

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2008-1456-AIR-E **TCEQ ID:** RN100209832 **CASE NO.:** 36503  
**RESPONDENT NAME:** Shell Chemical LP

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input 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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Westhollow Technology Center, 3333 Highway 6 South, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Pilot plant facility for oil and chemical studies</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 16, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629;  Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Robert Hummel, Plant Manager, Shell Chemical LP, 910 Louisiana Street, Houston, Texas 77002  Ms. D. A. L. Johnson, Site Manager, Shell Chemical LP, 910 Louisiana Street, Houston, Texas 77002  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> August 4, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> August 26, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>Failure to timely submit three deviation reports for the period of February 1, 2006 through July 1, 2006, July 2, 2006 through February 20, 2007 and February 21, 2007 through July 20, 2007 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(c), Federal Operating Permit No. O-01604, General Terms and Conditions and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$9,300</p> <p><b>Total Deferred:</b> \$1,860  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$3,720</p> <p><b>Total Paid to General Revenue:</b> \$3,720</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on September 10, 2008, the Respondent submitted deviation reports to the Houston Regional Office which were due on July 31, 2006, March 19, 2007 and August 19, 2007. In addition, training of personnel responsible for filing these reports was completed and procedures revised to ensure that the reports are thoroughly reviewed for correctness prior to submission.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (see SEP Attachment A).</p>

Additional ID No(s): HG0657D

Attachment A  
Docket Number: 2008-1456-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondents:</b>	<b>Shell Chemical LP</b>
<b>Payable Penalty Amount:</b>	<b>Seven Thousand Four Hundred Forty Dollars (\$7,440)</b>
<b>SEP Amount:</b>	<b>Three Thousand Seven Hundred Twenty Dollars (\$3,720)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program</b>
<b>Location of SEP:</b>	<b>Harris County</b>

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

**1. Project Description**

A. Project

The Respondents will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

**C. Minimum Expenditure**

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

**2. Performance Schedule**

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

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

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

If the Respondents 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.

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

Shell Chemical LP  
Agreed Order – Attachment A

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

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

**5. Publicity**

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

**6. Clean Texas Program**

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

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

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





Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	2-Sep-2008	<b>Screening</b>	8-Sep-2008	<b>EPA Due</b>	5-Jun-2009
	<b>PCW</b>	24-Sep-2008				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	36503	<b>No. of Violations</b>	1
<b>Docket No.</b>	2008-1456-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Daniel Siringi
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$7,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	34.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$2,550
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**Notes** Penalty enhancement due to 17 NOVs for unrelated violations including 12 self-reported effluent violations.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$750
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$212  
 Approx. Cost of Compliance \$2,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$9,300
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

<b>Final Penalty Amount</b>	\$9,300
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$9,300
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$1,860
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$7,440
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Screening Date 8-Sep-2008

Docket No. 2008-1456-AIR-E

PCW

Respondent Shell Chemical LP

Policy Revision 2 (September 2002)

Case ID No. 36503

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100209832

Media [Statute] Air

Enf. Coordinator Daniel Siringi

### 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)	0	0%
	Other written NOVs	17	34%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 34%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to 17 NOVs for unrelated violations including 12 self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 34%

<p><b>Screening Date</b> 8-Sep-2008  <b>Respondent</b> Shell Chemical LP  <b>Case ID No.</b> 36503  <b>Reg. Ent. Reference No.</b> RN100209832  <b>Media [Statute]</b> Air  <b>Enf. Coordinator</b> Daniel Siringi  <b>Violation Number</b> <input type="text" value="1"/>  <b>Rule Cite(s)</b> 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(c), Federal Operating Permit No. O-01604, General Terms and Conditions and Tex. Health &amp; Safety Code § 382.085(b)  <b>Violation Description</b> Failed to timely submit three deviation reports for the period of February 1, 2006 through July 1, 2006, July 2, 2006 through February 20, 2007 and February 21, 2007 through July 20, 2007.</p>	<p><b>Docket No.</b> 2008-1456-AIR-E  <b>PCW</b>  <i>Policy Revision 2 (September 2002)</i>  <i>PCW Revision June 12, 2008</i></p>																			
<b>Base Penalty</b> <input type="text" value="\$10,000"/>																				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
<p><b>OR</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td><b>Release</b></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td><b>Actual</b></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2"><b>Percent</b> <input type="text" value="0%"/></td> </tr> <tr> <td><b>Potential</b></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		<b>Harm</b>				<b>Release</b>	Major	Moderate	Minor		<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>	<b>Potential</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
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<b>&gt;&gt; Programmatic Matrix</b>																				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2"><b>Percent</b> <input type="text" value="25%"/></td> </tr> </table> <p><b>Matrix Notes</b> <input type="text" value="100% of the rule requirement was not met."/></p>		Falsification	Major	Moderate	Minor			<input type="text"/>	x	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>	<b>Adjustment</b> <input type="text" value="\$7,500"/>							
	Falsification	Major	Moderate	Minor																
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<input type="text" value="\$2,500"/>																				
<b>Violation Events</b>																				
<p><b>Number of Violation Events</b> <input type="text" value="3"/>      <input type="text" value="772"/> <b>Number of violation days</b></p> <p><i>mark only one with an x</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x	<b>Violation Base Penalty</b> <input type="text" value="\$7,500"/>							
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monthly	<input type="text"/>																			
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single event	x																			
<input type="text" value="Three single events are recommended, one for each deviation report."/>																				
<b>Good Faith Efforts to Comply</b>																				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;"><b>10.0% Reduction</b></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td><b>Extraordinary</b></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td><b>Ordinary</b></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> </tr> <tr> <td><b>N/A</b></td> <td><input type="text"/></td> <td style="text-align: center;">(mark with x)</td> </tr> </table> <p><b>Notes</b> <input type="text" value="The Respondent completed all the corrective actions on September 10, 2008."/></p>		<b>10.0% Reduction</b>			Before NOV	NOV to EDPRP/Settlement Offer	<b>Extraordinary</b>	<input type="text"/>	<input type="text"/>	<b>Ordinary</b>	<input type="text"/>	x	<b>N/A</b>	<input type="text"/>	(mark with x)	<input type="text" value="\$750"/>				
	<b>10.0% Reduction</b>																			
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<b>Extraordinary</b>	<input type="text"/>	<input type="text"/>																		
<b>Ordinary</b>	<input type="text"/>	x																		
<b>N/A</b>	<input type="text"/>	(mark with x)																		
<b>Violation Subtotal</b> <input type="text" value="\$6,750"/>																				
<b>Economic Benefit (EB) for this violation</b>																				
<b>Estimated EB Amount</b> <input type="text" value="\$212"/>	<b>Statutory Limit Test</b>																			
<b>Violation Final Penalty Total</b> <input type="text" value="\$9,300"/>																				
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$9,300"/>																				

## Economic Benefit Worksheet

**Respondent:** Shell Chemical LP  
**Case ID No.:** 36503  
**Reg. Ent. Reference No.:** RN100209832  
**Media:** Air  
**Violation No.:** 1

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

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	31-Jul-2006	10-Sep-2008	2.12	\$212	n/a	\$212

**Notes for DELAYED costs**

Estimated cost of training, preparing, adopting new peer review procedures and submitting semiannual deviation reports in a timely manner. The date required is the date the first report was required to be submitted and the final date is the date all corrective actions were completed.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$2,000

**TOTAL**

\$212

# Compliance History

Customer/Respondent/Owner-Operator: CN601405145 Shell Chemical LP Classification: AVERAGE Rating: 2.24  
 Regulated Entity: RN100209832 WESTHOLLOW TECHNOLOGY CENTER Classification: AVERAGE Site Rating: 0.60

ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000039040
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	86543
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000820118
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31304
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000017236
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	84732
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50298
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50298
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0657D
	AIR OPERATING PERMITS	PERMIT	1604
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1010557
	WASTEWATER	PERMIT	WQ0001853000
	WASTEWATER	PERMIT	TPDES0052761
	WASTEWATER	PERMIT	TX0052761
	AIR NEW SOURCE PERMITS	PERMIT	4220
	AIR NEW SOURCE PERMITS	PERMIT	10890
	AIR NEW SOURCE PERMITS	PERMIT	32696
	AIR NEW SOURCE PERMITS	PERMIT	50309
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0657D
	AIR NEW SOURCE PERMITS	PERMIT	1190
	AIR NEW SOURCE PERMITS	AFS NUM	4820100307
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	36310
	WATER LICENSING	LICENSE	1010557
	WASTEWATER LICENSING	LICENSE	WQ0001853000
	STORMWATER	PERMIT	TXRNEV398

Location: 3333 HIGHWAY 6 S, HOUSTON, TX, 77082 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 08, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 10, 2003 to September 10, 2008

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

Name: Daniel Siringi Phone: (409) 899-8799

### Site Compliance History Components

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

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

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

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	09/26/2003	(306252)
N/A		
2	10/21/2003	(252210)
3	10/29/2003	(306254)
4	12/02/2003	(306255)
5	12/16/2003	(257761)
6	12/29/2003	(306256)
7	01/27/2004	(306257)
8	02/26/2004	(306240)
9	03/29/2004	(306242)
10	04/27/2004	(306243)
11	05/13/2004	(269149)
12	06/01/2004	(306245)
13	07/25/2004	(356448)
14	07/29/2004	(356447)
15	08/30/2004	(356449)
16	08/31/2004	(289279)
17	09/27/2004	(356450)
18	10/29/2004	(356451)
19	12/28/2004	(384263)
20	12/28/2004	(384264)
21	01/24/2005	(384265)
22	03/01/2005	(422202)
23	03/28/2005	(422203)
24	04/26/2005	(422204)
25	05/26/2005	(422205)
26	06/28/2005	(422206)
27	07/25/2005	(422207)
28	08/26/2005	(399150)
29	08/29/2005	(443123)
30	08/29/2005	(402122)
31	09/28/2005	(443124)
32	10/27/2005	(472793)
33	11/28/2005	(472794)
34	12/09/2005	(435487)
35	12/27/2005	(472795)
36	01/24/2006	(472796)
37	03/07/2006	(472792)
38	04/03/2006	(501131)
39	04/28/2006	(501132)
40	05/11/2006	(465179)
41	05/22/2006	(501133)
42	06/22/2006	(501134)
43	07/20/2006	(501135)
44	08/25/2006	(523343)
45	09/25/2006	(523344)
46	10/25/2006	(523345)
47	11/20/2006	(548217)
48	12/11/2006	(512677)
49	12/22/2006	(548218)
50	01/17/2007	(548219)
51	02/24/2007	(548215)
52	02/24/2007	(548216)
53	04/25/2007	(581255)
54	05/24/2007	(581256)
55	06/21/2007	(581257)
56	07/03/2007	(581258)
57	07/03/2007	(581259)
58	08/23/2007	(608105)
59	09/25/2007	(608106)

60 10/24/2007 (608107)  
 61 10/30/2007 (538875)  
 62 11/21/2007 (621652)  
 63 12/20/2007 (621653)  
 64 02/20/2008 (673597)  
 65 03/24/2008 (673598)  
 66 03/31/2008 (638866)  
 67 04/09/2008 (639987)  
 68 04/27/2008 (673599)  
 69 04/27/2008 (673600)  
 70 05/23/2008 (691867)  
 71 06/20/2008 (683763)  
 72 06/25/2008 (691868)  
 73 08/26/2008 (686774)

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

Date 08/29/2005 (402122)  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)  
 Description: Failure to provide a housed and locked enclosure for hypochlorinator solution containers and pumps, to protect them from vandalism and adverse weather conditions. The solution container lid must be properly covered and sealed to prevent the entry of dust, insects, and other contaminants.

Date 01/31/2006 (472792)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date 05/31/2006 (501134)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date 10/31/2006 (548217)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2006 (548218)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date 12/11/2006 (512677)  
 Self Report? NO Classification Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failure to maintain flare flow data.

Date 12/31/2006 (548219)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

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

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

Date	08/31/2007	(608106)		
Self Report?	YES		Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	11/30/2007	(621653)		
Self Report?	YES		Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	12/31/2007	(581259)		
Self Report?	YES		Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	03/31/2008	(673599)		
Self Report?	YES		Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	03/31/2008	(638866)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Rqmt Prov:	PERMIT WQ0001853-000			
Description:	Failure to maintain compliance with the permitted effluent limits for total suspended solids (TSS), oil and grease (O&G), and ammonia (NH3N).			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.9(c)			
Description:	Failure to conduct the required quality assurance/quality control for fecal coliform analyses.			
Date	04/22/2008	(683763)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(5)			
Description:	Failure to provide a housed and locked enclosure for hypochlorinator solution containers and pumps, to protect them from vandalism and adverse weather conditions. The solution container lid must be properly covered and sealed to prevent the entry of dust, insects, and other contaminants.			
Date	05/31/2008	(691868)		
Self Report?	YES		Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	06/20/2008	(683763)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)			
Description:	Failure to repair or replace the leaking flush valve located on the sand separator.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)			
Description:	Failure to repair or replace the leaking gauge located on the disinfection carrier stream (transmission line).			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)			
Description:	Failure to repair or replace the leaking filters located between the service pumps and pressure tank.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)			
Description:	Failure to provide a small bottle of fresh ammonia solution which must be readily accessible outside the chlorinator room, to test for possible chlorine leakage.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)			
Description:	Failure to provide ground storage tank inspection report showing that ground storage tank have been inspected internally and externally.			

Self Report? NO

Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)

Description: Failure to provide an annual backflow test reports for RPZs separating drinking water from industrial water.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SHELL CHEMICAL LP  
RN100209832

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2008-1456-AIR-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Shell Chemical LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a pilot plant facility for oil and chemical studies at 3333 Highway 6 South in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 31, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Thousand Three Hundred Dollars (\$9,300) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Seven Hundred Twenty Dollars (\$3,720) of the administrative penalty and One Thousand Eight Hundred Sixty Dollars (\$1,860) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the



deferred penalty. Three Thousand Seven Hundred Twenty Dollars (\$3,720) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on September 10, 2008, the Respondent submitted deviation reports to the Houston Regional Office which were due on July 31, 2006, March 19, 2007 and August 19, 2007. In addition, training of personnel responsible for filing these reports was completed and procedures revised to ensure that the reports are thoroughly reviewed for correctness prior to submission.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to timely submit three deviation reports for the period of February 1, 2006 through July 1, 2006, July 2, 2006 through February 20, 2007 and February 21, 2007 through July 20, 2007, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(c), Federal Operating Permit No. O-01604, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 4, 2008.

## III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Shell Chemical LP, Docket No. 2008-1456-AIR-E" to:



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

2. The Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Three Thousand Seven Hundred Twenty Dollars (\$3,720) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent'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 the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
5. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

912615 8298

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

John S. Miller  
For the Executive Director

2/16/2009  
Date

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

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

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

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

Debrah R. John  
Signature

12/18/08  
Date

D.A.L. Johnson  
Name (Printed or typed)  
Authorized Representative of  
Shell Chemical LP

Site Manager  
Title

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



Attachment A  
Docket Number: 2008-1456-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondents:** Shell Chemical LP

**Payable Penalty Amount:** Seven Thousand Four Hundred Forty Dollars (\$7,440)

**SEP Amount:** Three Thousand Seven Hundred Twenty Dollars (\$3,720)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Houston-Galveston AERCO's 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 Respondents to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondents will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

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

**2. Performance Schedule**

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

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

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

If the Respondents 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.

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

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

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

**5. Publicity**

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

**6. Clean Texas Program**

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

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

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

