: 28 OELs in OL3FUG, 4 OELs in OP2FUG, and 25 OELs in PYR3FUG  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 3219, Maximum Allowable Emission Rates  
 OP O-1668, Special Condition 15  
 Description: Exceedance of VOC MAER in tpy for the Olefins Flare System

Date: 08/29/2006 (479999)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 9334, Special Condition 15E  
 OP O-1943, Special Condition 17  
 OP O-1943, Special Condition 1A  
 Description: One OEL in ACUFUG and one OEL in FUGOXU  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 9334, Special Condition 7  
 OP O-1943, Special Condition 17  
 Description: Incomplete records of furnace firing rates for the ACU furnace, EPN H902  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(3)(iii)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-1943, Special Condition 1A  
 Description: Failure to conduct internal inspection of Tank F-361 by the due date of May 2005  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]  
 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT 9334, Special Condition 8  
 OP O-1943, Special Condition 17  
 Description: Operation of the East Property Flare with visible emissions  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failure to visually inspect Tank G-359 by the due date of August 16, 2005  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT 9334, Special Condition 10D  
 OP O-1943, Special Condition 17  
 Description: Failure to provide notification to the TCEQ 30 days in advance of taking gap  
 measurements in Tank G-359  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT 9334, Special Condition 10D  
 OP O-1943, Special Condition 17  
 OP O-1943, Special Condition 1A  
 Description: Failure to perform the annual seal gap inspection for Tank G-343 by the due date of  
 September 1, 2005.

54 Date: 08/31/2006 (457283)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT 48912, Special Condition 5  
 OP O-2108, Special Condition 15  
 Description: Failure to analyze wastewater for isobutyraldehyde  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)[G]  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 OP O-2108, Special Condition 1A  
 Description: Failure to meet the control requirements for VOC water separators NAPI and SAPI  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.116b(f)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP O-2108, Special Condition 1A  
 Description: Failure to obtain vapor pressure sample from T-1318  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP O-2108, Special Condition 1A  
 Description: Failure to monitor the presence of the pilot flame on the A&S Flare, EPN A1301

53 Date: 11/03/2006 (513328)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.223(a)(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Shell failed to submit a CAP in a timely manner.

52 Date: 11/14/2006 (512687)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP FOP #O-01669, Special Condition #1A  
 Description: Failure to record the daily visual observations of flare per 30 TAC111.111(a)(4)(A)(ii).  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP FOP #O-01669, Special Condition #1A  
OP FOP #O-01669, Special Condition #1D  
Description: Failure to prevent visible emissions in the operation of flares on six different occasions during the compliance certification period as required by 40 CFR 63.11(b)(4) and 40 CFR 60.18(c)(1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to include all deviations in the deviation and annual compliance certification reports in accordance with 30 TAC 122.145(2)(A).

Date: 11/30/2006 (544408)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 02/23/2007 (532452)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)  
30 TAC Chapter 115, SubChapter H 115.782(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.246(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP FOP O-01946, Special Condition 1A  
OP FOP O-01946, Special Condition 1M(iv)  
OP FOP O-01946, Special Condition 21  
PA NSR #18576, Special Condition 7H  
PA NSR #3216, Special Condition 6H  
PA NSR #3217, Special Condition 3H  
Description: Failure to maintain leaking component tags on 15 leaking LDAR components per 30 TAC 115.354(5).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP FOP # O-01946, Special Condition 1A  
OP FOP #O-01946, Special Condition 21  
PA NSR 3216, Special Condition 2  
PA NSR 3218, Special Condition 2  
Description: Failure to maintain 94 LDAR components with identification tags as required by 40 CFR 61.242-1(d) as well NSR Permits #3216 and #3218.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP FOP O-01946, Special Condition 1A  
OP FOP O-01946, Special Condition 1M(iv)  
OP FOP O-01946, Special Condition 21  
PA NSR Permit 3215, Special Condition 2E  
PA NSR Permit 3216, Special Condition 2  
PA NSR Permit 3216, Special Condition 6E  
PA NSR Permit 3217, Special Condition 3E  
PA NSR Permit 3218, Special Condition 2  
PA NSR Permit 3218, Special Condition 8E  
Description: Failure to cap 57 open-ended valves/lines per 30 TAC 115.352(4). Some of these open-ends are violations of HON, NSPS, NESHAPs, and several NSR permits.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

|              |   |                 |          |
|--------------|---|-----------------|----------|
| Rqmt Prov:   | 30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THC Chapter 382, SubChapter A 382.085(b)<br>OP FOP O-01946, Special Condition 21<br>PA NSR Permit 3216, Special Condition 5   |                 |          |
| Description: | Failure to monitor the firing rate of the FOL-601 furnace for 213 hours as required by NSR Permit #3216, Special Condition #5.  |                 |          |
| Self Report? | NO  | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)<br>5C THC Chapter 382, SubChapter A 382.085(b)                      |                 |          |
| Rqmt Prov:   | OP FOP O-01946, Special Condition 1A<br>OP FOP O-01946, Special Condition 21<br>PA NSR Permit 3219, Special Condition 4   |                 |          |
| Description: | Failure to continuously monitor for the presence of a flare pilot light on the OP3ELFLA unit, on two separate occasions for a total of 156 hours, as required by 40 CFR 60.18(f)(2), 40 CFR 63.11(b)(5), and NSR #3219, SC#4. |                 |          |
| Self Report? | NO  | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THC Chapter 382, SubChapter A 382.085(b)   |                 |          |
| Rqmt Prov:   | OP FOP O-01946, Special Condition 21<br>PA NSR Permit 3216, Special Condition 1   |                 |          |
| Description: | Failure to comply with NSR Permit #3216 MAERT limits for EPN FOL604, by emitting to atmosphere 93.7 lbs. of VOC during a four hour period on January 23, 2006.  |                 |          |
| Self Report? | NO  | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(B)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THC Chapter 382, SubChapter A 382.085(b)   |                 |          |
| Rqmt Prov:   | OP FOP O-01946, Special Condition 1M(ii)  |                 |          |
| Description: | Failure to capture required fuel gas monitoring and recordkeeping data, for approximately eight hours on February 17, 2006, relating to uncontrolled HRVOC-service vents, as required by 30 TAC 115.725(a)(1)(B).             |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THC Chapter 382, SubChapter A 382.085(b)   |                 |          |
| Rqmt Prov:   | OP FOP O-01946, Special Condition 1M(ii)  |                 |          |
| Description: | Failure to limit the fuel gas flow for Flare FOL-604 to 19,100scf/hr. for approximately 180 hours between February 1 through February 16, 2006. Exceeding this limit is a violation of 30 TAC 115.725(a)(1)(C).               |                 |          |
| Self Report? | NO  | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 115, SubChapter B 115.114(a)(2)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)<br>5C THC Chapter 382, SubChapter A 382.085(b)                |                 |          |
| Rqmt Prov:   | OP FOP O-01946, Special Condition 1A  |                 |          |
| Description: | Failure to perform seal gap inspections for Tank 354 as required by 30 TAC 115.114(a)(2) and 40 CFR 60.113b(b)(1).  |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 122, SubChapter B 122.143(4)<br>40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.73(c)<br>5C THC Chapter 382, SubChapter A 382.085(b)  |                 |          |
| Rqmt Prov:   | OP FOP O-01946, Special Condition 28  |                 |          |
| Description: | Failure to provide chemical process training to refinery personnel per by 40 CFR 68.73(c).  |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 122, SubChapter B 122.145(2)(C)<br>5C THC Chapter 382, SubChapter A 382.085(b)   |                 |          |
| Rqmt Prov:   | OP FOP #O-01946, General Terms & Conditions   |                 |          |
| Description: | Failure to submit the Deviation Report within 30 days of the end of the deviation period per 30 TAC 122.145(2)(C).  |                 |          |

Date: 02/23/2007 (532463)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP # O-01943, Special Condition #19

Description: Late submittal of the Deviation Report dated March 27, 2006.

Date: 02/27/2007 (532471)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01947, General Terms & Conditions

Description: Failure to submit PCC within 30 days as required.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01947, General Terms & Conditions

Description: Failure to submit a Deviation report within 30 days as required.

F. Environmental audits.

1 Notice of Intent Date: 05/30/2002 (32974)  
No DOV Associated

2 Notice of Intent Date: 06/26/2002 (32979)  
No DOV Associated

3 Notice of Intent Date: 07/16/2002 (33993)  
No DOV Associated

4 Notice of Intent Date: 08/19/2002 (33022)  
No DOV Associated

5 Notice of Intent Date: 09/04/2002 (33051)  
No DOV Associated

6 Notice of Intent Date: 09/16/2002 (33069)  
No DOV Associated

7 Notice of Intent Date: 10/29/2002 (33101)  
No DOV Associated

8 Notice of Intent Date: 11/20/2002 (33116)  
No DOV Associated

9 Notice of Intent Date: 12/20/2002 (265131)  
Disclosure Date: 06/24/2003

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B

Description: Failed to authorize emissions from rail car cleaning.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A

Description: Failed to report emissions from EPN Carclean in emissions inventory.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F

Description: Failed to justify control efficiency of railcar cleaning CAS.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F

Description: Failed to keep records of CAS breakthrough monitoring.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B

Description: failed to submit compliance plan with application

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F

Description: failed to process tank cars with partial vapor pressure of >= 0.5 psia through properly operating control system

10 Notice of Intent Date: 01/12/2003 (32908)  
No DOV Associated

11 Notice of Intent Date: 02/26/2003 (263866)  
No DOV Associated

12 Notice of Intent Date: 02/26/2003 (29900)  
No DOV Associated

13 Notice of Intent Date: 04/28/2003 (263686)  
No DOV Associated

14 Notice of Intent Date: 05/27/2003 (112481)  
No DOV Associated

15 Notice of Intent Date: 06/13/2003 (251436)  
No DOV Associated

16 Notice of Intent Date: 06/12/2003 (251440)  
Disclosure Date: 09/04/2003

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B  
Description: Failure to maintain and compile inspection reports that document all of the elements required by the applicable regulations.

17 Notice of Intent Date: 06/19/2003 (397860)  
No DOV Associated

18 Notice of Intent Date: 08/12/2003 (251504)  
No DOV Associated

19 Notice of Intent Date: 09/05/2003 (251740)  
No DOV Associated

20 Notice of Intent Date: 09/05/2003 (251760)  
No DOV Associated

21 Notice of Intent Date: 10/20/2003 (263020)  
No DOV Associated

22 Notice of Intent Date: 10/20/2003 (263024)  
No DOV Associated

23 Notice of Intent Date: 10/20/2003 (263025)  
No DOV Associated

24 Notice of Intent Date: 10/20/2003 (263029)  
No DOV Associated

25 Notice of Intent Date: 10/20/2003 (263033)  
Disclosure Date: 12/07/2004

Viol. Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter B  
Description: records not available for daily sampling/analysis results for vapor pressure of the wastewater streams processed by the unit's API separator

26 Notice of Intent Date: 11/20/2003 (449697)  
No DOV Associated

27 Notice of Intent Date: 02/20/2004 (265126)  
No DOV Associated

28 Notice of Intent Date: 08/06/2004 (334038)  
Disclosure Date: 10/12/2004

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F  
Rqmt Prov: PERMIT Compliance b. Operational Requirements 1  
PERMIT General b.  
Description: noncompliance with requirement to maintain all facilities and systems of treatment and control (and related appurtenances)

29 Notice of Intent Date: 08/06/2004 (334047)  
Disclosure Date: 08/26/2004

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A  
40 CFR Chapter 261, SubChapter I, PT 261, SubPT A  
Description: Failure to characterize a process water stream from a leaking economizer, which contained K022 waste.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter C

30 TAC Chapter 335, SubChapter R  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A  
Description: Failure to characterize wastewater treatment plant residues carrying the K022 waste code.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A

Description: Improper disposal of K022 WWTP residual solids at a Class 1 non-hazardous waste landfill.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter D

Description: Failure to amend RCRA permit to reflect management of K022 waste.

Viol. Classification: Moderate  
Rqmt Prov: PERMIT 1. General b.

Description: discharge of process water to storm water impoundment basins

30 Notice of Intent Date: 08/27/2004 (334576)  
No DOV Associated

- 33 Notice of Intent Date: 10/12/2004 (349555)  
No DOV Associated
- 32 Notice of Intent Date: 10/28/2004 (263123)  
No DOV Associated
- 31 Notice of Intent Date: 11/11/2004 (349565)  
No DOV Associated
- 30 Notice of Intent Date: 01/04/2005 (349867)  
Disclosure Date: 06/17/2005
- Viol. Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA  
Description: documentation was not readily available to fully demonstrate that a formal refinery maximum achievable control technology applicability determination (ie >5% HAPS) had been made for equipment in light crude service
- Viol. Classification: Minor  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
Description: one New Source Performance Standard (NSPS) notification for Start of Construction and Start of Operation for the CGHT unit could not be located
- Viol. Classification: Minor  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG  
Description: documentation was not readily available to fully demonstrate that the process to determine if a project triggered NSPS "Modification" was being completed for NSPS Subpart GGG compliance
- Viol. Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A  
40 CFR Chapter 372, SubChapter J, PT 372, SubPT B  
Description: emissions from fueling of vehicles in the Deer Park Refinery were not included in emissions inventories as required
- Viol. Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A  
Description: documentation was not readily available to demonstrate the development of a formal startup, shutdown, and malfunction plan (SSMP), and to document that when appropriate, a semi-annual report was submitted
- Viol. Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA  
Description: documentation was not readily available to fully demonstrate the group 1 or group 2 applicability determination for miscellaneous process vents
- Viol. Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F  
Description: although monthly monitoring of cooling water return to the HON SWT was conducted and no leaks were detected, it is unclear whether there was complete compliance with HON requirements
- Viol. Classification: Moderate  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF  
Description: annual LDAR instrument monitoring of CPI and IGF benzene wastewater equipment had not been performed as required by benzene waste NESHAP regulations
- Viol. Classification: Moderate  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF  
Description: periodic visual inspection of the CPI and IGF benzene wastewater equipment to ensure access hatches and other openings are properly closed and gasketed had not been performed as required by the benzene waste NESHAP regulations
- 35 Notice of Intent Date: 01/06/2005 (349868)  
No DOV Associated
- 34 Notice of Intent Date: 01/05/2005 (371573)  
No DOV Associated
- 37 Notice of Intent Date: 01/27/2005 (350720)  
No DOV Associated
- 38 Notice of Intent Date: 01/27/2005 (350721)  
Disclosure Date: 03/23/2005
- Viol. Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F  
Description: failed to meet requirements for maintenance/start-up/shutdown related activities
- Viol. Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C  
Description: incorporation by reference of 40 CFR 63 Subpart F (SOCMI MACT standard)
- Viol. Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C  
Description: incorporation by reference of 40 CFR 63 Subpart G (SOCMI for Process Vents, Storage Vessels, Transfer Operations, and Wastewater MACT standard)
- 36 Notice of Intent Date: 01/27/2005 (350723)  
Disclosure Date: 07/06/2005

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C

Description: Equipment associated with a decommissioned cumene unit in the Phenol Acetone Production Areas was not properly decontaminated when shut down in 2001. Process vessels, pumps, exchangers, and piping contain material that meets the definition of a characteristically hazardous waste (D002, D018).

Notice of Intent Date: 03/02/2005 (375030)  
No DOV Associated

Notice of Intent Date: 03/02/2005 (375031)  
Disclosure Date: 07/14/2005

Viol. Classification: Minor

Rqmt Prov: PERMIT Air New Source Permit No. 9334 SC 10.D

Description: no notification 30 days in advance of 11/04 seal gap measurement for Aromatics EFR tank G-359

Viol. Classification: Minor

Rqmt Prov: PERMIT Air New Source Permits

Description: no notification 30 days in advance of refilling of Solvents IFR tank T140B, Phenol Acetone IFR tank D391, Solvents IFR tank F337

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G

Rqmt Prov: PERMIT Permit 9334 Special Condition 10D

Description: no 10 yr internal seal inspection of Aromatics IFR tank F-361

Notice of Intent Date: 04/15/2005 (380864)  
No DOV Associated

Notice of Intent Date: 05/18/2005 (396476)  
No DOV Associated

Notice of Intent Date: 08/22/2005 (434090)  
No DOV Associated

Notice of Intent Date: 08/22/2005 (434095)  
No DOV Associated

Notice of Intent Date: 11/04/2005 (438422)  
No DOV Associated

Notice of Intent Date: 12/02/2005 (451075)  
No DOV Associated

Notice of Intent Date: 01/05/2006 (452942)  
No DOV Associated

Notice of Intent Date: 01/05/2006 (452952)  
No DOV Associated

Notice of Intent Date: 05/22/2006 (454159)  
No DOV Associated

Notice of Intent Date: 04/16/2006 (463688)  
No DOV Associated

G. Type of environmental management systems (EMSs).

Non 30 TAC CH 90 Certified, ISO 14001:2004, installed 1/12/2005, certified 1/19/2006

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

| Type                | Tier        | Certification Date |
|---------------------|-------------|--------------------|
| CLEAN TEXAS PROGRAM | PARTNERSHIP | 12/20/2004         |
| CLEAN TEXAS PROGRAM | PARTNER     | 12/20/2004         |

J. Early compliance.

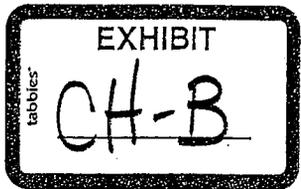
N/A

Sites Outside of Texas

N/A

# Compliance History

|                                     |                                  |                         |                   |
|-------------------------------------|----------------------------------|-------------------------|-------------------|
| Customer/Respondent/Owner-Operator: | CN601542012 Shell Oil Company LP | Classification: AVERAGE | Rating: 2.82      |
| Regulated Entity:                   | RN100211879 SHELL OIL DEER PARK  | Classification: AVERAGE | Site Rating: 4.49 |
| ID Number(s):                       | AIR OPERATING PERMITS            | ACCOUNT NUMBER          | HG0659W           |
|                                     | AIR OPERATING PERMITS            | PERMIT                  | 1669              |
|                                     | AIR OPERATING PERMITS            | PERMIT                  | 1668              |
|                                     | AIR OPERATING PERMITS            | PERMIT                  | 1940              |
|                                     | AIR OPERATING PERMITS            | PERMIT                  | 1941              |
|                                     | AIR OPERATING PERMITS            | PERMIT                  | 1942              |
|                                     | AIR OPERATING PERMITS            | PERMIT                  | 1943              |
|                                     | AIR OPERATING PERMITS            | PERMIT                  | 1945              |
|                                     | AIR OPERATING PERMITS            | PERMIT                  | 1946              |
|                                     | AIR OPERATING PERMITS            | PERMIT                  | 1947              |
|                                     | AIR OPERATING PERMITS            | PERMIT                  | 1948              |
|                                     | AIR OPERATING PERMITS            | PERMIT                  | 2108              |
|                                     | AIR OPERATING PERMITS            | PERMIT                  | 3179              |
|                                     | WASTEWATER                       | PERMIT                  | WQ0000402000      |
|                                     | WASTEWATER                       | PERMIT                  | TPDES0004863      |
|                                     | WASTEWATER                       | PERMIT                  | TX0004863         |
|                                     | WASTEWATER                       | PERMIT                  | WQ0000403000      |
|                                     | WASTEWATER                       | PERMIT                  | TPDES0004871      |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 3180              |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 21262             |
|                                     | AIR NEW SOURCE PERMITS           | REGISTRATION            | 54895             |
|                                     | AIR NEW SOURCE PERMITS           | REGISTRATION            | 55312             |
|                                     | AIR NEW SOURCE PERMITS           | REGISTRATION            | 76382             |
|                                     | AIR NEW SOURCE PERMITS           | REGISTRATION            | 75524             |
|                                     | AIR NEW SOURCE PERMITS           | REGISTRATION            | 55717             |
|                                     | AIR NEW SOURCE PERMITS           | REGISTRATION            | 55730             |
|                                     | AIR NEW SOURCE PERMITS           | REGISTRATION            | 55869             |
|                                     | AIR NEW SOURCE PERMITS           | REGISTRATION            | 76315             |
|                                     | AIR NEW SOURCE PERMITS           | EPA ID                  | PSDTX815          |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 48912             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 56476             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 56496             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 70389             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 70613             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 70903             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 71223             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | PSDTX896          |
|                                     | AIR NEW SOURCE PERMITS           | REGISTRATION            | 71567             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 52089             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 52088             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 50388             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 50423             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 50548             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 52565             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 50815             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 54061             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 52476             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 52477             |
|                                     | AIR NEW SOURCE PERMITS           | PERMIT                  | 70612             |
|                                     | AIR NEW SOURCE PERMITS           | REGISTRATION            | 74572             |
|                                     | AIR NEW SOURCE PERMITS           | REGISTRATION            | 75045             |
|                                     | AIR NEW SOURCE PERMITS           | EPA ID                  | PSDTX974          |
|                                     | AIR NEW SOURCE PERMITS           | REGISTRATION            | 76699             |
|                                     | AIR NEW SOURCE PERMITS           | EPA ID                  | PSDTX896          |
|                                     | AIR NEW SOURCE PERMITS           | EPA ID                  | PSDTX928          |
|                                     | AIR NEW SOURCE PERMITS           | EPA ID                  | PSDTX928M1        |
|                                     | AIR NEW SOURCE PERMITS           | EPA ID                  | PSDTX961          |
|                                     | AIR NEW SOURCE PERMITS           | REGISTRATION            | 77284             |
|                                     | AIR NEW SOURCE PERMITS           | REGISTRATION            | 77952             |
|                                     | AIR NEW SOURCE PERMITS           | REGISTRATION            | 76265             |
|                                     | AIR NEW SOURCE PERMITS           | REGISTRATION            | 78624             |
|                                     | AIR NEW SOURCE PERMITS           | REGISTRATION            | 78816             |



|                        |                |            |
|------------------------|----------------|------------|
| AIR NEW SOURCE PERMITS | REGISTRATION   | 78839      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 78864      |
| AIR NEW SOURCE PERMITS | PERMIT         | 6949       |
| AIR NEW SOURCE PERMITS | PERMIT         | 7855       |
| AIR NEW SOURCE PERMITS | PERMIT         | 9856       |
| AIR NEW SOURCE PERMITS | PERMIT         | 11177      |
| AIR NEW SOURCE PERMITS | PERMIT         | 12152      |
| AIR NEW SOURCE PERMITS | PERMIT         | 12537      |
| AIR NEW SOURCE PERMITS | PERMIT         | 13373      |
| AIR NEW SOURCE PERMITS | PERMIT         | 13713      |
| AIR NEW SOURCE PERMITS | PERMIT         | 16429      |
| AIR NEW SOURCE PERMITS | PERMIT         | 1119       |
| AIR NEW SOURCE PERMITS | PERMIT         | 1120       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3178       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3179       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3216       |
| AIR NEW SOURCE PERMITS | PERMIT         | 5801       |
| AIR NEW SOURCE PERMITS | PERMIT         | 6791       |
| AIR NEW SOURCE PERMITS | PERMIT         | 7621       |
| AIR NEW SOURCE PERMITS | PERMIT         | 9334       |
| AIR NEW SOURCE PERMITS | PERMIT         | 10888      |
| AIR NEW SOURCE PERMITS | PERMIT         | 11096      |
| AIR NEW SOURCE PERMITS | PERMIT         | 11586      |
| AIR NEW SOURCE PERMITS | PERMIT         | 12373      |
| AIR NEW SOURCE PERMITS | PERMIT         | 12829      |
| AIR NEW SOURCE PERMITS | PERMIT         | 13678      |
| AIR NEW SOURCE PERMITS | PERMIT         | 15961      |
| AIR NEW SOURCE PERMITS | PERMIT         | 8236       |
| AIR NEW SOURCE PERMITS | PERMIT         | 9505       |
| AIR NEW SOURCE PERMITS | PERMIT         | 15262      |
| AIR NEW SOURCE PERMITS | PERMIT         | 15365      |
| AIR NEW SOURCE PERMITS | PERMIT         | 15499      |
| AIR NEW SOURCE PERMITS | PERMIT         | 15940      |
| AIR NEW SOURCE PERMITS | PERMIT         | 18209      |
| AIR NEW SOURCE PERMITS | PERMIT         | 18576      |
| AIR NEW SOURCE PERMITS | PERMIT         | 18738      |
| AIR NEW SOURCE PERMITS | PERMIT         | 18768      |
| AIR NEW SOURCE PERMITS | PERMIT         | 19849      |
| AIR NEW SOURCE PERMITS | PERMIT         | 22038      |
| AIR NEW SOURCE PERMITS | PERMIT         | 23273      |
| AIR NEW SOURCE PERMITS | PERMIT         | 24096      |
| AIR NEW SOURCE PERMITS | PERMIT         | 24874      |
| AIR NEW SOURCE PERMITS | PERMIT         | 26368      |
| AIR NEW SOURCE PERMITS | PERMIT         | 27598      |
| AIR NEW SOURCE PERMITS | PERMIT         | 29597      |
| AIR NEW SOURCE PERMITS | PERMIT         | 32282      |
| AIR NEW SOURCE PERMITS | PERMIT         | 33524      |
| AIR NEW SOURCE PERMITS | PERMIT         | 34230      |
| AIR NEW SOURCE PERMITS | PERMIT         | 34358      |
| AIR NEW SOURCE PERMITS | PERMIT         | 35243      |
| AIR NEW SOURCE PERMITS | PERMIT         | 35608      |
| AIR NEW SOURCE PERMITS | PERMIT         | 37206      |
| AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | HG0659W    |
| AIR NEW SOURCE PERMITS | AFS NUM        | 4820100039 |
| AIR NEW SOURCE PERMITS | PERMIT         | 96         |
| AIR NEW SOURCE PERMITS | PERMIT         | 97         |
| AIR NEW SOURCE PERMITS | PERMIT         | 266        |
| AIR NEW SOURCE PERMITS | PERMIT         | 747        |
| AIR NEW SOURCE PERMITS | PERMIT         | 748        |
| AIR NEW SOURCE PERMITS | PERMIT         | 920        |
| AIR NEW SOURCE PERMITS | PERMIT         | 1920       |
| AIR NEW SOURCE PERMITS | PERMIT         | 1968       |
| AIR NEW SOURCE PERMITS | PERMIT         | 2597       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3173       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3177       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3214       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3215       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3217       |
| AIR NEW SOURCE PERMITS | PERMIT         | 3218       |

|   |                                  |              |
|---|----------------------------------|--------------|
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 3219         |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 3985A        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 4256         |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 4406         |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 4596         |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 4933         |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 41920        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 41875        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 42221        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 42573        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 42512        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 43605        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 42118        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 45654        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 45653        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 45652        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 45944        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 46535        |
| AIR NEW SOURCE PERMITS                          | PERMIT                           | 47575        |
| AIR NEW SOURCE PERMITS                          | REGISTRATION                     | 79604        |
| AIR NEW SOURCE PERMITS                          | REGISTRATION                     | 80525        |
| AIR NEW SOURCE PERMITS                          | REGISTRATION                     | 80503        |
| AIR NEW SOURCE PERMITS                          | REGISTRATION                     | 81503        |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION       | EPA ID                           | TXD067285973 |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION       | SOLID WASTE REGISTRATION # (SWR) | 30007        |
| INDUSTRIAL AND HAZARDOUS WASTE STORAGE          | PERMIT                           | 50099        |
| INDUSTRIAL AND HAZARDOUS WASTE STORAGE          | PERMIT                           | 50099        |
| INDUSTRIAL AND HAZARDOUS WASTE STORAGE          | PERMIT                           | 50099        |
| UNDERGROUND INJECTION                           | PERMIT                           | WDW172       |
| UNDERGROUND INJECTION                           | PERMIT                           | WDW173       |
| PETROLEUM STORAGE TANK STAGE                    | REGISTRATION                     | 32780        |
| WATER LICENSING                                 | LICENSE                          | 1010320      |
| WASTEWATER LICENSING                            | LICENSE                          | WQ0000402000 |
| PUBLIC WATER SYSTEM/SUPPLY                      | REGISTRATION                     | 6001443      |
| PUBLIC WATER SYSTEM/SUPPLY                      | REGISTRATION                     | 1010320      |
| IHW CORRECTIVE ACTION                           | SOLID WASTE REGISTRATION # (SWR) | 30007        |
| INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS | PERMIT                           | 50099        |
| PETROLEUM STORAGE TANK REGISTRATION             | REGISTRATION                     | 32780        |

Location: 5900 HIGHWAY 225, DEER PARK, TX, 77536 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 15, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 30, 2002 to April 30, 2007

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

Name: Kimberly Morales Phone: (713) 422-8938

**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? Yes
3. If Yes, who is the current owner?
  - Shell Chemical LP
  - Shell Deer Park Refining Company
  - Shell Chemical LP
  - Shell Oil Company
  - Deer Park Refining Limited Partnership

4. if Yes, who was/were the prior owner(s)?

Equilon Enterprises LLC

5. When did the change(s) in ownership occur?

6/10/2004  
12/03/2002

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

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

Effective Date: 06/12/2003

ADMINORDER 2002-0478-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
40 CFR Part 61, Subpart V 61.242-6(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 4 PERMIT

Description: Failure to install redundant valves or end caps on open ended lines.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(1)(i)

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

Description: Failure to adjust monitoring schedule to monthly from quarterly when leak rate exceeds 2%.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.120

40 CFR Part 63, Subpart G 63.114(a)(1)(ii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 2 PERMIT

Description: Failure to install a temperature monitoring device in the gas stream immediately before and after the catalyst bed.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 8(A) PERMIT

Description: Failure to operate incinerator H9200 at a VOC outlet concentration of less than 20 ppmv.

Effective Date: 08/30/2004

ADMINORDER 2003-1321-AIR-E

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT PERMIT

Description: Failed to comply with the permitted limit established in the MAERT of Air Permit No. 9334 for benzene. Specifically, Shell failed to prevent the unauthorized emission of benzene at the ACU Tank Farm, Tank D-371, for a period of 58 minutes on April 28, 2003. The permitted benzene limit for Tank D-371 is 0.45 lbs/hour.

Effective Date: 09/26/2004

ADMINORDER 2004-0101-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100[G]  
30 TAC Chapter 113, SubChapter C 113.120

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.116(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to conduct flare performance testing in accordance with 40 CFR 63.11 within 180 days of startup or rule applicability.

Effective Date: 08/20/2005

ADMINORDER 2004-0867-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.224(11)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.103(c)

Description: Failure to conduct compliance testing for the PHenol-3 BIF and submit recertification of compliance within three years of the previous certification.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.224(14)  
Description: Failure to cease the burning of waste in the Phenol-3 BIF on October 12, 2003.

Effective Date: 02/20/2006

ADMINORDER 2005-0765-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.721(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to obtain control emissions from an emissions event that occurred on December 21, 2000 at the Coker Unit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)

30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit a complete final report for a reportable emissions event which occurred at the Coker Unit on December 21, 2000.

Effective Date: 02/20/2006

ADMINORDER 2005-0734-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent a power outage at Switchback 6B13 which resulted in unauthorized emissions from the HIPA Flare, HIPA Vent, Benji Vent (PC5500A), and Relief Valves RV0624, RV3033B, and RV0298 on May 9, 2004. Category A.11.i(6).

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Also No. 3219, GC #8 PERMIT

Description: Failed to maintain the ratio of hydrogen to acetylene in the converter resulting in the flaring of off-specification product resulting in excess emissions from the OP2 Elevated Flare, OP3 Elevated Flare, and OP3 Ground Flare on June 17, 2004.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC #1 PERMIT

Description: Failed to prevent the lifting of Relief Valve RV3033B on the fat acid storage tank (T-75B) on June 27, 2004 which resulted in unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]

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

Rqmt Prov: Also No. 3219, GC #8 PERMIT

Description: Failed to maintain steam pressure on the Olefins 2 Unit and operated the Propylene Refrigerator Compressor with a faulty suction/pressure indicating controller resulting in the flaring of off-specification products at the OP2 Elevated Flare, OP3 Elevated Flare, and OP3 Ground Flare on September 13, 2004.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]

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

Rqmt Prov: NSR Permit #3173, Special Condition #1 PA

Description: Failed to comply with the maximum allowable emission rates for carbon monoxide, volatile organic compounds ("VOC"), and nitrogen oxides and varied from permit representations for VOC emissions from the IPA Purge Line on September 6, 2004

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Also Permit No. 3219, Gen. Condition 8 PERMIT

Description: Failed to control the ammonia concentration in the sour hydrogen feed resulting in excess emissions from the OP2 Elevated Flare, OP3 Elevated Flare, and OP3 Ground Flare on May 22, 2004. Category A.11.(6).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit initial notification of a reportable emissions event at the Isopropyl Alcohol (IPA) Unit which occurred on September 6, 2004 within 24 hours of discovery.

Effective Date: 05/12/2006

ADMINORDER 2005-1614-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report the December 25, 2004 emissions event within 24 hours of discovery.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No 3214, Gen Cond. No. 8 OP

Description: Failed to prevent unauthorized emissions of 241 lbs of 1, 3-Butadiene, 322 lbs of Butene, 1,299 lbs of Pentane, 2,182 lbs of Ethylene, 68 lbs of Benzene and 1,018 lbs of Propylene during a 10 hour and 30 minute emissions event that occurred on December 25, 2004 in the OP3 Unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Condition #8 PERMIT

Description: Failed to prevent unauthorized emissions of 686 lbs of 1, 3-Butadiene, 949 lbs of Butene, 1,299 lbs of Pentane, 4,059 lbs of Ethylene and 2,044 lbs of Propylene during a 23 minute emissions event that occurred on February 17, 2005 in the Olefins No. 3 Unit ("OP3").

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 3219, Max. Allow. Em. Rate Ta PERMIT

Description: Failed to prevent unauthorized emissions of 1847.7 lbs of Ethylene, 680.70 lbs of Carbon Monoxide, and 87.3 lbs of Nitrogen Monoxide during a 3-hour emissions event that occurred on February 24, 2005 at the Acetylene Converters in the Olefins #2 Unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 3219, Gen. Cond. No. 8 OP

Description: Failed to prevent unauthorized emissions of 404 lbs of volatile organic compounds ("VOC") in one hour on January 13, 2005 in the OP2 Unit Elevated Flare. Specifically, 868 lbs of VOCs were released and the VOC maximum allowable emission rate for the flare is 464 lbs per hour.

Effective Date: 08/29/2006

COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4  
30 TAC Chapter 101, SubChapter A 101.5

30 TAC Chapter 111, SubChapter B 111.201

Description: Shell caused, suffered, allowed the outdoor burning of low sulfur diesel fuel and heavy crude oil sludge in such concentration and of such duration to interfere with the normal use and enjoyment of property and caused a freeway closure.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4  
30 TAC Chapter 101, SubChapter A 101.5

30 TAC Chapter 111, SubChapter B 111.201

Description: Shell caused, suffered, allowed the outdoor burning of natural gas in such concentration and of such duration to interfere with the normal use and enjoyment of property and caused a freeway closure.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

Rqmt Prov: mact rates PERMIT

Description: Exceeded maximum allowable emission rates for hydrogen sulfide.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4

Description: Discharged approximately 327 pounds of unspecified VOC resulting in air contaminants in such concentration and duration so as to interfere with the normal use and enjoyment of property in the area.

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  | 05/28/2002 | (157696) |
| 2  | 05/29/2002 | (157745) |
| 3  | 06/24/2002 | (157700) |
| 4  | 06/27/2002 | (157749) |
| 5  | 07/08/2002 | (1368)   |
| 6  | 07/17/2002 | (4842)   |
| 7  | 07/23/2002 | (157704) |
| 8  | 07/25/2002 | (157753) |
| 9  | 08/01/2002 | (4773)   |
| 10 | 08/02/2002 | (4405)   |
| 11 | 08/13/2002 | (2149)   |
| 12 | 08/16/2002 | (157756) |
| 13 | 08/19/2002 | (7668)   |
| 14 | 08/21/2002 | (8730)   |
| 15 | 08/22/2002 | (157708) |
| 16 | 08/24/2002 | (4890)   |
| 17 | 08/24/2002 | (4888)   |
| 18 | 08/28/2002 | (5059)   |
| 19 | 08/28/2002 | (5060)   |
| 20 | 08/29/2002 | (8058)   |
| 21 | 08/31/2002 | (9511)   |
| 22 | 08/31/2002 | (9388)   |
| 23 | 08/31/2002 | (10160)  |
| 24 | 08/31/2002 | (9479)   |
| 25 | 08/31/2002 | (10241)  |
| 26 | 08/31/2002 | (10071)  |
| 27 | 08/31/2002 | (9298)   |

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| 28 | 08/31/2002 | (9698)   |
| 29 | 08/31/2002 | (8665)   |
| 30 | 08/31/2002 | (10222)  |
| 31 | 08/31/2002 | (10117)  |
| 32 | 08/31/2002 | (10030)  |
| 33 | 08/31/2002 | (9860)   |
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| 40 | 09/26/2002 | (12173)  |
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| 42 | 10/02/2002 | (12436)  |
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| 59 | 01/09/2003 | (19750)  |
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| 88 | 06/25/2003 | (157750) |
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 396 04/30/2007 (542592)  
 397 04/30/2007 (542683)

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

Date: 05/31/2002 (157749)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]

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

Date: 12/16/2002 (16626)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)

Description: Failure to protect the vent opening on the ground storage tank with a 16-mesh or finer corrosion resistant screen.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(D)

Description: Failure to provide scales for determining the amount of disinfectant used daily.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failure to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failure to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound.

Date: 12/30/2002 (13462)

Self Report? NO Classification: Minor

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

Description: Failure to comply with permitted effluent limits for pH, Oil and Grease, TOC, and BOD.

Date: 12/31/2002 (157729)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/24/2003 (17948)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(10)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
 Description: Failure to identify cause of the event and failure to comply with TCEQ Air Permit 3219.  
 Date: 01/31/2003 (157683)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 05/11/2003 (26340)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 Description: Shell failed to prevent unauthorized emissions from an activity or event that could have been foreseen and avoided by good design, operation, and maintenance practices.  
 Date: 06/28/2003 (33595)

Self Report? NO Classification: Moderate  
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
 Description: Failed to prevent an emissions release by good design, operation, and maintenance practices.  
 Date: 07/31/2003 (157709)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 09/30/2003 (295219)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 11/30/2003 (295239)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/04/2004 (251319)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT TCEQ AIR PERMIT #19849, SC #1  
 Description: Shell allowed 237 lbs of unauthorized emissions of mesityl oxide (a highly irritating ketone, which overflowed Tank T-40-16 due to an inaccurate level indicator and failure to respond to a high level alarm from the back up high level alarm system.  
 Date: 01/14/2004 (254260)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT 1A  
 Description: Main induced-draft fan on Boiler H-8610 shut down when governor seized due to dirty oil (inadequate attention to the status of the oil). The (large) boiler tripped on loss of the fan. Two olefin plants were shut down due to insufficient steam supply to the steam turbines driving the large critical compressors.  
 Date: 01/21/2004 (252556)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PERMIT TCEQ AIR PERMIT #21262, SC #1  
Description: Shell damaged the lube oil pump for the Recycle Gas Compr. Either possible root cause (failure to prime the pump or improperly installing the new motive screws ) avoidably damaged those screws. Shell failed to control SO2 emissions during a startup activity.

Date: 04/30/2004 (295228)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date: 06/30/2004 (352011)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date: 07/13/2004 (260134)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT TCEQ AIR PERMIT #920, SC #1

Description: Failure to report an emissions event in a timely manner.

Date: 08/31/2004 (272715)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT No. 3219 and PSD-TX-974, GC #8

Description: Failure to operate within the permit limits.

Date: 08/31/2004 (267451)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT No. 21262 and PSD-TX-928

Description: Failure to prevent unauthorized emissions.

Date: 09/22/2004 (335028)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain all pressure maintenance facilities and related appurtenances in a watertight condition.

Date: 09/30/2004 (352007)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date: 11/22/2004 (285617)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT No. 3219 and PSD-TX-974, GC #8

Description: Failure to operate within the permit limits.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Failure to indicate the air contaminants from the flare completely in the final report.

Date: 11/30/2004 (352009)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date: 12/14/2004 (340217)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)  
 30 TAC Chapter 305, SubChapter F 305.125(5)  
 TWC Chapter 26 26.121(a)(1)  
 Description: Failure to prevent the unauthorized discharge of untreated or partially treated process, sanitary, balast, and utility wastewaters through outfall 008. The permittee is authorized to discharge storm water and fire water only to outfall 008. See attached Table 1.  
 Date: 12/28/2004 (290091)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT No. 3219 and PSD-TX-974, GC #8  
 Description: Failure to avoid loss of cooling in the PRC surface condensate system.  
 Date: 12/30/2004 (344491)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PA Permit #21262/PSD-TX-928, SC#1  
 Description: Failure to control emissions.  
 Date: 12/30/2004 (344374)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PA Permit #s:21262,PSD-TX-928, SC #1  
 Description: Failure to Control Emissions  
 Date: 01/04/2005 (342600)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT No. 3219 and PSD-TX-974, GC # 8  
 Description: Failure to control hydrate formation in the demethanizer column.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
 Description: Failure to report emissions event in a timely manner.  
 Date: 01/07/2005 (288436)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT No. 21262 and PSD-TX-928  
 Description: Exceeded permit limits during an avoidable emissions event.  
 Date: 01/09/2005 (289381)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT TCEQ Air Permit #3219 and PSD-TX-974  
 Description: Exceeded permit limits during an avoidable emissions event.  
 Date: 03/31/2005 (419640)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 04/29/2005 (344372)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failure to control emissions.  
 Date: 06/20/2005 (395120)

|              |  |                 |          |
|--------------|--|-----------------|----------|
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)<br>5C THC Chapter 382, SubChapter A 382.085(b)   |                 |          |
| Rqmt Prov:   | PERMIT No. 9334, Gen. Condition #8   |                 |          |
| Description: | Failure to prevent spill during tank heel transfer.  |                 |          |
| Self Report? | NO   | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)<br>30 TAC Chapter 101, SubChapter F 101.201(b)(8)  |                 |          |
| Description: | Failure to submit an emissions event in a timely manner.   |                 |          |
| Date:        | 07/31/2005   | (419643)        |          |
| Self Report? | YES  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter   |                 |          |
| Date:        | 08/17/2005   | (404327)        |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 117, SubChapter B 117.206(e)(2)   |                 |          |
| Description: | Failure to maintain ammonia emissions below 10ppm on furnace 110.  |                 |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 117, SubChapter B 117.206(e)(2)   |                 |          |
| Description: | Failure to maintain ammonia emissions below 10ppm on furnace 150.  |                 |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 117, SubChapter B 117.206(e)(2)   |                 |          |
| Description: | Failure to maintain ammonia emissions below 10ppm on furnace 180.  |                 |          |
| Date:        | 09/30/2005   | (468331)        |          |
| Self Report? | YES  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter   |                 |          |
| Date:        | 10/10/2005   | (406428)        |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)<br>5C THC Chapter 382, SubChapter A 382.085(b)   |                 |          |
| Description: | Failure to control emissions.  |                 |          |
| Date:        | 12/08/2005   | (418800)        |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)  |                 |          |
| Description: | Failure to maintain compliance with the effluent permit limits. Effluent violations were reported for ammonia-nitrogen at outfall 104 in 07/05 and for calcium, nickel and fecal coliform at outfall 001 in 03/05. |                 |          |
| Date:        | 02/23/2006   | (439108)        |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)<br>5C THC Chapter 382, SubChapter A 382.085(b)   |                 |          |
| Rqmt Prov:   | PA 3219 AND PSD-TX-974   |                 |          |
| Description: | Exceeded permit limits during an avoidable emissions event.  |                 |          |
| Date:        | 02/27/2006   | (438342)        |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)<br>5C THC Chapter 382, SubChapter A 382.085(b)   |                 |          |
| Description: | Failed to control unauthorized emissions.  |                 |          |
| Date:        | 04/04/2006   | (455004)        |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)<br>5C THC Chapter 382, SubChapter A 382.085(b)   |                 |          |
| Rqmt Prov:   | PA NSR Permit #3173, Special Condition #1  |                 |          |
| Description: | Failure to control unauthorized emissions for Incident #64365.   |                 |          |
| Date:        | 05/17/2006   | (461235)        |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 122, SubChapter B 122.143(4)  |                 |          |

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(f)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(7)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1946, Special Condition 15H  
OP 1946, Special Condition 1A

Description: Failure to record whether the pilot flame was continuously present during each hour for  
Flares OP2ELFLA and OP3ELFLA

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1668, Special Condition 1A

Description: Failure to record daily flare observations for Flares OP2ELFLA, OP3ELFLA and  
OP3GRFLA.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1668, Special Condition 1A  
PERMIT 3219, Special Conditions 5 and 6

Description: Operation of Flares OP2ELFLA, OP3ELFLA and OP3GRFLA with visible emissions .

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1946, Special Condition 1A  
OP 1946, Special Condition 21  
PERMIT 3216, Special Condition 6E  
PERMIT 3218, Special Condition 8E

Description: Nine OELs in HT2; 2 OELs in CIPX

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 18576, Special Condition 7E  
OP 1946, Special Condition 1A  
OP 1946, Special Condition 21

Description: Failure to seal 18 OELs in IRU.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)

Rqmt Prov: OP 1946, Special Condition 1A  
OP 1946, Special Condition 21  
PERMIT 3217, Special Condition 3E

Description: Failure to seal OELs in BD3.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1946, Special Condition 21  
PERMIT 3216, Special Condition 1  
PERMIT 3216, Special Condition 5

Description: Furnaces FOL-601 and FOL-602 exceeded the permitted maximum hourly firing rates.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1946, Special Condition 21  
PERMIT 3216, Special Conditions 1 and 4

Description: The fuel gas used by Furnaces FOL601, FOL602, FOL603 and FOL604 exceeded the

permitted maximum H2S concentration.

Date: 05/31/2006 (455293)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT No. 3219 and PSD-TX-974 MAERT

Description: Failure to prevent an operator error resulting in unauthorized emissions.

Date: 06/15/2006 (457735)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 9334 MAERT

Description: Failure to prevent a leak from a line that was bent beyond its minimum flex radius creating a weak point that resulted in unauthorized emissions.

Date: 06/16/2006 (510170)

Self Report? NO

Classification: Minor

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

Rqmt Prov: PERMIT Self-reporting Requirements

Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.

Date: 06/28/2006 (467525)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT #21262, Special Condition #1

Description: Failure to prevent overpressure of Secondary Debutanizer Column, V-613.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failed to identify the preconstruction authorization.

Date: 06/30/2006 (520133)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date: 07/14/2006 (467608)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT No 3219 MAERT

Description: Failure to prevent unauthorized emissions during decoking of furnace FOL170.

Date: 07/31/2006 (440775)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date: 08/18/2006 (457259)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 266, SC 7E  
PERMIT 3985A, SC 7E  
OP O-01947, Special Condition 13  
OP O-01947, Special Condition 1A

Description: 3 OELs in SITEFE and 1 OEL in WRACKFE

Date: 08/23/2006 (457432)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)

5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP 1948, Special Condition 1A  
 Description: Components associated with Tank F-347 and Tank F-349 were not identified as being subject to 40 CFR 63, Subpart H.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1948, Special Condition 13  
 OP 1948, Special Condition 1A  
 PERMIT 19849, Special Condition 11E  
 Description: 10 OELs in MPLANTFE  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)

Rqmt Prov: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 OP 1948, Special Condition 13  
 OP 1948, Special Condition 1A  
 PERMIT 1968, Special Condition 3E  
 PERMIT 19849, Special Condition 11E  
 PERMIT 3173, Special Condition 6E  
 Description: 5 OELs in LPGFE; 15 OELs in IPAFINFE; 8 OELs in IPACRUFEE; 1 OEL in HPLANTFE  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1948, Special Condition 13  
 OP 1948, Special Condition 1A  
 PERMIT 3173, Special Condition 6F  
 Description: Failure to monitor Valve Tag No. 301622 in IPAFINFE during the first quarter of 2005  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1948, Special Condition 13  
 PERMIT 19849, Special Condition 7D  
 Description: Failure to inspect Tank T667B by the due date of March 2005  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1948, Special Condition 13  
 PERMIT 3173, Special Condition 1  
 Description: VOC emissions from V118 exceeded the combined hourly emissions limit of 6.49 lb/hr-0.52 lb/hr permitted in Permit 3173 and 5.97 lb/hr represented in PBR Registration No. 74572.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1948, Special Condition 1H(iv)  
 Description: Failure to repair Component No. 200706 in IPACRUFEE within seven days  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP 1948, Special Condition 1A  
 Description: Failure to monitor a relief valve in Unit LPGFE within 24 hours after the valve released emissions to the atmosphere

Date: 08/28/2006 (479997)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 3219, Special Condition 2I  
 OP O-1668, Special Condition 15  
 OP O-1668, Special Condition 1H(v)

Description: Failure to repair Component No. 64110.P in OP2FUG within 15 days  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 3219, Special Condition 2E  
 OP O-1668, Special Condition 15  
 OP O-1668, Special Condition 1A

Description: Forty-nine incidences of open-ended lines in OP2FUG  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)

30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 3214, Special Condition 5E  
 OP O-1668, Special Condition 15  
 OP O-1668, Special Condition 1A

Description: 26 OELs in OL3FUG and 4 OELs in PYR3FUG  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 3214, Special Condition 5E  
 PERMIT 3219, Special Condition 2E  
 OP O-1668, Special Condition 15  
 OP O-1668, Special Condition 1A

Description: 28 OELs in OL3FUG, 4 OELs in OP2FUG, and 25 OELs in PYR3FUG  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 3219, Maximum Allowable Emission Rates  
 OP O-1668, Special Condition 15

Description: Exceedance of VOC MAER in tpy for the Olefins Flare System

Date: 08/29/2006 (479999)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 9334, Special Condition 15E  
 OP O-1943, Special Condition 17  
 OP O-1943, Special Condition 1A

Description: One OEL in ACUFUG and one OEL in FUGOXU  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 9334, Special Condition 7  
 OP O-1943, Special Condition 17

Description: Incomplete records of furnace firing rates for the ACU furnace, EPN H902  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(3)(iii)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-1943, Special Condition 1A

Description: Failure to conduct internal inspection of Tank F-361 by the due date of May 2005  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]  
 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT 9334, Special Condition 8  
 OP O-1943, Special Condition 17  
 Description: Operation of the East Property Flare with visible emissions  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failure to visually inspect Tank G-359 by the due date of August 16, 2005  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT 9334, Special Condition 10D  
 OP O-1943, Special Condition 17  
 Description: Failure to provide notification to the TCEQ 30 days in advance of taking gap  
 measurements in Tank G-359  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT 9334, Special Condition 10D  
 OP O-1943, Special Condition 17  
 OP O-1943, Special Condition 1A  
 Description: Failure to perform the annual seal gap inspection for Tank G-343 by the due date of  
 September 1, 2005.  
 Date: 08/31/2006 (457283)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT 48912, Special Condition 5  
 OP O-2108, Special Condition 15  
 Description: Failure to analyze wastewater for isobutyraldehyde  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)[G]  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP O-2108, Special Condition 1A  
 Description: Failure to meet the control requirements for VOC water separators NAPI and SAPI  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.116b(f)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP O-2108, Special Condition 1A  
 Description: Failure to obtain vapor pressure sample from T-1318  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP O-2108, Special Condition 1A  
 Description: Failure to monitor the presence of the pilot flame on the A&S Flare, EPN A1301  
 Date: 11/03/2006 (513328)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.223(a)(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Shell failed to submit a CAP in a timely manner.  
 Date: 11/14/2006 (512687)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP FOP #O-01669, Special Condition #1A  
 Description: Failure to record the daily visual observations of flare per 30 TAC111.111(a)(4)(A)(ii).  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP FOP #O-01669, Special Condition #1A  
OP FOP #O-01669, Special Condition #1D  
Description: Failure to prevent visible emissions in the operation of flares on six different occasions during the compliance certification period as required by 40 CFR 63.11(b)(4) and 40 CFR 60.18(c)(1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to include all deviations in the deviation and annual compliance certification reports in accordance with 30 TAC 122.145(2)(A).

Date: 11/30/2006 (544408)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 02/23/2007 (532452)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)  
30 TAC Chapter 115, SubChapter H 115.782(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.246(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP FOP O-01946, Special Condition 1A  
OP FOP O-01946, Special Condition 1M(iv)  
OP FOP O-01946, Special Condition 21  
PA NSR #18576, Special Condition 7H  
PA NSR #3216, Special Condition 6H  
PA NSR #3217, Special Condition 3H  
Description: Failure to maintain leaking component tags on 15 leaking LDAR components per 30 TAC 115.354(5).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP FOP # O-01946, Special Condition 1A  
OP FOP #O-01946, Special Condition 21  
PA NSR 3216, Special Condition 2  
PA NSR 3218, Special Condition 2  
Description: Failure to maintain 94 LDAR components with identification tags as required by 40 CFR 61.242-1(d) as well NSR Permits #3216 and #3218.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP FOP O-01946, Special Condition 1A  
OP FOP O-01946, Special Condition 1M(iv)  
OP FOP O-01946, Special Condition 21  
PA NSR Permit 3215, Special Condition 2E  
PA NSR Permit 3216, Special Condition 2  
PA NSR Permit 3216, Special Condition 6E  
PA NSR Permit 3217, Special Condition 3E  
PA NSR Permit 3218, Special Condition 2  
PA NSR Permit 3218, Special Condition 8E  
Description: Failure to cap 57 open-ended valves/lines per 30 TAC 115.352(4). Some of these open-ends are violations of HON, NSPS, NESHAPs, and several NSR permits.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

|              |   |                 |          |
|--------------|---|-----------------|----------|
| Rqmt Prov:   | 30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THC Chapter 382, SubChapter A 382.085(b)<br>OP FOP O-01946, Special Condition 21<br>PA NSR Permit 3216, Special Condition 5   |                 |          |
| Description: | Failure to monitor the firing rate of the FOL-601 furnace for 213 hours as required by NSR Permit #3216, Special Condition #5.  |                 |          |
| Self Report? | NO  | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)<br>5C THC Chapter 382, SubChapter A 382.085(b)                      |                 |          |
| Rqmt Prov:   | OP FOP O-01946, Special Condition 1A<br>OP FOP O-01946, Special Condition 21<br>PA NSR Permit 3219, Special Condition 4   |                 |          |
| Description: | Failure to continuously monitor for the presence of a flare pilot light on the OP3ELFLA unit, on two separate occasions for a total of 156 hours, as required by 40 CFR 60.18(f)(2), 40 CFR 63.11(b)(5), and NSR #3219, SC#4. |                 |          |
| Self Report? | NO  | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THC Chapter 382, SubChapter A 382.085(b)   |                 |          |
| Rqmt Prov:   | OP FOP O-01946, Special Condition 21<br>PA NSR Permit 3216, Special Condition 1   |                 |          |
| Description: | Failure to comply with NSR Permit #3216 MAERT limits for EPN FOL604, by emitting to atmosphere 93.7 lbs. of VOC during a four hour period on January 23, 2006.  |                 |          |
| Self Report? | NO  | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(B)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THC Chapter 382, SubChapter A 382.085(b)   |                 |          |
| Rqmt Prov:   | OP FOP O-01946, Special Condition 1M(ii)  |                 |          |
| Description: | Failure to capture required fuel gas monitoring and recordkeeping data, for approximately eight hours on February 17, 2006, relating to uncontrolled HRVOC-service vents, as required by 30 TAC 115.725(a)(1)(B).             |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THC Chapter 382, SubChapter A 382.085(b)   |                 |          |
| Rqmt Prov:   | OP FOP O-01946, Special Condition 1M(ii)  |                 |          |
| Description: | Failure to limit the fuel gas flow for Flare FOL-604 to 19,100scf/hr. for approximately 180 hours between February 1 through February 16, 2006. Exceeding this limit is a violation of 30 TAC 115.725(a)(1)(C).               |                 |          |
| Self Report? | NO  | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 115, SubChapter B 115.114(a)(2)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)<br>5C THC Chapter 382, SubChapter A 382.085(b)                |                 |          |
| Rqmt Prov:   | OP FOP O-01946, Special Condition 1A  |                 |          |
| Description: | Failure to perform seal gap inspections for Tank 354 as required by 30 TAC 115.114(a)(2) and 40 CFR 60.113b(b)(1).  |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 122, SubChapter B 122.143(4)<br>40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.73(c)<br>5C THC Chapter 382, SubChapter A 382.085(b)  |                 |          |
| Rqmt Prov:   | OP FOP O-01946, Special Condition 28  |                 |          |
| Description: | Failure to provide chemical process training to refinery personnel per by 40 CFR 68.73(c).  |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 122, SubChapter B 122.145(2)(C)<br>5C THC Chapter 382, SubChapter A 382.085(b)   |                 |          |
| Rqmt Prov:   | OP FOP #O-01946, General Terms & Conditions   |                 |          |
| Description: | Failure to submit the Deviation Report within 30 days of the end of the deviation period per 30 TAC 122.145(2)(C).  |                 |          |

Date: 02/23/2007 (532463)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP FOP # O-01943, Special Condition #19  
Description: Late submittal of the Deviation Report dated March 27, 2006.

Date: 02/27/2007 (532471)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP FOP #O-01947, General Terms & Conditions  
Description: Failure to submit PCC within 30 days as required.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP FOP #O-01947, General Terms & Conditions  
Description: Failure to submit a Deviation report within 30 days as required.

F. Environmental audits.

Notice of Intent Date: 05/30/2002 (32974)  
No DOV Associated

Notice of Intent Date: 06/26/2002 (32979)  
No DOV Associated

Notice of Intent Date: 07/16/2002 (33993)  
No DOV Associated

Notice of Intent Date: 08/19/2002 (33022)  
No DOV Associated

Notice of Intent Date:  
09/04/2002 (33051)

No DOV Associated

Notice of Intent Date: 09/16/2002 (33069)  
No DOV Associated

Notice of Intent Date: 10/29/2002 (33101)  
No DOV Associated

Notice of Intent Date: 11/20/2002 (33116)  
No DOV Associated

Notice of Intent Date: 12/20/2002 (265131)  
Disclosure Date: 06/24/2003

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B  
Description: Failed to authorize emissions from rail car cleaning.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A  
Description: Failed to report emissions from EPN Carclean in emissions inventory.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F  
Description: Failed to justify control efficiency of railcar cleaning CAS.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F  
Description: Failed to keep records of CAS breakthrough monitoring.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B  
Description: failed to submit compliance plan with application

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F  
Description: failed to process tank cars with partial vapor pressure of  $\geq 0.5$  psia through properly operating control system

Notice of Intent Date: 01/12/2003 (32908)  
No DOV Associated

Notice of Intent Date: 02/26/2003 (263866)  
No DOV Associated

Notice of Intent Date: 02/26/2003 (29900)  
No DOV Associated

Notice of Intent Date: 04/28/2003 (263686)  
No DOV Associated

Notice of Intent Date: 05/27/2003 (112481)  
No DOV Associated

Notice of Intent Date: 06/13/2003 (251436)  
 No DOV Associated

Notice of Intent Date: 06/12/2003 (251440)  
 Disclosure Date: 09/04/2003  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B  
 Description: Failure to maintain and compile inspection reports that document all of the elements required by the applicable regulations.

Notice of Intent Date: 06/19/2003 (397860)  
 No DOV Associated

Notice of Intent Date: 08/12/2003 (251504)  
 No DOV Associated

Notice of Intent Date: 09/05/2003 (251740)  
 No DOV Associated

Notice of Intent Date: 09/05/2003 (251760)  
 No DOV Associated

Notice of Intent Date: 10/20/2003 (263020)  
 No DOV Associated

Notice of Intent Date: 10/20/2003 (263024)  
 No DOV Associated

Notice of Intent Date: 10/20/2003 (263025)  
 No DOV Associated

Notice of Intent Date: 10/20/2003 (263029)  
 No DOV Associated

Notice of Intent Date: 10/20/2003 (263033)  
 Disclosure Date: 12/07/2004  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter B  
 Description: records not available for daily sampling/analysis results for vapor pressure of the wastewater streams processed by the unit's API separator

Notice of Intent Date: 11/20/2003 (449697)  
 No DOV Associated

Notice of Intent Date: 02/20/2004 (265126)  
 No DOV Associated

Notice of Intent Date: 08/06/2004 (334038)  
 Disclosure Date: 10/12/2004  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F  
 Rqmt Prov: PERMIT Compliance b. Operational Requirements 1  
 PERMIT General b.  
 Description: noncompliance with requirement to maintain all facilities and systems of treatment and control (and related appurtenances)

Notice of Intent Date: 08/06/2004 (334047)  
 Disclosure Date: 08/26/2004  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A  
 Description: 40 CFR Chapter 261, SubChapter I, PT 261, SubPT A  
 Description: Failure to characterize a process water stream from a leaking economizer, which contained K022 waste.

Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter C  
 Description: 30 TAC Chapter 335, SubChapter R  
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A  
 Description: Failure to characterize wastewater treatment plant residues carrying the K022 waste code.

Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A  
 Description: Improper disposal of K022 WWTP residual solids at a Class 1 non-hazardous waste landfill.

Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter D  
 Description: Failure to amend RCRA permit to reflect management of K022 waste.

Viol. Classification: Moderate  
 Rqmt Prov: PERMIT 1. General b.  
 Description: discharge of process water to storm water impoundment basins

Notice of Intent Date: 08/27/2004 (334576)  
 No DOV Associated

Notice of Intent Date: 10/12/2004 (349555)

No DOV Associated

Notice of Intent Date: 10/28/2004 (263123)

No DOV Associated

Notice of Intent Date: 11/11/2004 (349565)

No DOV Associated

Notice of Intent Date: 01/04/2005 (349867)

Disclosure Date: 06/17/2005

Viol. Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA

Description: documentation was not readily available to fully demonstrate that a formal refinery maximum achievable control technology applicability determination (ie >5% HAPS) had been made for equipment in light crude service

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A

Description: one New Source Performance Standard (NSPS) notification for Start of Construction and Start of Operation for the CGHT unit could not be located

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG

Description: documentation was not readily available to fully demonstrate that the process to determine if a project triggered NSPS "Modification" was being completed for NSPS Subpart GGG compliance

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A  
40 CFR Chapter 372, SubChapter J, PT 372, SubPT B

Description: emissions from fueling of vehicles in the Deer Park Refinery were not included in emissions inventories as required

Viol. Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A

Description: documentation was not readily available to demonstrate the development of a formal startup, shutdown, and malfunction plan (SSMP), and to document that when appropriate, a semi-annual report was submitted

Viol. Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA

Description: documentation was not readily available to fully demonstrate the group 1 or group 2 applicability determination for miscellaneous process vents

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F

Description: although monthly monitoring of cooling water return to the HON SWT was conducted and no leaks were detected, it is unclear whether there was complete compliance with HON requirements

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF

Description: annual LDAR instrument monitoring of CPI and IGF benzene wastewater equipment had not been performed as required by benzene waste NESHAP regulations

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF

Description: periodic visual inspection of the CPI and IGF benzene wastewater equipment to ensure access hatches and other openings are properly closed and gasketed had not been performed as required by the benzene waste NESHAP regulations

Notice of Intent Date: 01/06/2005 (349868)

No DOV Associated

Notice of Intent Date: 01/05/2005 (371573)

No DOV Associated

Notice of Intent Date: 01/27/2005 (350720)

No DOV Associated

Notice of Intent Date: 01/27/2005 (350721)

Disclosure Date: 03/23/2005

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F

Description: failed to meet requirements for maintenance/start-up/shutdown related activities

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C

Description: incorporation by reference of 40 CFR 63 Subpart F (SOCMI MACT standard)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C

Description: incorporation by reference of 40 CFR 63 Subpart G (SOCMI for Process Vents, Storage Vessels, Transfer Operations, and Wastewater MACT standard)

Notice of Intent Date: 01/27/2005 (350723)

Disclosure Date: 07/06/2005

Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter C  
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C  
 Description: Equipment associated with a decommissioned cumene unit in the Phenol Acetone Production Areas was not properly decontaminated when shut down in 2001. Process vessels, pumps, exchangers, and piping contain material that meets the definition of a characteristically hazardous waste (D002, D018).

Notice of Intent Date: 03/02/2005 (375030)  
 No DOV Associated

Notice of Intent Date: 03/02/2005 (375031)  
 Disclosure Date: 07/14/2005

Viol. Classification: Minor  
 Rqmt Prov: PERMIT Air New Source Permit No. 9334 SC 10.D  
 Description: no notification 30 days in advance of 11/04 seal gap measurement for Aromatics EFR tank G-359

Viol. Classification: Minor  
 Rqmt Prov: PERMIT Air New Source Permits  
 Description: no notification 30 days in advance of refilling of Solvents IFR tank T140B, Phenol Acetone IFR tank D391, Solvents IFR tank F337

Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G  
 Rqmt Prov: PERMIT Permit 9334 Special Condition 10D  
 Description: no 10 yr internal seal inspection of Aromatics IFR tank F-361

Notice of Intent Date: 04/15/2005 (380864)  
 No DOV Associated

Notice of Intent Date: 05/18/2005 (396476)  
 No DOV Associated

Notice of Intent Date: 08/22/2005 (434090)  
 No DOV Associated

Notice of Intent Date: 08/22/2005 (434095)  
 No DOV Associated

Notice of Intent Date: 11/04/2005 (438422)  
 No DOV Associated

Notice of Intent Date: 12/02/2005 (451075)  
 No DOV Associated

Notice of Intent Date: 01/05/2006 (452942)  
 No DOV Associated

Notice of Intent Date: 01/05/2006 (452952)  
 No DOV Associated

Notice of Intent Date: 05/22/2006 (454159)  
 No DOV Associated

Notice of Intent Date: 04/16/2006 (463688)  
 No DOV Associated

G. Type of environmental management systems (EMSs).

Non 30 TAC CH 90 Certified, ISO 14001:2004, installed 1/12/2005, certified 1/19/2006

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

| Type                | Tier        | Certification Date |
|---------------------|-------------|--------------------|
| CLEAN TEXAS PROGRAM | PARTNERSHIP | 12/20/2004         |
| CLEAN TEXAS PROGRAM | PARTNER     | 12/20/2004         |

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  
SHELL OIL COMPANY  
RN100211879

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2007-0837-AIR-E

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Shell Chemical LP ("SCLP") and Shell Oil Company ("SOC"), collectively referenced as "Shell" in this agreement, under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Shell, presented this agreement to the Commission.

Shell understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Shell agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Shell.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. SOC operates a petroleum refinery and SCLP operates a chemical plant located at 5900 Highway 225, Deer Park, Harris County, Texas (the "Plants").
2. The Plants consist of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. During investigations conducted on July 10, 2006, February 15, 2007, March 1, 2007 and May 3, 2007, TCEQ Houston Regional Office investigators documented that Shell:
  - a. Failed to submit a PI-7 Form within 10 days following modification of the three storage tanks. Specifically, during the February 15, 2007 investigation it was documented that a PBR was being claimed for the tanks as early as October 19, 2005, however a PI-7 Form was not submitted until November 1, 2005;
  - b. Failed to comply with the 20 parts per million ("ppm") hazardous air pollutant ("HAP") limit for Spent Air Incinerator H9200. Specifically, during the February 15, 2005 investigation it was documented that on the following dates HAP emissions from Spent Air Incinerator H9200 ranged from 20.76 to 23.66 ppm: December 10, 2005, December 11, 2005, December 12, 2005, January 01, 2006, January 12, 2006, January 13, 2006, January 14, 2006, January 15, 2006, April 9, 2006, April 10, 2006, April 14, 2006, April 17, 2006, June 13, 2006 and June 14, 2006;
  - c. Failed to comply with the 9.0 pounds per hour ("lbs/hr") acetone emissions limit for Spent Air Incinerator H9200. Specifically, during the February 15, 2007 investigation it was documented that Spent Air Incinerator H9200 exceeded the 9.0 lbs/hr acetone emissions limit on the following dates: April 16, 2006, April 17, 2006, April 18, 2006, April 19, 2006, April 20, 2006, April 21, 2006, June 7, 2006, June 11, 2006, June 13, 2006, and June 14, 2006;
  - d. Failed to comply with the 20 ppm volatile organic compound ("VOC") emissions limit for Spent Air Incinerator H9200. Specifically, during the February 15, 2007 investigation it was documented that Spent Air Incinerator H9200 exceeded the 20 ppm VOC emissions limit on the following dates: April 3, 2006, April 17, 2006, April 18, 2006, April 28, 2006, April 29, 2006, April 30, 2006, May 8, 2006, May 9, 2006, May 10, 2006, May 11, 2006, May 16, 2006, May 17, 2006, May 18, 2006, May 19, 2006, May 20, 2006, May 21, 2006, May 22, 2006, June 7, 2006, June 13, 2006, June 14, 2006, June 15, 2006, June 30, 2006, July 1, 2006, July 2, 2006, July 7, 2006, July 8, 2006, July 9, 2006, July 10, 2006, July 11, 2006, July 12, 2006, and July 13, 2006;
  - e. Failed to maintain a cap, plug, or blind flange on all open-ended lines. Specifically, during the February 15, 2007 investigation it was documented that open-ended lines without a cap, plug, or blind flange were documented to have been discovered between January 30, 2006 to September 28, 2006 (Tag numbers 057354, 420073, 318715, 321679, 321683, 420572, 344749, 344752, 440198, 71343, 1567, 4121, 950498, 318670, 321679, 46005.C, 46006, 70930, 71415, 35, 40, 622);

- f. Failed to maintain a leaking component tag on leaking components until the component is repaired. Specifically, during a February 15, 2007 investigation it was documented that on February 13, 2006 a component previously discovered to be leaking in Unit PAU3 did not have an affixed leaking component tag;
- g. Failed to make a first attempt to repair a leaking component within five days after discovery. Specifically, during a February 15, 2007 investigation it was documented that a first attempt to repair the leaking component with Tag No. 3000000 was due on June 28, 2006, however the first attempt to repair was not made until June 29, 2006;
- h. Failed to maintain all required monitoring analysis data. Specifically, during a February 15, 2007 investigation it was documented that monitoring analysis data for the period of September 18, 2006 to September 19, 2006 was not maintained as a result of a hard drive failure;
- i. Failed to perform continuous monitoring of the flare pilot flame. Specifically, during the February 15, 2007 investigation it was documented that flares A1301 and A133 were not continuously monitored for a flame for seven hours on May 30, 2006;
- j. Failed to submit an annual compliance certification and deviation report within 30 days after the reporting period. Specifically, during a February 15, 2007 investigation it was documented that the annual compliance certification for the October 19, 2005 to October 15, 2006 reporting period was submitted on November 15, 2006 and the deviation report for the April 16, 2006 to October 15, 2006 reporting period was submitted on November 15, 2006;
- k. Failed to prevent unauthorized emissions during an emissions event that started on December 5, 2005. Specifically, during the December 5, 2005 emissions event the following unauthorized emissions were released from the West Property Flare and Distillation Unit 2 over a period of 21 hours and 30 minutes: 33,339 lbs of sulfur dioxide, 12,916 pounds of VOCs, 5,901 lbs of heptane, 3,867 lbs of hexane, 615 lbs of butane, 1,080 lbs of carbon monoxide, 362 lbs of hydrogen sulfide, 242 lbs of benzene, 168 lbs of 1,3-butadiene, 150 lbs of nitrogen dioxide, 59 lbs of propylene, 20 lbs of ethylene, and 20 lbs of particulate matter. Since the emissions event was avoidable and determined to be excessive, the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 were not met;
- l. Failed to prevent unauthorized emissions during a December 14, 2006 emissions event. Specifically, during the December 14, 2006 emissions event 6,787 lbs of sulfur dioxide emissions and 74 lbs of hydrogen sulfide emissions were released from the OP3 Elevated Flare over a period of 32 minutes. Since the emissions event

was avoidable, the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 were not met; and

- m. Failed to prevent unauthorized emissions during a February 1, 2007 emissions event. Specifically, during the February 1, 2007 emissions event the following emissions were released from the OP-2 Elevated Flare, the OP-3 Elevated Flare, and the OP-3 Ground Flare over a period of five hours and 39 minutes: 5,274 lbs of carbon monoxide, 2,202 lbs of ethylene, 1,803 lbs of isopentane, 1,308 lbs of propylene, 912 lbs of nitrogen monoxide, 477 lbs of 1, 3-butadiene, 381 lbs 1-butene, 234 lbs of sulfur dioxide, 111 lbs of butene, 108 lbs of 2-butene-trans, 75 lbs of nitrogen dioxide, 57 lbs of propane, 36 lbs of 2-butene-cis, 24 lbs of isobutane, 15 lbs of acetylene, and 3 lbs of hydrogen sulfide. Since the emissions event was avoidable the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 were not met.
4. Shell received notice of the violations on or about May 14, 2007, May 20, 2007, April 30, 2007 and June 3, 2007.
  5. The Executive Director recognizes that Shell has implemented the following corrective measures:
    - a. Submitted a PI-7 Form for the three storage tanks on November 1, 2005;
    - b. Replaced an interchanger that was a source of leaks in Spent Air Incinerator H9200 on December 6, 2007;
    - c. Installed a new refractory in Spent Air Incinerator H9200 on December 7, 2007. Specifically, the refractory was changed from kaolin wool to gunnite to minimize catalyst bed plugging;
    - d. Increased the monitoring frequency of key process parameters for Spent Air Incinerator H9200 to avoid recurrence on December 15, 2007;
    - e. Installed, caps, plugs, flanges, or double-blocked the 22 open-ended lines within one day of discovery, as follows: tag numbers 057354 and 420073 on June 8, 2006; tag numbers 318715, 321679, 321683, and 420572 on September 1, 2006; tag numbers 344749, 344752, 440198, and 71343 on September 29, 2006; tag numbers 1567, 4121, 950498, 318670, 321679, 460005.C, 460006, 70930, and 71415 on February 14, 2006; and tag numbers 35, 40, and 622 on January 31, 2006;
    - f. Placed a leaking component tag on the leaking component in Unit PAU3 on February 14, 2006;

- g. Made a first attempt to repair the leaking component with Tag No. 3000000 on June 29, 2006;
- h. Rebuilt the hard drive for the Chemical ODS and resumed maintenance of the required monitoring analysis data on September 19, 2006;
- i. Installed a guard on May 30, 2006 to protect the breaker handle to prevent the breaker from tripping and losing continuous monitoring of the pilot flare flame;
- j. Submitted an annual compliance certification for the October 19, 2005 to October 15, 2006 certification period and a deviation report for the April 16, 2006 to October 15, 2006 reporting period on November 15, 2006;
- k. To prevent the recurrence of emissions events due to the same cause as the December 5, 2005 emissions event, new requirements and installation review provisions for strong-back clamps to include "multi-point" design instead of "2-point" design were implemented on May 16, 2006. Use of "multi-point" design, in this case, will provide for better performance and clamp integrity;
- l. To prevent the recurrence of emissions events due to the same cause as the December 14, 2006 emissions event, the minimum operating level in Tank S-429 was raised, and the oil was skimmed to prevent hydrocarbon entrainment in the sour water stream during Tank J-317 movement on December 16, 2006; the operational response to hydrocarbon upset units was reviewed with the Sulfur Board Operators on December 23, 2006; and complex acid gas flaring guidelines were reviewed with OP-3 operators on January 12, 2007; and
- m. To prevent the recurrence of emissions events due to the same cause as the February 1, 2007 emissions event, the affected tubing was repaired on February 2, 2007; and on March 31, 2007, details of the incident and learnings were communicated to the contractor that installed the tubing during the 2006 turnaround to ensure the effectiveness of their Quality Assurance/Quality Control process.

#### CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact Nos. 1 and 2, Shell is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002, TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3.a., Shell failed to submit a PI-7 Form within 10 days following modification of the three storage tanks, in violation of 30 TEX. ADMIN. CODE § 106.262(a)(3) and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 3.b., Shell failed to comply with the 20 ppm HAP limit for Spent Air Incinerator H9200, in violation of 30 TEX. ADMIN. CODE §§ 115.122(a)(2)(A), 116.115(c), 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63.113(a)(2), Air Permit No. O-01945, Special Terms and Conditions Nos. 1A and 21 and Air Permit No. 3179, Special Condition No. 2.
4. As evidenced by Finding of Fact No. 3.c., Shell failed to comply with the 9.0 lbs/hr acetone emissions limit for Spent Air Incinerator H9200, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. O-01945, Special Terms and Condition No. 21 and Air Permit No. 3179, Special Condition No. 1.
5. As evidenced by Finding of Fact No. 3.d., Shell failed to comply with the 20 ppm VOC emissions limit for Spent Air Incinerator H9200, in violation of 30 TEX. ADMIN. CODE §§ 115.122(a)(2)(A), 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. O-01945, Special Terms and Condition No. 1A.
6. As evidenced by Finding of Fact No. 3.e., Shell failed to maintain a cap, plug, or blind flange on all open-ended lines, in violation of 30 TEX. ADMIN. CODE §§ 115.352(4), 116.115(c), 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63.167(a)(1), Air Permit No. O-01945, Special Terms and Condition Nos. 1A and 21 and Air Permit No. 3179, Special Condition No. 21E.
7. As evidenced by Finding of Fact No. 3.f., Shell failed to maintain a leaking component tag on leaking components until the component is repaired, in violation of 30 TEX. ADMIN. CODE §§ 115.354(5), 116.115(c), 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. O-01945, Special Terms and Condition Nos. 1A and 21, Air Permit No. 3179, Special Condition No. 21H and 40 CFR § 63.162(f)(1).
8. As evidenced by Finding of Fact No. 3.g., Shell failed to make a first attempt to repair a leaking component within five days after discovery, in violation of 30 TEX. ADMIN. CODE §§ 115.352(2), 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. O-01945, Special Terms and Condition No. 1A, and 40 CFR § 63.163(c)(2).
9. As evidenced by Finding of Fact No. 3.h., Shell failed to maintain all required monitoring analysis data, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.144(1)(E), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. O-01945, General Terms and

10. As evidenced by Finding of Fact No. 3.i., Shell failed to perform continuous monitoring of the flare pilot flame, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 122.142(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR §§ 63.118(a)(1), 63.114(a)(2), 63.113(a)(1)(i), and 63.11(b)(5), Air Permit No. O-01945, Special Terms and Condition Nos. 1A and 21, Air Permit No. 3179, Special Condition No. 14.
11. As evidenced by Finding of Fact No. 3.j., Shell failed to submit an annual compliance certification and deviation report within 30 days after the reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.146(2), 122.143(4), 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. O-01945, General Terms and Conditions.
12. As evidenced by Finding of Fact No. 3.k., Shell failed to prevent unauthorized emissions during an emissions event that started on December 5, 2005, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. 21262, Special Condition No. 1.
13. As evidenced by Finding of Fact No. 3.l., Shell failed to prevent unauthorized emissions during a December 14, 2006 emissions event, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 3219 and PSD-TX-974.
14. As evidenced by Finding of Fact No. 3.m., Shell failed to prevent unauthorized emissions during a February 1, 2007 emissions event, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 3219 and PSD-TX-974.
15. An administrative penalty in the amount of one hundred sixty six thousand five hundred thirty dollars (\$166,530.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Eighty three thousand two hundred sixty five dollars (\$83,265.00) shall be conditionally offset by Shell's completion of a Supplemental Environmental Project ("SEP"). Shell has paid eighty three thousand two hundred sixty five dollars (\$83,265.00) of the administrative penalty.

#### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
ORDERS that:

1. Shell is assessed an administrative penalty in the amount of one hundred sixty six thousand five hundred thirty dollars (\$166,530.00) as set forth in Conclusion of Law No. 15 for

violations of TCEQ rules and state statutes. The payment of this administrative penalty and Shell's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Shell Chemical LP; Docket No. 2007-0837-AIR-E; Enforcement ID No. 33527" 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. Shell shall implement and complete a SEP in accordance with Tex. Water Code § 7.067. Eighty three thousand two hundred sixty five dollars (\$83,265.00) of the assessed administrative penalty shall be offset with the condition that Shell implement the SEP defined in Attachment A, incorporated herein by reference. Shell's 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 provisions of this Agreed Order shall apply to and be binding upon Shell. Shell is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the operation of the Plants referenced in this Agreed Order.
4. If Shell fails 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, Shell's failure to comply is not a violation of this Agreed Order. Shell has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Shell shall notify the Executive Director within seven days after Shell becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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 Shell shall be made in writing to the Executive Director. Extensions are not effective until Shell receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Shell if the Executive Director determines that Shell has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. This Agreed Order, issued by the Commission, shall not be admissible against Shell 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. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to Shell, or three days after the date on which the Commission mails notice of the Order to Shell, whichever is earlier.

Shell Chemical LP and Shell Oil Company  
TCEQ Docket No. 2007-0837-AIR-E  
Page 10

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

*[Handwritten Signature]*

For the Executive Director

10/16/08

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Shell Chemical LP. I represent that I am authorized to agree to the attached Agreed Order on behalf of Shell Chemical LP, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Shell Chemical LP waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

*[Handwritten Signature]*  
Signature

Aug. 14 2008  
Date

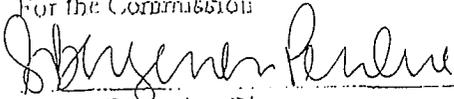
AMIR FARID  
Name (printed or typed)  
Authorized Representative  
Shell Chemical LP

GENERAL MANAGER  
Title

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

10/16/08

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Shell Oil Company. I represent that I am authorized to agree to the attached Agreed Order on behalf of Shell Oil Company, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Shell Oil Company waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

Signature

Ann Marie Farid

Name (printed or typed)  
Authorized Representative  
Shell Oil Company

Date

Aug. 14 2008

Title

GENERAL MANAGER

Attachment A  
Docket Number: 2007-0837-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** SHELL CHEMICAL LP

**Penalty Amount:** One hundred sixty six thousand five hundred thirty dollars (\$166,530.00)

**SEP Amount:** Eighty three thousand two hundred sixty five dollars (\$83,265.00)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Houston-Galveston Area Emission Reduction Credit Organization (“AERCO”) *Clean Cities/Clean Vehicles Program*

**Location of SEP:** Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent 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 Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used in accordance with the Supplemental Environmental Project Agreement between AERCO and the Texas Commission on Environmental Quality for the *Clean Cities/Clean Vehicles Program* in Harris County. SEP monies will be used to aid local school districts and area transit agencies, and may be used to reach local match requirements mandated by the Federal Highway Administration’s (“FHWA”) Congestion Mitigation/Air Quality funding program. SEP funds will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. SEP funds will be used for the costs of retrofitting or replacing older diesel buses with alternative fueled or clean fuel diesel buses. The older “high emission” buses will be permanently retired and sold only for scrap.

The Respondent certifies 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

Passengers, drivers, and students in the area where school buses idle during transportation are subject to harmful diesel exhaust emission every school day. Apart from containing the ozone precursors nitrogen oxides (“NOx”) and hydrocarbons (“HC”), diesel exhaust is known to cause or exacerbate a number of respiratory

diseases, including asthma. Due to the more stringent emissions standards introduced by the Environmental Protection Agency (EPA), model 2007 and newer buses are also cleaner in terms of particulate matter (PM) emissions than model year 2004 buses. New NOx and HC standards phased in between 2007 and 2010 will result in new school bus engines being 72% cleaner for HC and 90% cleaner for NOx than a bus produced to meet the 2004 federal standards for these pollutants.

This SEP will provide a discernible environmental benefit by retiring high-emission buses from service, purchasing newer, clean fuel technology buses, and replacing newer buses with fuel treatment technology that reduces PM and HC.

C. Minimum Expenditure

The Respondent 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 Respondent shall contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Houston-Galveston Area Council  
Houston-Galveston AERCO  
P.O. Box 22777  
Houston, TX 77227-2777

3. **Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent 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 Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

4. **Failure to Fully Perform**

If the Respondent does not perform its 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.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality  
Office of Legal Services  
Attention: SEP Coordinator, MC 175  
P.O. Box 13088  
Austin, Texas 78711-3088

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent 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 Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent 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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.