

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2009-0806-AIR-E **TCEQ ID:** RN100211879 **CASE NO.:** 37712  
**RESPONDENT NAME:** Shell Oil Company

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Shell Oil Deer Park, 5900 Highway 225, Deer Park, Harris County</p> <p><b>TYPE OF OPERATION:</b> Petroleum refinery</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are four additional pending enforcement actions regarding this facility location, Docket Nos. 2009-1789-AIR-E, 2009-1300-AIR-E, 2009-1753-IHW-E, and 2009-1571-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the BD 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 December 28, 2009. Comments were received from Ms. Paulette Wolfson, Senior Assistant City Attorney, City of Houston, Legal Department, P.O. Box 368, Houston, Texas 77001-0368, concerning a proposed agreed enforcement order for failure to prevent unauthorized emissions.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Mr. John Muennink, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423; Ms. Laurie Eaves Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Steven Hansen, Environmental Affairs Manager, Shell Oil Company, P.O. Box 100, Deer Park, Texas 77536  Mr. Aamir Farid, General Manager – Deer Park Site, Shell Oil Products Co., L.L.C., as Agent for Shell Oil Company, P.O. Box 100, Deer Park, Texas 77536  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 11 and April 23, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> May 13 and June 8, 2009 (NOE)</p> <p><b>Background Facts:</b> These were record review investigations.</p> <p><b>AIR</b></p> <p>1) Failure to prevent unauthorized emissions. Specifically, the Respondent released 1,514.6 pounds ("lbs") of volatile organic compounds ("VOC") [including 3.6 lbs of the Highly Reactive VOC ("HRVOC") ethylene and 884.2 lbs of the HRVOC propylene], 152.3 lbs of hydrogen sulfide ("H2S"), 82.7 lbs of nitrogen dioxide, 597.3 lbs of carbon monoxide ("CO"), 16.8 lbs of particulate matter ("PM"), and 14,329.3 lbs of sulfur dioxide ("SO2") from the Distilling Hydrotreater ("DHT") Unit and the Catalytic Cracking Unit during an avoidable emissions event (Incident No. 118094) that began December 23, 2008 and lasted 24 hours and one minute. The event was caused by the failure of electrical insulation which resulted in a ground fault causing a power dip on the 201-2 electrical system. The motors associated with the electrical system shutdown throughout the DHT Unit leading to an unauthorized release of emissions. Since this emissions event could have been avoided by better maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Flexible Permit No. 21262, Special Condition No. 1].</p>	<p><b>Total Assessed:</b> \$30,000</p> <p><b>Total Deferred:</b> \$6,000  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$12,000</p> <p><b>Total Paid to General Revenue:</b> \$12,000</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 the Respondent has completed the following corrective measures:</p> <p>a. Increased routine monitoring of the caustic injection system and added a requirement that involves the recording of the caustic injection rates by April 23, 2009 (Incident No. 119042);</p> <p>b. Removed the failed switch and transformer from active service and inspected the insulation on the 12kV circuit to determine if it was fit for service on December 23, 2008 (Incident No. 118094); and</p> <p>c. Developed and implemented an inspection and preventative maintenance schedule for electrical circuit 16H5 on May 13, 2009 (Incident No. 118094).</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>

<p>2) Failure to prevent unauthorized emissions. Specifically, the Respondent released 7,520.79 lbs of VOC, 16.28 lbs of H<sub>2</sub>S, 147.84 lbs of benzene, 426.70 lbs of SO<sub>2</sub>, 51.50 lbs of nitrogen oxide, 372.10 lbs of CO, 8.60 lbs of PM, 103.89 lbs of ethane, 292.53 lbs of methane, 12.75 lbs of nitrogen and 2.15 lbs of hydrogen from Distillation Unit 2 during an avoidable emissions event (Incident No. 119042) that began January 18, 2009 and lasted eight hours and four minutes. The event was caused by the malfunction of the caustic injection system resulting in the formation of corrosive material, leading to a flange leak on the outlet of the crude overhead exchanger. Since this emissions event could have been avoided by better maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Flexible Permit No. 21262, Special Condition No. 1].</p>		
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Additional ID No(s): HG0659W



**Attachment A**  
**Docket Number: 2009-0806-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Shell Oil Company</b>
<b>Payable Penalty Amount:</b>	<b>Twenty-Four Thousand Dollars (\$24,000)</b>
<b>SEP Amount:</b>	<b>Twelve Thousand Dollars (\$12,000)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Houston Regional Monitoring Corporation - Houston Area Monitoring</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 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

Performing Party shall use SEP Funds to operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation Ambient Air Quality Monitoring Network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided.

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

Data from this monitoring may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. Performing party notifies the TCEQ on a quarterly basis of all exceedences of the National Ambient Air Quality Standards (“NAAQS”) that it measures at its monitoring stations. The TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston’s progress toward achieving or remaining in attainment of the NAAQS.



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

Christopher B. Amandes  
Vinson & Elkins LLP  
First City Tower  
1001 Fannin Street, Suite 2500  
Houston, TX 77002-6760

**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:

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 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.

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 Respondent 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 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 an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 3, 2010

Ms. Paulette Wolfson, Senior Assistant City Attorney  
City of Houston  
Legal Department  
P.O. Box 368  
Houston, Texas 77001-0368  
City Hall Annex  
900 Bagby, 4<sup>th</sup> Floor

Re: Comment Received, Proposed Agreed Enforcement Order  
Shell Oil Company  
RN100211879; Docket No. 2009-0806-AIR-E; Enforcement Case No. 37712

Dear Ms. Wolfson:

On December 14, 2009, we received a letter from the City of Houston that was forwarded in opposition to a proposed Agreed Order related to Shell Oil Company (Shell) located in Deer Park, Texas, Docket No. 2009-0806-AIR-E. Specifically, the City's letter opposes Shell's contribution of a portion of the administrative penalty to the Houston Regional Monitoring ("HRM") Supplemental Environmental Project ("SEP"). The City's letter has been forwarded to the TCEQ's Office of the General Counsel such that the Commissioners can consider the City's comments regarding the proposed order.

The TCEQ's Executive Director and Shell agreed on the terms of the proposed order on October 12, 2009. Accordingly, Shell was assessed an administrative penalty of Thirty Thousand Dollars (\$30,000), of which Six Thousand Dollars (\$6,000) has been deferred in accordance with our expedited order process. Shell has paid Twelve Thousand Dollars (\$12,000) of the administrative penalty. The remaining Twelve Thousand Dollars (\$12,000) shall be conditionally offset by the completion of a SEP.

In its letter, the City states that it does not support the SEP because the funding would benefit the members of HRM through reduced membership fees. The letter also states that there is no assurance that any additional work will be done in addition to the work already being conducted by the members and that HRM has not shared all of its data with the public. Lastly, the letter states that the SEP does not meet the criteria laid out in the TEXAS WATER CODE.

TCEQ responds that HRM is a privately funded not-for-profit corporation which monitors air quality throughout the Houston area. Therefore, the SEP Funds are intended to supplement the air monitoring network operated by a non-profit corporation for the benefit of the public, and are not used to supplement the operating costs of private business. In its capacity as a non-profit corporation, HRM is qualified to receive and administer SEP funds. HRM provides representative air quality analyses for an area of over 900 square miles and monitors all six criteria air pollutants and 150 volatile organic compounds ("VOC") from as many as 12 monitoring sites using methods approved by the Environmental Protection Agency.



Ms. Paulette Wolfson

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HRM also conducts specialized studies to help industry and the public better understand sensitive air quality issues that affect not only the Houston area, but the State of Texas ("the State"). The information attained from HRM's monitoring is used to develop and evaluate effective control strategies for improving air quality, while maintaining a balance between environmental issues and economic development.

Regarding assurances that additional work will be done, TCEQ notes that maintaining air monitoring programs comes at a significant expense. The money generated through the SEP will help pay contractor costs, maintenance and improvement of equipment, and in some cases for the purchase of additional monitoring equipment to further increase the City's and the State's ability to adequately and effectively monitor the air quality of the Houston area. The SEP program requires each third party administrator to provide quarterly reports to account for all activities performed, money received, where the money is spent and any interest earned. Additionally, the Agreed Order requires Shell to certify that it has no obligation to make the SEP contribution. Specifically, Attachment A to the Agreed Order states, "The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action." Any knowing falsification of documents related to the Agreed Order may result in more severe consequences, including criminal prosecution.

All data collected under the SEP program must be compliant with the Public Information Act. While HRM is not required to release data that has been collected through privately funded projects, all data collected through the use of SEP contributions is required to be made available to the public. The agreement concerning SEP funds between HRM and the TCEQ requires HRM to provide data to the TCEQ via a web-based portal that is directly linked to the TCEQ's Air Quality Information Database. Data from SEP-funded monitors will, at the discretion of the TCEQ, be publicly accessible through the TCEQ's website and is already available to the public upon request. The public will directly benefit by having access to the data and the forecasting, as well as notification tools that can be used for public awareness and indirectly benefited data useful in addressing the City's ozone non-attainment status.

Regarding the City's assertion that the SEP does not comply with the TEXAS WATER CODE (the Code), TCEQ responds that air monitoring projects are allowed pursuant to the Code because those projects provide a means to identify and thereby reduce the amount of pollutants reaching the environment. TCEQ believes that utilizing SEP funding in this manner is an excellent way of leveraging our resources to obtain data necessary in making sound, scientifically-based decisions regarding air quality.

In closing, I'd like to thank you for your interest in this matter and assure you that we share the City's commitment to continuing to protect and improve the air quality in the State of Texas. The proposed Agreed Order is expected to be considered at the Commission's Agenda on March 10, 2010. Your name has been added to the mailing list to receive a copy of the final order, should the Commission adopt it. Should you have further concerns or comments related to the order, please do not hesitate to call me or Mr. Muennink of my staff at (361) 825-3423.

Sincerely,



Bryan Sinclair, Director  
Enforcement Division

Texas Commission on Environmental Quality



Ms. Paulette Wolfson

Page 3

cc: Mr. Les Trobman, General Counsel, TCEQ  
Mr. Blas Coy, Public Interest Counsel, TCEQ  
Ms. LaDonna Castañuela, Chief Clerk, TCEQ  
Mr. Manuel Bautista, Manager, Houston Regional Office



Ms. Paulette Wolfson  
Page 4

bcc: Mr. John Muennink, Coordinator, Enforcement Division, Corpus Christi Regional Office  
Central Records, MC 213, Building E, 1st Floor, HG0659W  
Enforcement Division Reader File





# CITY OF HOUSTON

Legal Department

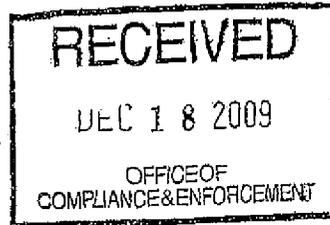
Bill White

Mayor

Arturo G. Michel  
City Attorney  
Legal Department  
P.O. Box 368,  
Houston, Texas 77001-0368  
City Hall Annex  
900 Bagby, 4th Floor

T. 832.393.6491  
F. 832.393.6259  
www.houstontx.gov

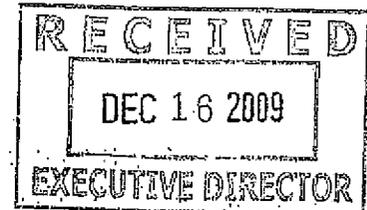
512 TO  
DCEL  
John S



December 14, 2009

Mark R. Vickery, P.G.  
Executive Director  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

John Muennink  
Enforcement Coordinator  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087



Via First Class Mail and Facsimile (512) 239-2550

Re: Shell Oil Company: Proposed Agreed Order: Docket No. 2009-0806-AIR-E,  
RN100211879, Deer Park, Harris County, Texas: Comments Opposing Supplemental  
Environmental Project

Dear Mr. Vickery:

The City of Houston (City) is taking this opportunity to comment on the above noted proposed Agreed Order (AO) between the TCEQ and Shell Oil Company (Shell). TCEQ alleges that Shell violated various requirements of the Texas Clean Air Act and failed to prevent unauthorized emissions on two separate occasions, December 23, 2008 and January 18, 2009. The proposed AO would levy a fine of \$30,000 for these serious violations. However, considering Shell appears to have performed the corrective action, \$6,000 of this penalty is waived. In addition, \$12,000 of the Penalty would be in the form of a Supplemental Environmental Project (SEP). This SEP is to fund the ongoing work of a local industry established regional air monitor network, HRM, which is paid for by Shell and other businesses. (See membership list attached). Although the SEP provides for the possibility of an additional monitor, there is no assurance that any work in addition to the work already being conducted by this group will be done as a result of this SEP. Apparently, at least two other AO's; one with Shell and one with Texas Petrochemicals, have included SEPs to fund HRM. For the reasons explained below, that practice should stop.

HRM has not shared all of its data with the public. HRM has historically used selective portions of the data it has collected, data that is, therefore, unverifiable, to support various industry positions regarding the measures needed to bring the HGB Nonattainment Area into compliance with the requirements of the Clean Air Act or to argue against measures needed to reduce the emissions of air toxics in the Houston area. However, much of the data has not been shared. In describing the SEP on the Preapproved SEP List, TCEQ states that it may share the data and in other places, that it will share the data. Therefore, it is not clear if the data that will be collected as a result of SEP funds will be made available to the public. The City does not support giving SEP money to a private organization more than adequately funded by its members to collect air monitoring data, but if this SEP is approved, at least all data from the referenced monitors and the other monitors in the HRM network, historical as well as new data, should be made available to the public. Although SEP money will only be used to collect data in the future, it should be a condition of the SEP on the TCEQ's Preapproved SEP List to make the data previously collected by HRM available to the public. Then Houston's progress, or lack thereof, can be shared and validated. Access to the historical data will make this data more useful. Problems with the HRM data are illustrated by the attached chart showing a comparison conducted by the City; HRM consistently under reports ambient air data and HRM data is unverifiable and inconsistent with other publically available sources. Expanding the network of monitors may seem like a good idea but only if the data is made publically available and can be compared to the HRM data base that already exists.

In addition, this penalty money will be used to fund monitors already paid for by HRM; the result of this payment would be to benefit the members of HRM, to reduce the fees and costs paid by the members, including Shell. TCEQ's own guidance says this is unacceptable because if a project provides some indirect benefit to Shell, the respondent, the project may not be approved. That is the case here. (See, TCEQ Supplemental Environmental Projects, GI-352, Rev. 3/09). In addition, the Guidance provides that if a project only has an indirect benefit to the environment, the SEP should only account for a small amount of the penalty. Here, the total penalty is \$30,000; \$6,000 would be waived and of the remaining \$24,000, the SEP will account for \$12,000, 50% of the penalty, the maximum amount for a SEP, not some lesser amount.

The SEP does not meet the criteria for SEPs laid out in the Texas Water Code, which also governs SEPs related to violations of the Clean Air Act. In relevant part, § 7.067, Supplemental Environmental Projects, provides:

"supplemental environmental projects" means a project that prevents pollution, reduces the amount of pollutants reaching the environment, enhances the quality of the environment, or contributes to the public awareness of environmental matters.

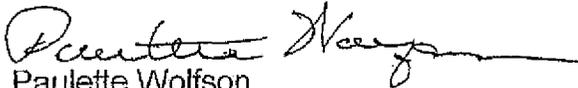
This proposed SEP accomplishes none of these goals. Finally, there is a better monitoring project to which these funds could be contributed, one that will result in publically available, quality data. Harris County has recently established the Ambient Air Monitoring SEP. The funds from this penalty should be allocated to that project or other

Shell Oil Company  
2009-0806-AIR-E, Comments on proposed AO  
December 14, 2009

projects such as the School Diesel Bus retrofit program, which result in reduced pollutants going to the environment. SEP funds should not merely subsidize ongoing activities conducted by industry.

For all the reasons stated above, although the City supports the relatively prompt resolution of these violations, it must oppose using SEP funds for this project unless the SEP as described on the TCEQ's SEP list is revised to make all HRM data publically available. Thank you for the opportunity to comment on this proposed AO.

Sincerely,

  
Paulette Wolfson  
Senior Assistant City Attorney

Attachments:

1. HRM Membership list
2. City chart

Cc:

John Muennink  
Enforcement Coordinator  
Texas Commission on Environmental Quality  
Houston Regional Office  
5425 Polk Avenue, Suite H  
Houston, Texas 77024-1452

Elena M. Marks, JD, MPH  
City of Houston  
Director of Health and Environmental Policy

Arturo J. Blanco  
City of Houston  
Bureau of Air Quality Control Chief

Bob Allen  
Technical Manager  
Harris County Public Health & Environmental Services

Snehal R. Patel  
Harris County Attorney's Office  
Chief, Environmental & Regulatory Affairs

## Attachment 1

### Houston Regional Monitoring

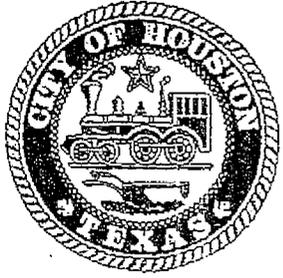
Our Membership (Last update: 04/09/2009)

<u>Air Liquide Large Industries U.S. L.P.</u>	<u>Exxon Mobil Corporation (5 facilities)</u>	<u>OxyVinyls, L.P. - Chlorovinyls</u>
<u>Air Products, L.P.</u>	<u>FMC Corp.</u>	<u>Rohm &amp; Haas Bayport, Inc.</u>
<u>Albemarle Corporation</u>	<u>G.B. Biosciences</u>	<u>Rohm &amp; Haas Lone Star Plant</u>
<u>Arkema, Inc - Houston Plant</u>	<u>Georgia Gulf Corporation &amp; Vinyls, LLC</u>	<u>Rohm &amp; Haas Texas, Inc.</u>
<u>Baker Petrolite Corporation</u>	<u>Hexion Specialty Chemicals, Inc</u>	<u>Shell Oil Company</u>
<u>LyondellBasell Industries - 12001 Bay Area Blvd.</u>	<u>Lyondell-CITGO Refining LP</u>	<u>Sunoco, Inc. Houston Operations</u>
<u>BASF Corporation - Pasadena Plant</u>	<u>Ineos Olefins &amp; Polymers, U.S.A. Battleground Manufacturing Complex</u>	<u>Syngenta Crop Protection, Inc.</u>
<u>Bayer Corporation</u>	<u>Intercontinental Terminals Company</u>	<u>Texas Molecular, L.P.</u>
<u>Celanese Chemicals - Clear Lake Plant</u>	<u>Kirby Inland Marine</u>	<u>Texas Petrochemicals LP</u>
<u>Channel Shipyard Company</u>	<u>Lubrizol Corporation (The)</u>	<u>Total Petrochemicals USA - Bayport HDPE Plant</u>
<u>Chevron Phillips Chemical Co.- Pasadena</u>	<u>LyondellBasell Industries - 10801 Choate Road</u>	<u>Total Petrochemicals USA - La Porte Plant</u>
<u>Chevron Phillips Chemical Co.- Cedar Bayou</u>	<u>LyondellBasell Industries - 2502 Sheldon Road</u>	<u>Valero Refining - Texas, L.P.</u>
<u>Enterprise Products Co.</u>	<u>Merisol USA LLC</u>	<u>Vopak Terminal - Deer Park</u>
<u>LyondellBasell Industries - 5761 Underwood</u>	<u>Millennium Petrochemicals</u>	<u>Zeon Chemicals L.P.</u>
<u>LyondellBasell Industries - 8280 Sheldon Road</u>	<u>Noltex, LLC</u>	
<u>LyondellBasell Industries - 1515 Miller Cut Off</u>	<u>NOVA Chemicals</u>	

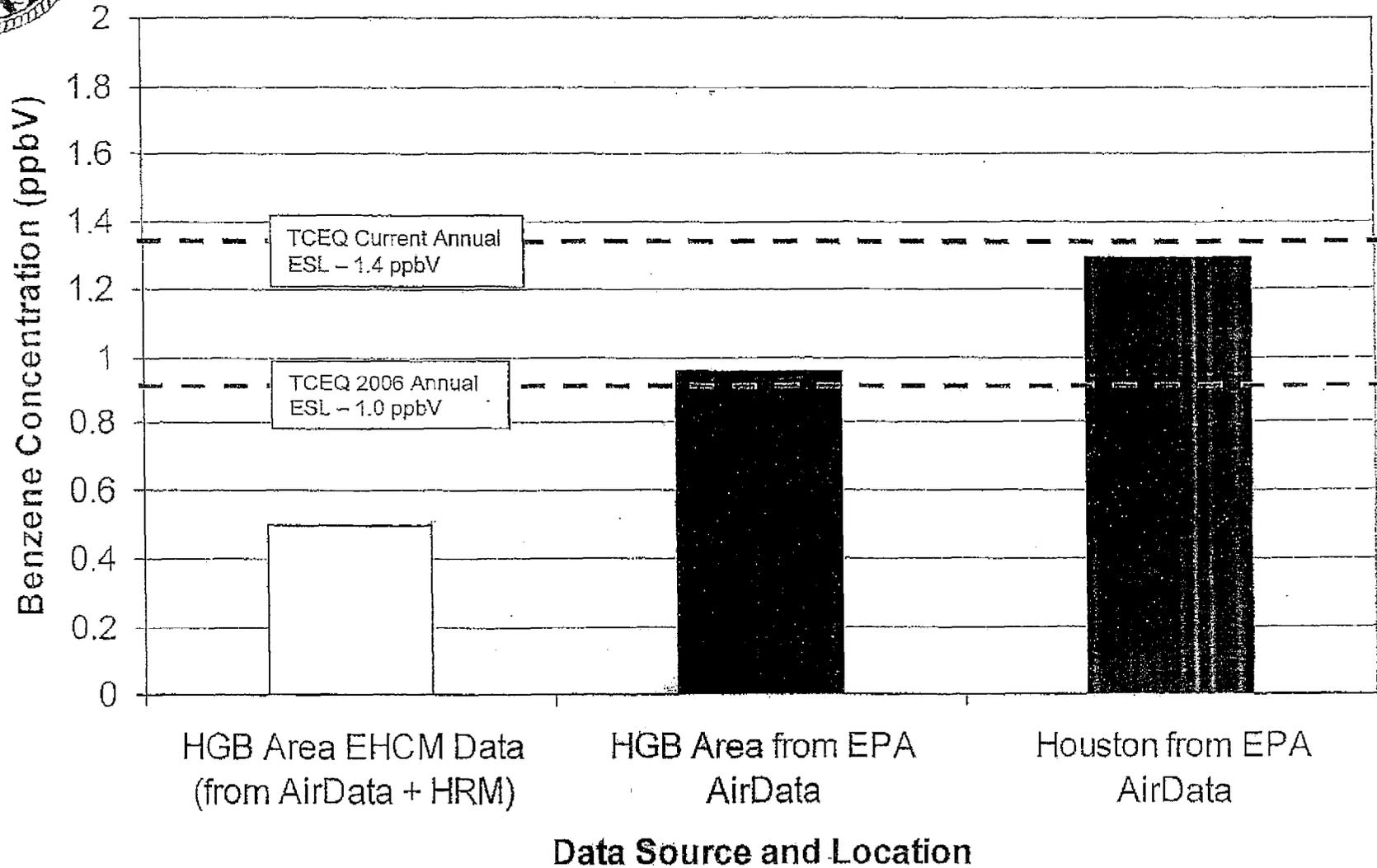


# Analytical Representations of Four Air Pollutants for the Houston-Galveston- Brazoria Area

**Mayor's Office of Environmental Programming  
June 30, 2009**



## 2006 Benzene Data Source Comparison for EHCM and City



Source: "Houston Air Quality" from the East Harris County Manufacturer's Association (EHCM), July 23, 2008; EPA "AirData", Benzene, 2008.

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** Bryan W. Shaw, Ph.D., Chairman  
Buddy Garcia, Commissioner  
Carlos Rubenstein, Commissioner  
Les Trobman, General Counsel

**Date:** Feb. 3, 2010

**Thru:** *BNS* Bryan Sinclair, Director, Enforcement Division

**From:** David Van Soest, Manager, Enforcement Division

**Subject:** Response to Comment Received Concerning Proposed Agreed Enforcement Order, Shell Oil Company, Deer Park, Harris County  
RN100211879, Enforcement Case No. 37712, Docket No. 2009-0806-AIR-E

In response to a publication in the *Texas Register* on November 27, 2009, one comment has been received regarding a proposed agreed enforcement order requiring certain actions of Shell Oil Company ("Shell"). The comment was received within the thirty-day public comment period.

The proposed order addresses allegations related to Shell's failure to prevent unauthorized emissions. The violations occurred on December 23, 2008 and January 18, 2009. TCEQ staff and Shell agreed on the terms of the proposed order on October 12, 2009. The order would assess a Thirty Thousand Dollar (\$30,000) penalty, of which Twelve Thousand Dollars (\$12,000) shall be offset contingent on the completion of a Supplemental Environmental Project ("SEP") and Six Thousand Dollars (\$6,000) is deferred in accordance with the expedited order process.

A copy of the comment, and the staff response to the comment, are attached for your consideration. In summary, the commenter is expressing concerns over Shell's participation in the SEP they have chosen. Staff's position, as reflected in the response, is that the SEP that Shell has chosen to participate in meets the criteria for SEPs and that participation by Shell in this SEP should be allowed. Accordingly, the Enforcement Division recommends that you adopt this proposed order.

### Attachments

cc: Manuel Bautista, Manager, Air Section, Houston Regional Office  
John Muennink, Coordinator, Enforcement Division, Corpus Christi Regional Office  
Central Records, MC 213, Building E, 1st Floor, HG0659W  
Enforcement Division Reader File





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	15-Jun-2009	Screening	25-Jun-2009	EPA Due	
	PCW	1-Sep-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Shell Oil Company		
Reg. Ent. Ref. No.	RN100211879		
Facility/Site Region	12-Houston	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	37712	No. of Violations	2
Docket No.	2009-0806-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Muennink
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$10,000

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

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

**Compliance History** **Subtotal 2, 3, & 7** \$35,700

Notes: Enhancement due to 19 NOVs with same or similar violations, 42 NOVs with unrelated violations, four 1660 Agreed Orders, five Findings Orders and one Court Order with a denial of liability. Reduction due to 28 Notice of Audits submitted with seven including a Disclosure of Violations, an environmental management system and participation in a voluntary pollution reduction program.

**Culpability** **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$2,500

**Economic Benefit** **Subtotal 6** \$0

Total EB Amounts: \$52  
 Approx. Cost of Compliance: \$3,000  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$43,200

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$43,200

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$30,000

**DEFERRAL** **Adjustment** -\$6,000

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

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$24,000

**Screening Date** 25-Jun-2009  
**Respondent** Shell Oil Company  
**Case ID No.** 37712  
**Reg. Ent. Reference No.** RN100211879  
**Media [Statute]** Air  
**Enf. Coordinator** John Muennink

**Docket No.** 2009-0806-AIR-E

**PCW**

Policy Revision 2 (September 2002)  
 PCW Revision October 30, 2008

**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)	19	95%
	Other written NOVs	42	84%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	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	5	125%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	1	30%
	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)	28	-28%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	7	-14%

Please Enter Yes or No

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)** 357%

>> **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**

Enhancement due to 19 NOVs with same or similar violations, 42 NOVs with unrelated violations, four 1660 Agreed Orders, five Findings Orders and one Court Order with a denial of liability. Reduction due to 28 Notice of Audits submitted with seven including a Disclosure of Violations, an environmental management system and participation in a voluntary pollution reduction program.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 357%

<b>Screening Date</b> 25-Jun-2009	<b>Docket No.</b> 2009-0806-AIR-E	<b>PCW</b>														
<b>Respondent</b> Shell Oil Company	<small>Policy Revision 2 (September 2002)</small>															
<b>Case ID No.</b> 37712	<small>PCW Revision October 30, 2008</small>															
<b>Reg. Ent. Reference No.</b> RN100211879																
<b>Media [Statute]</b> Air																
<b>Enf. Coordinator</b> John Muennink																
<b>Violation Number</b>	1															
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b) and Flexible Permit No. 21262, Special Condition No. 1															
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,514.6 pounds ("lbs") of volatile organic compounds ("VOC") [including 3.6 lbs of the Highly Reactive VOC ("HRVOC") ethylene and 884.2 lbs of the HRVOC propylene], 152.3 lbs of hydrogen sulfide ("H2S"), 82.7 lbs of nitrogen dioxide, 597.3 lbs of carbon monoxide ("CO"), 16.8 lbs of particulate matter ("PM") and 14,329.3 lbs of sulfur dioxide ("SO2") from the Distilling Hydrotreater ("DHT") Unit and the Catalytic Cracking Unit during an avoidable emissions event (Incident No. 118094) that began December 23, 2008 and lasted 24 hours and one minute. The event was caused by the failure of electrical insulation which resulted in a ground fault causing a power dip on the 201-2 electrical system. The motors associated with the electrical system shutdown throughout the DHT Unit leading to an unauthorized release of emissions. Since this emissions event could have been avoided by better maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.															
	<b>Base Penalty</b>	\$10,000														
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																
<b>OR</b>	<b>Harm</b>															
	Release    Major    Moderate    Minor															
Actual	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<b>Percent</b> <input type="text" value="50%"/>														
Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>															
<b>&gt;&gt; Programmatic Matrix</b>																
	Falsification    Major    Moderate    Minor															
	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>Percent</b> <input type="text" value="0%"/>														
<b>Matrix Notes</b>	Human health or the environment has been exposed to a significant amount of pollutants that do not exceed levels protective of human health or environmental receptors.															
	<b>Adjustment</b>	\$5,000														
<b>\$5,000</b>																
<b>Violation Events</b>																
	Number of Violation Events <input type="text" value="1"/>	<input type="text" value="2"/> Number of violation days														
<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="checkbox"/></td></tr> <tr><td>weekly</td><td><input type="checkbox"/></td></tr> <tr><td>monthly</td><td><input checked="" type="checkbox"/></td></tr> <tr><td>quarterly</td><td><input type="checkbox"/></td></tr> <tr><td>semiannual</td><td><input type="checkbox"/></td></tr> <tr><td>annual</td><td><input type="checkbox"/></td></tr> <tr><td>single event</td><td><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	weekly	<input type="checkbox"/>	monthly	<input checked="" type="checkbox"/>	quarterly	<input type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input type="checkbox"/>	<b>Violation Base Penalty</b> <input type="text" value="\$5,000"/>
daily	<input type="checkbox"/>															
weekly	<input type="checkbox"/>															
monthly	<input checked="" type="checkbox"/>															
quarterly	<input type="checkbox"/>															
semiannual	<input type="checkbox"/>															
annual	<input type="checkbox"/>															
single event	<input type="checkbox"/>															
	One monthly event is recommended based on the emissions event date of December 23, 2008.															
<b>Good Faith Efforts to Comply</b>	<b>25.0% Reduction</b>	<b>\$1,250</b>														
	<table border="1" style="border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Ordinary</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">(mark with x)</td> </tr> </table>		Before NOV	NOV to EDRP/Settlement Offer	Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	(mark with x)			
	Before NOV	NOV to EDRP/Settlement Offer														
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>														
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>														
N/A	<input type="checkbox"/>	(mark with x)														
<b>Notes</b>	The Respondent completed corrective measures on May 13, 2009, on the day that the NOE was issued.															
	<b>Violation Subtotal</b>	<b>\$3,750</b>														
<b>Economic Benefit (EB) for this violation</b>																
	<b>Statutory Limit Test</b>															
<b>Estimated EB Amount</b> <input type="text" value="\$39"/>	<b>Violation Final Penalty Total</b>	<b>\$21,600</b>														
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<b>\$20,000</b>														

## Economic Benefit Worksheet

**Respondent** Shell Oil Company  
**Case ID No.** 37712  
**Reg. Ent. Reference No.** RN100211879  
**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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**Delayed Costs**

Item Description:	Item Cost	Date Required	Final Date	Yrs.	Interest Saved	Onetime Costs	EB Amount
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	23-Dec-2008	13-May-2009	0.39	\$39	n/a	\$39

Notes for DELAYED costs

Estimated expense to implement measures designed to ensure the proper maintenance of electrical system insulation. The Date Required is the date of the emissions event. The Final Date is the date that corrective measures were 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				0.00	\$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**

\$39

<b>Screening Date</b> 25-Jun-2009	<b>Docket No.</b> 2009-0806-AIR-E	<b>PCW</b>	
<b>Respondent</b> Shell Oil Company	<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 37712	<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN100211879			
<b>Media [Statute]</b> Air			
<b>Enf. Coordinator</b> John Muennink			
<b>Violation Number</b>	2		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b) and Flexible Permit No. 21262, Special Condition No. 1		
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,520.79 lbs of VOC, 16.28 lbs of H2S, 147.84 lbs of benzene, 426.70 lbs of SO2, 51.50 lbs of nitrogen oxide, 372.10 lbs of CO, 8.60 lbs of PM, 103.89 lbs of ethane, 292.53 lbs of methane, 12.75 lbs of nitrogen and 2.15 lbs of hydrogen from Distillation Unit 2 during an avoidable emissions event (Incident No. 119042) that began January 18, 2009 and lasted eight hours and four minutes. The event was caused by the malfunction of the caustic injection system resulting in the formation of corrosive material, leading to a flange leak on the outlet of the crude overhead exchanger. Since this emissions event could have been avoided by better maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.		
	<b>Base Penalty</b>	\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
<b>OR</b>	<b>Release</b>	<b>Harm</b>	
		Major      Moderate      Minor	
	Actual	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
		<b>Percent</b>	50%
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major      Moderate      Minor	
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
		<b>Percent</b>	0%
<b>Matrix Notes</b>	Human health or the environment has been exposed to a significant amount of pollutants that do not exceed levels protective of human health or environmental receptors.		
	<b>Adjustment</b>	\$5,000	
			\$5,000
<b>Violation Events</b>			
	Number of Violation Events	1	Number of violation days
		1	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	
	weekly	<input type="checkbox"/>	
	monthly	<input checked="" type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
		<b>Violation Base Penalty</b>	\$5,000
One monthly event is recommended based on the emissions event date of January 18, 2009.			
<b>Good Faith Efforts to Comply</b>			
	25.0% Reduction		\$1,250
	Before NOV      NOV to EDRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
N/A	<input type="checkbox"/>	<small>(mark with x)</small>	
<b>Notes</b>	The Respondent completed corrective measures by April 23, 2009. The NOE was dated June 8, 2009.		
	<b>Violation Subtotal</b>	\$3,750	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>
	Estimated EB Amount	\$13	Violation Final Penalty Total
			\$21,800
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<b>\$10,000</b>

### Economic Benefit Worksheet

**Respondent** Shell Oil Company  
**Case ID No.** 37712  
**Reg. Ent. Reference No.** RN100211879  
**Media** Air  
**Violation No.** 2

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

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

**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	\$1,000	18-Jan-2009	23-Apr-2009	0.26	\$13	n/a	\$13
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated expense to implement measures designed to ensure the proper maintenance of the caustic injection system. The Date Required is the date of the emissions event. The Final Date is the date that corrective measures 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**    **\$1,000**    **TOTAL**    **\$13**

# Compliance History Report

Customer/Respondent/Owner-Operator: CN601542012 Shelf Oil Company Classification: AVERAGE Rating: 2.97  
Regulated Entity: RN100211879 SHELL OIL DEER PARK Classification: AVERAGE Site Rating: 4.56

ID Number(s):		ACCOUNT NUMBER	
	AIR OPERATING PERMITS		HG0659W
	AIR OPERATING PERMITS	PERMIT	1669
	AIR OPERATING PERMITS	PERMIT	1668
	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	1940
	AIR OPERATING PERMITS	PERMIT	1942
	AIR OPERATING PERMITS	PERMIT	3179
	WASTEWATER	PERMIT	WQ0000402000
	WASTEWATER	PERMIT	TPDES0004863
	WASTEWATER	PERMIT	TX0004863
	WASTEWATER	PERMIT	WQ0000403000
	WASTEWATER	PERMIT	TPDES0004871
	WASTEWATER	EPA ID	TX0004871
	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	55730
	AIR NEW SOURCE PERMITS	REGISTRATION	55869
	AIR NEW SOURCE PERMITS	REGISTRATION	76315
	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	8238
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	18576
AIR NEW SOURCE PERMITS	PERMIT	18768
AIR NEW SOURCE PERMITS	PERMIT	19849
AIR NEW SOURCE PERMITS	PERMIT	22038
AIR NEW SOURCE PERMITS	EPA ID	PSDTX815
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	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	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	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	PERMIT	48912
AIR NEW SOURCE PERMITS	PERMIT	56476
AIR NEW SOURCE PERMITS	PERMIT	56496
AIR NEW SOURCE PERMITS	PERMIT	70903
AIR NEW SOURCE PERMITS	PERMIT	71223
AIR NEW SOURCE PERMITS	REGISTRATION	71567
AIR NEW SOURCE PERMITS	PERMIT	54061
AIR NEW SOURCE PERMITS	PERMIT	50548
AIR NEW SOURCE PERMITS	PERMIT	52565
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	70612
AIR NEW SOURCE PERMITS	REGISTRATION	74572
AIR NEW SOURCE PERMITS	REGISTRATION	75045
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	PSDTX974
AIR NEW SOURCE PERMITS	REGISTRATION	77284
AIR NEW SOURCE PERMITS	REGISTRATION	76699
AIR NEW SOURCE PERMITS	REGISTRATION	77952
AIR NEW SOURCE PERMITS	REGISTRATION	76265
AIR NEW SOURCE PERMITS	REGISTRATION	78839
AIR NEW SOURCE PERMITS	REGISTRATION	78864
AIR NEW SOURCE PERMITS	REGISTRATION	78624
AIR NEW SOURCE PERMITS	REGISTRATION	78816
AIR NEW SOURCE PERMITS	REGISTRATION	79604
AIR NEW SOURCE PERMITS	REGISTRATION	80525
AIR NEW SOURCE PERMITS	REGISTRATION	80503
AIR NEW SOURCE PERMITS	REGISTRATION	81503
AIR NEW SOURCE PERMITS	REGISTRATION	81971
AIR NEW SOURCE PERMITS	REGISTRATION	85596
AIR NEW SOURCE PERMITS	REGISTRATION	87183
AIR NEW SOURCE PERMITS	REGISTRATION	84642
AIR NEW SOURCE PERMITS	REGISTRATION	84354
AIR NEW SOURCE PERMITS	REGISTRATION	87871
AIR NEW SOURCE PERMITS	REGISTRATION	87174
AIR NEW SOURCE PERMITS	REGISTRATION	84538
AIR NEW SOURCE PERMITS	REGISTRATION	87173
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 CONTROL	PERMIT	WDW172
UNDERGROUND INJECTION CONTROL	PERMIT	WDW173
PETROLEUM STORAGE TANK STAGE II	REGISTRATION	32780
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
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0659W

Location: 5900 HIGHWAY 225, DEER PARK, TX, 77536

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 20, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 28, 2004 to May 28, 2009

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

Name: John Muennink Phone: (361) 825-3423

### 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/operator of the site during the compliance period? Yes

3. If Yes, who is the current owner/operator?

OWNOPR	Shell Deer Park Refining Company
OWNOPR	Shell Chemical LP
OWNOPR	Shell Oil Company
OWN	Deer Park Refining Limited Partnership
OPR	Shell Oil Products Company, L.L.C.
OWNOPR	Shell Chemical Company

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

OWN Equilon Enterprises LLC

5. When did the change(s) in owner or operator occur?

06/10/2004

6. Rating Date: 9/1/2008 Repeat Violator: NO

### Components (Multimedia) for the Site :

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

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: 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 unspeciated 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.

Effective Date: 08/15/2008

ADMINORDER 2008-0079-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 3179, SC 6 PERMIT

Description: Shell failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 1,326.72 pounds ("lbs") of VOC were released from the vent stream collection vessel, V-8342., in the Phenol Acetone Unit during an emissions event that which occurred on August 9, 2007 and lasted 12 hours and 17 minutes. Since the emissions event was avoidable, Shell failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code 101.222.

Effective Date: 09/22/2008

ADMINORDER 2007-1789-AIR-E

Classification: Moderate

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

Rqmt Prov: Permit No. 21262, Special Condition #1 PERMIT

Description: Shell failed to prevent an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: Permit No. 21262, Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter F 101.221(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382, SubChapter D 382.085(b)

Description: Failure to keep a flame present at a flare at all times.

Classification: Moderate

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

Rqmt Prov: Permit No. 21262, Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions.

Effective Date: 09/22/2008

ADMINORDER 2007-1472-AIR-E

Classification: Moderate

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

Rqmt Prov: No.1968, Special Condition #1, MAERT PERMIT

Description: Shell failed to prevent an avoidable emissions event that resulted in the release of a large quantity of VOCs.

Classification: Moderate

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

Rqmt Prov: Permit No.3214, Special Condition #1 PERMIT

Description: failed to comply with permitted emissions limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
5C THSC Chapter 382, SubChapter D 382.085(b)

Description: Failure to list the compound descriptive type for the emissions.

Classification: Moderate

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

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

Description: failed to comply with permitted emissions limits

Effective Date: 11/06/2008

ADMINORDER 2007-1218-AIR-E

Classification: Moderate

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

Rqmt Prov: Permit No.3173, Special Condition #1 PERMIT

Description: Failure to install the metallurgically correct cap to a pump causing a leak to develop on a pump.

Classification: Moderate

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: No. 9334, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

Description: Failed to notify the TCEQ Region Office of an emission event within 24 hours.

Effective Date: 11/17/2008

ADMINORDER 2008-0283-AIR-E

Classification: Moderate

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

Rqmt Prov: NSR Permit 3219 and PST-TX-974, MAERT PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: No. 21262, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 7,275 lbs of sulfur dioxide, 38.50 lbs of CO, 5.33 lbs of NOx, 77.30 lbs of H2S, 304.3 lbs of volatile organic compounds, and 0.70 lbs of particulate matter were released through the East Property Flare in the Catalytic Cracker Feed Hydrotreater Unit during an emissions event (Incident No. 99227) that occurred on October 24, 2007 and lasted one hour and 50 minutes.

Effective Date: 12/04/2008

ADMINORDER 2006-0328-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 3219 and PSD-TX-974, GC 8 PERMIT  
TCEQ Flex Air Permit 21262/PSDTX928, SC1 PERMIT

Description: Shell failed to prevent the unauthorized release of air contaminants into the atmosphere.

Classification: Minor

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

Description: Shell failed to comply with emissions event reporting requirements.

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Air Permit #21262, SC1 PERMIT

Description: Shell failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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/PSD-TX-974, G.C. 8 PERMIT

Description: Shell failed to prevent unauthorized emissions.

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. 3179, General Condition 8 PERMIT

Description: Shell failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
5C THSC Chapter 382 382.085(b)

Description: Shell failed to properly seal open-ended lines.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)  
5C THSC Chapter 382 382.085(b)

Description: Shell failed to monitor new valves which were put into service at the OP-3 unit on a monthly basis.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 21262, Special Condition 1 PERMIT  
Permit No. 3219, General Condition 8 PERMIT

Description: Shell failed to prevent unauthorized emissions.

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: No. 3219, General Condition 8 PERMIT

Description: Shell failed to prevent unauthorized emissions.

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, General Condition 8 PERMIT

Description: Shell failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: No. 21262, SC #1 PERMIT

Description: Shell failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THSC Chapter 382 382.085(b)

Description: Shell failed to submit an emissions event report within two weeks after the end of the event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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, GC 8 PERMIT

Description: Shell failed to prevent unauthorized emissions.

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 3179, General Condition 8 PERMIT

Description: Shell failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 2162/PSDTX 928, S.C. 1 PERMIT

Description: Shell failed to prevent unauthorized emissions.

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: Permit No. 21262/PSD-TX-928, S.C. 1 PERMIT

Description: Shell failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: #21262, Special Condition #1 PERMIT

Description: Shell failed to prevent unauthorized emissions.

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(3)(i)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(7)(ii)

Rqmt Prov: Permit 50099, Provision V.1.2.b. PERMIT

Description: Shell failed to comply with BIF operating parameters for the total ash feed rate, by not revising the data in the Distributed Control Systems for the correct level of ash being fed into the unit.

Classification: Moderate

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

Rqmt Prov: #21262, Special Condition #1 PERMIT

Description: Shell failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THSC Chapter 382 382.085(b)

Description: Shell failed to identify the preconstruction authorization number in the final report submitted to the agency for the facility involved in the emissions event, which occurred on June 15, 2005, in the CCU.

Classification: Moderate

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

Rqmt Prov: Permit No.21262, Special Condition No. 1 PERMIT

Description: Shell failed to prevent unauthorized emissions.

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 D 382.085(b)

Rqmt Prov: Permit No. 21262/PSD-TX-928, S.C. No. 1 PERMIT

Description: Shell failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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/ PSD-TX-974, G.C. 8 PERMIT

Description: Shell failed to comply with the permitted emission limits.

Classification: Moderate

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

Rqmt Prov: Permit No. 3173, Special Condition 13 PERMIT

Description: Shell failed to comply with the permitted emission limits.

Classification: Minor

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

Description: Shell failed to submit an initial notification of an emissions event within the 24-hour period for the emissions event that occurred on June 28, 2006 at Tank T-75A.

Classification: Moderate

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

Rqmt Prov: Permit No.3178, Special Condition No.1 PERMIT

Description: Shell failed to comply with the permitted emission limits.

Classification: Moderate

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

5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Permit No.21262, Special Condition No. 1 PERMIT  
Description: Shell failed to prevent an unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 112, SubChapter A 112.3(b)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: TCEQ Flexible Air Permit No. 21262, SC1 PERMIT  
Description: Shell failed to prevent an avoidable emissions event.

Effective Date: 02/08/2009

ADMINORDER 2007-0837-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: #21262, Special Condition #1 PERMIT  
Description: Failed to prevent unauthorized emissions during an emissions event that started on December 5, 2005.  
Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failed to submit a PI-7 Form within 10 days following modification of the three storage tanks.  
Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(2)(A)  
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 G 63.113(a)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: FOP #O-01945, ST&C #1A OP  
FOP #O-01945, ST&C #21 OP  
NSR Permit #3179, SC #2 PERMIT  
Description: Failed to comply with the 20 ppm HAP limit for Spent Air Incinerator H9200.  
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: FOP #O-01945, ST&C #21 OP  
NSR Permit #3179, SC#1 PERMIT  
Description: Failed to comply with the 9.0 lbs/hr acetone emissions limit for Spent Air Incinerator H9200.  
Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(2)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: FOP #O-01945, ST&C #1A OP  
Description: Failed to comply with the 20 ppm VOC emissions limit for Spent Air Incinerator H9200.  
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)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: FOP #O-01945, ST&C #1A OP  
FOP #O-01945, ST&C #21 OP  
NSR Permit #3179, SC #21E PERMIT  
Description: Failed to maintain a cap, plug, or blind flange on all open-ended lines.  
Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(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 63.162(f)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: FOP #O-01945, ST&C #1A OP  
FOP #O-01945, ST&C #21 OP  
NSR Permit #3179, SC #21H PERMIT

Description: Failed to maintain a leaking component tag on leaking components until the component is repaired.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP #O-01945, ST&C #1A OP

Description: Failed to make a first attempt to repair a leaking component within five days after discovery.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.144(1)(E)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP #O-01945, General Terms & Conditions OP

Description: Failed to maintain all required monitoring analysis data.

Classification: Minor

Citation: 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 A 63.11(b)(5)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(a)(2)  
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: FOP #O-01945, ST&C #1A OP

FOP #O-01945, ST&C #21 OP

NSR Permit #3179, SC #14 PERMIT

Description: Failed to perform continuous monitoring of the flare pilot flame.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP #O-01945 General Terms & Conditions OP

Description: Failed to submit an annual compliance certification and deviation report within 30 days after the reporting period.

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: No.3219 and PSD-TX-974, MAERT PERMIT

Description: Failed to prevent unauthorized emissions during a December 14, 2006 emissions event.

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: No.3219, MAERT PERMIT

PSD-TX-974 PERMIT

Description: Failed to prevent unauthorized emissions during a February 1, 2007 emissions event.

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	06/03/2004	(270210)
2	06/18/2004	(270854)
3	06/18/2004	(271341)
4	06/21/2004	(295213)
5	06/23/2004	(352010)
6	07/22/2004	(352011)
7	07/26/2004	(352004)
8	08/11/2004	(287399)
9	08/11/2004	(287418)

10	08/11/2004	(288458)
11	08/11/2004	(288745)
12	08/16/2004	(279239)
13	08/16/2004	(279252)
14	08/23/2004	(352012)
15	08/24/2004	(352003)
16	08/24/2004	(352005)
17	08/31/2004	(267451)
18	08/31/2004	(268068)
19	08/31/2004	(292677)
20	09/07/2004	(292099)
21	09/22/2004	(352013)
22	10/04/2004	(352006)
23	10/18/2004	(335028)
24	10/20/2004	(352007)
25	10/20/2004	(352014)
26	11/11/2004	(289756)
27	11/22/2004	(352015)
28	11/23/2004	(352008)
29	11/29/2004	(339553)
30	12/05/2004	(268602)
31	12/11/2004	(341292)
32	12/14/2004	(341177)
33	12/15/2004	(340217)
34	12/20/2004	(352016)
35	12/27/2004	(352009)
36	12/30/2004	(344374)
37	12/30/2004	(344491)
38	01/06/2005	(344370)
39	01/06/2005	(344373)
40	01/10/2005	(279219)
41	01/20/2005	(381814)
42	01/24/2005	(381811)
43	02/22/2005	(350798)
44	02/22/2005	(381812)
45	03/22/2005	(381813)
46	03/23/2005	(381809)
47	03/28/2005	(381810)
48	04/01/2005	(346780)
49	04/22/2005	(419640)
50	04/22/2005	(419642)
51	04/22/2005	(575179)
52	04/29/2005	(344372)
53	05/09/2005	(378729)
54	05/18/2005	(575182)
55	06/20/2005	(575185)
56	06/21/2005	(419641)
57	06/21/2005	(419643)
58	07/13/2005	(374690)
59	07/18/2005	(379933)
60	07/18/2005	(379934)
61	07/18/2005	(575188)
62	07/20/2005	(400891)
63	07/21/2005	(400399)
64	07/28/2005	(379300)
65	08/02/2005	(400361)
66	08/03/2005	(399624)
67	08/05/2005	(341194)
68	08/05/2005	(341195)
69	08/05/2005	(341198)

70	08/05/2005	(341200)
71	08/05/2005	(341201)
72	08/15/2005	(453221)
73	08/16/2005	(404327)
74	08/16/2005	(404329)
75	08/18/2005	(404406)
76	08/22/2005	(400922)
77	08/22/2005	(575191)
78	08/23/2005	(401945)
79	08/23/2005	(404915)
80	08/25/2005	(405926)
81	08/30/2005	(401403)
82	09/23/2005	(440775)
83	09/23/2005	(440776)
84	09/27/2005	(575193)
85	09/28/2005	(431096)
86	10/04/2005	(405964)
87	10/05/2005	(406803)
88	10/05/2005	(407310)
89	10/05/2005	(431095)
90	10/05/2005	(431097)
91	10/10/2005	(406428)
92	10/24/2005	(468331)
93	10/24/2005	(575195)
94	10/26/2005	(433389)
95	10/28/2005	(405406)
96	11/03/2005	(431819)
97	11/04/2005	(431796)
98	11/04/2005	(431865)
99	11/14/2005	(371956)
100	11/23/2005	(575197)
101	11/28/2005	(468332)
102	12/08/2005	(418800)
103	12/16/2005	(451110)
104	12/21/2005	(575199)
105	12/22/2005	(575200)
106	12/27/2005	(468333)
107	01/24/2006	(451885)
108	01/24/2006	(468334)
109	01/24/2006	(575201)
110	02/16/2006	(454090)
111	02/21/2006	(455170)
112	02/21/2006	(575174)
113	02/23/2006	(455872)
114	02/23/2006	(455897)
115	02/24/2006	(438342)
116	02/24/2006	(468329)
117	02/25/2006	(456944)
118	02/25/2006	(457085)
119	02/27/2006	(456661)
120	02/27/2006	(457162)
121	02/28/2006	(457143)
122	02/28/2006	(457152)
123	03/03/2006	(455540)
124	03/09/2006	(457675)
125	03/17/2006	(451544)
126	03/20/2006	(431859)
127	03/20/2006	(571632)
128	03/21/2006	(575176)
129	03/23/2006	(290016)

130	03/23/2006	(468330)
131	03/28/2006	(405965)
132	04/03/2006	(455004)
133	04/21/2006	(575180)
134	04/24/2006	(449499)
135	04/24/2006	(498125)
136	04/26/2006	(455005)
137	04/27/2006	(440023)
138	04/28/2006	(462216)
139	05/10/2006	(266908)
140	05/10/2006	(268067)
141	05/12/2006	(461088)
142	05/17/2006	(461235)
143	05/17/2006	(466235)
144	05/22/2006	(498126)
145	05/22/2006	(575183)
146	05/26/2006	(460095)
147	05/26/2006	(460156)
148	05/26/2006	(460174)
149	05/26/2006	(460637)
150	05/30/2006	(459416)
151	05/30/2006	(460198)
152	05/31/2006	(455293)
153	06/12/2006	(455296)
154	06/13/2006	(457735)
155	06/14/2006	(480612)
156	06/15/2006	(449850)
157	06/16/2006	(575186)
158	06/20/2006	(498127)
159	06/30/2006	(463111)
160	06/30/2006	(466561)
161	07/10/2006	(482757)
162	07/11/2006	(482407)
163	07/11/2006	(482755)
164	07/11/2006	(482760)
165	07/24/2006	(520133)
166	07/24/2006	(575189)
167	07/26/2006	(487301)
168	07/27/2006	(486448)
169	07/31/2006	(482753)
170	08/08/2006	(482747)
171	08/14/2006	(480383)
172	08/18/2006	(457259)
173	08/22/2006	(575192)
174	08/23/2006	(457432)
175	08/25/2006	(510170)
176	08/28/2006	(479997)
177	08/29/2006	(479999)
178	08/29/2006	(509957)
179	08/30/2006	(509636)
180	08/31/2006	(457283)
181	09/22/2006	(575194)
182	09/25/2006	(520134)
183	09/29/2006	(487313)
184	10/04/2006	(510017)
185	10/04/2006	(512388)
186	10/05/2006	(510021)
187	10/05/2006	(512392)
188	10/05/2006	(512393)
189	10/13/2006	(510023)

190	10/23/2006	(575196)
191	10/24/2006	(544406)
192	10/26/2006	(512394)
193	10/27/2006	(515112)
194	10/31/2006	(343595)
195	10/31/2006	(509694)
196	11/06/2006	(515706)
197	11/16/2006	(512687)
198	11/16/2006	(514711)
199	11/21/2006	(517284)
200	11/22/2006	(575198)
201	11/27/2006	(544407)
202	12/07/2006	(487985)
203	12/07/2006	(488004)
204	12/07/2006	(488023)
205	12/07/2006	(488025)
206	12/21/2006	(534053)
207	12/27/2006	(544408)
208	12/27/2006	(544409)
209	01/19/2007	(531892)
210	01/22/2007	(575202)
211	01/31/2007	(537439)
212	01/31/2007	(538238)
213	01/31/2007	(538659)
214	02/17/2007	(532455)
215	02/22/2007	(575167)
216	02/22/2007	(575175)
217	02/23/2007	(532452)
218	02/23/2007	(532463)
219	02/27/2007	(532471)
220	03/01/2007	(509707)
221	03/05/2007	(406521)
222	03/21/2007	(575177)
223	03/23/2007	(575168)
224	04/12/2007	(554202)
225	04/19/2007	(575169)
226	04/23/2007	(575181)
227	04/25/2007	(532459)
228	04/25/2007	(542681)
229	04/30/2007	(542592)
230	04/30/2007	(542683)
231	05/07/2007	(537121)
232	05/08/2007	(542690)
233	05/14/2007	(542697)
234	05/16/2007	(575170)
235	05/18/2007	(542652)
236	05/22/2007	(575184)
237	05/29/2007	(559183)
238	05/30/2007	(560809)
239	06/20/2007	(575171)
240	06/22/2007	(575187)
241	06/25/2007	(563779)
242	06/25/2007	(564308)
243	06/27/2007	(564822)
244	06/27/2007	(564828)
245	07/06/2007	(565610)
246	07/10/2007	(565422)
247	07/20/2007	(575172)
248	07/20/2007	(575173)
249	07/23/2007	(575178)

250	07/23/2007	(575190)
251	08/01/2007	(567841)
252	08/13/2007	(571026)
253	08/14/2007	(567884)
254	08/15/2007	(571883)
255	08/17/2007	(571025)
256	08/22/2007	(607528)
257	09/18/2007	(571877)
258	09/20/2007	(601572)
259	09/24/2007	(607529)
260	10/12/2007	(560777)
261	10/16/2007	(593594)
262	10/18/2007	(601573)
263	10/23/2007	(750225)
264	10/25/2007	(596852)
265	11/06/2007	(565492)
266	11/06/2007	(593367)
267	11/19/2007	(750227)
268	11/20/2007	(619483)
269	11/30/2007	(601276)
270	11/30/2007	(608138)
271	12/20/2007	(610419)
272	12/20/2007	(619484)
273	01/03/2008	(750229)
274	01/17/2008	(600635)
275	01/17/2008	(619485)
276	01/22/2008	(613355)
277	01/22/2008	(750231)
278	02/01/2008	(607448)
279	02/01/2008	(613923)
280	02/01/2008	(615075)
281	02/05/2008	(610680)
282	02/13/2008	(616505)
283	02/14/2008	(616503)
284	02/19/2008	(671990)
285	02/25/2008	(750215)
286	02/28/2008	(637020)
287	03/24/2008	(638443)
288	03/24/2008	(750218)
289	03/28/2008	(600448)
290	03/31/2008	(610634)
291	04/09/2008	(610636)
292	04/11/2008	(610638)
293	04/11/2008	(637073)
294	04/17/2008	(671992)
295	04/21/2008	(639674)
296	04/21/2008	(750219)
297	04/22/2008	(653495)
298	04/24/2008	(671991)
299	05/20/2008	(654015)
300	05/20/2008	(654943)
301	05/20/2008	(689907)
302	05/22/2008	(750220)
303	05/23/2008	(637956)
304	05/23/2008	(638051)
305	06/01/2008	(640777)
306	06/06/2008	(654842)
307	06/10/2008	(671393)
308	06/17/2008	(682693)
309	06/18/2008	(683279)

310	06/20/2008	(689908)
311	06/23/2008	(750221)
312	06/27/2008	(659663)
313	06/30/2008	(600450)
314	07/11/2008	(685564)
315	07/17/2008	(656863)
316	07/17/2008	(686593)
317	07/17/2008	(689909)
318	07/21/2008	(750222)
319	07/23/2008	(683726)
320	07/24/2008	(682501)
321	07/24/2008	(685354)
322	08/14/2008	(686729)
323	08/19/2008	(689497)
324	08/20/2008	(685355)
325	08/20/2008	(710691)
326	08/22/2008	(699629)
327	08/25/2008	(750223)
328	08/31/2008	(637068)
329	08/31/2008	(637076)
330	09/05/2008	(700024)
331	09/10/2008	(702237)
332	09/10/2008	(702256)
333	09/19/2008	(710692)
334	09/22/2008	(750224)
335	10/09/2008	(703510)
336	10/16/2008	(704306)
337	10/16/2008	(710693)
338	10/22/2008	(750226)
339	10/23/2008	(682549)
340	10/27/2008	(706455)
341	10/27/2008	(706540)
342	11/03/2008	(700060)
343	11/03/2008	(701753)
344	11/19/2008	(727450)
345	11/24/2008	(684019)
346	11/24/2008	(750228)
347	12/04/2008	(709362)
348	12/04/2008	(709367)
349	12/12/2008	(721015)
350	12/18/2008	(727451)
351	12/22/2008	(750230)
352	12/29/2008	(722320)
353	12/30/2008	(705857)
354	01/09/2009	(723179)
355	01/15/2009	(707647)
356	01/20/2009	(708950)
357	01/20/2009	(727452)
358	01/23/2009	(750232)
359	02/09/2009	(709972)
360	02/18/2009	(735789)
361	02/19/2009	(750212)
362	02/20/2009	(723069)
363	02/25/2009	(750216)
364	03/10/2009	(722825)
365	03/19/2009	(750213)
366	03/23/2009	(750217)
367	04/02/2009	(722827)
368	04/17/2009	(737361)
369	04/17/2009	(740668)

370 04/20/2009 (750214)  
 371 04/30/2009 (744066)  
 372 05/11/2009 (741959)  
 373 05/13/2009 (737311)  
 374 05/13/2009 (742834)  
 375 05/14/2009 (742134)  
 376 05/28/2009 (726407)

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

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

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)  
 No. 21262 and PSD-TX-928 PERMIT  
 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)  
 Description: Failure to meet the limit for one or more permit parameter

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)  
 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: 12/30/2004 (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)  
 Permit #21262/PSD-TX-928, SC#1 PA  
 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)  
 Permit #:21262,PSD-TX-928, SC #1 PA  
 Description: Failure to Control Emissions

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)  
 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)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failure to control emissions.

Date: 05/31/2005 (575185)  
 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: 07/31/2005 (419643)  
 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: 07/31/2005 (575191)  
 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: 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)  
 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)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failure to control emissions.

Date: 11/30/2005 (575199)  
 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: 12/08/2005 (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: 02/27/2006 (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)  
NSR Permit #3173, Special Condition #1 PA

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

Date: 05/17/2006 (461235)

Self Report? NO Classification: Moderate

Citation: 1946, Special Condition 15H OP  
1946, Special Condition 1A OP  
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)

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: 1668, Special Condition 1A OP  
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)

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

Self Report? NO Classification: Moderate

Citation: 1668, Special Condition 1A OP  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3219, Special Conditions 5 and 6 PERMIT  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Self Report? NO Classification: Minor

Citation: 1946, Special Condition 1A OP  
1946, Special Condition 21 OP  
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)  
3216, Special Condition 6E PERMIT  
3218, Special Condition 8E PERMIT  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Nine OELs in HT2; 2 OELs in CIPX  
Self Report? NO Classification: Minor  
Citation: 18576, Special Condition 7E PERMIT  
1946, Special Condition 1A OP  
1946, Special Condition 21 OP  
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)

Description: Failure to seal 18 OELs in IRU.  
Self Report? NO Classification: Minor  
Citation: 1946, Special Condition 1A OP  
1946, Special Condition 21 OP  
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)  
3217, Special Condition 3E PERMIT  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)

Description: Failure to seal OELs in BD3.  
Self Report? NO Classification: Moderate  
Citation: 1946, Special Condition 21 OP  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3216, Special Condition 1 PERMIT  
3216, Special Condition 5 PERMIT  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Furnaces FOL-601 and FOL-602 exceeded the permitted maximum hourly firing rates.  
Self Report? NO Classification: Moderate  
Citation: 1946, Special Condition 21 OP  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3216, Special Conditions 1 and 4 PERMIT  
5C THC Chapter 382, SubChapter A 382.085(b)

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)  
No. 3219 and PSD-TX-974 MAERT PERMIT  
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)  
9334 MAERT PERMIT  
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)  
Self-reporting Requirements PERMIT  
Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.

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)  
 Description: Failure to meet the limit for one or more permit parameter  
  
 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)  
 Description: Failure to meet the limit for one or more permit parameter  
  
 Date: 07/31/2006 (575192)  
 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: 08/18/2006 (457259)  
 Self Report? NO Classification: Minor  
 Citation: 266, SC 7E PERMIT  
 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)  
 3985A, SC 7E PERMIT  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 O-01947, Special Condition 13 OP  
 O-01947, Special Condition 1A OP  
 Description: 3 OELs in SITEFE and 1 OEL in WRACKFE  
  
 Date: 08/23/2006 (457432)  
 Self Report? NO Classification: Minor  
 Citation: 1948, Special Condition 1A OP  
 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)  
 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: 1948, Special Condition 13 OP  
 1948, Special Condition 1A OP  
 19849, Special Condition 11E PERMIT  
 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)  
 Description: 10 OELs in MPLANTFE  
 Self Report? NO Classification: Minor  
 Citation: 1948, Special Condition 13 OP  
 1948, Special Condition 1A OP  
 1968, Special Condition 3E PERMIT  
 19849, Special Condition 11E PERMIT  
 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)  
 3173, Special Condition 6E PERMIT  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: 5 OELs in LPGFE; 15 OELs in IPAFINFE; 8 OELs in IPACRUFEE; 1 OEL in HPLANTFE  
 Self Report? NO Classification: Minor  
 Citation: 1948, Special Condition 13 OP  
 1948, Special Condition 1A OP

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)  
 3173, Special Condition 6F PERMIT  
 5C THC Chapter 382, SubChapter A 382.085(b)

**Description:** Failure to monitor Valve Tag No. 301622 in IPAFINFE during the first quarter of 2005  
**Self Report?** NO **Classification:** Minor  
**Citation:** 1948, Special Condition 13 OP  
 19849, Special Condition 7D PERMIT  
 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)

**Description:** Failure to inspect Tank T667B by the due date of March 2005  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 1948, Special Condition 13 OP  
 30 TAC Chapter 106, SubChapter K 106.261(a)(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 3173, Special Condition 1 PERMIT  
 5C THC Chapter 382, SubChapter A 382.085(b)

**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:** 1948, Special Condition 1H(iv) OP  
 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)

**Description:** Failure to repair Component No. 200706 in IPACRUFE within seven days  
**Self Report?** NO **Classification:** Minor  
**Citation:** 1948, Special Condition 1A OP  
 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)

**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)  
 3219, Special Condition 2I PERMIT  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 O-1668, Special Condition 15 OP  
 O-1668, Special Condition 1H(v) OP

**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)  
 3219, Special Condition 2E PERMIT  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 O-1668, Special Condition 15 OP  
 O-1668, Special Condition 1A OP

**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)  
 3214, Special Condition 5E PERMIT  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 O-1668, Special Condition 15 OP

O-1668, Special Condition 1A OP  
 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)  
 3214, Special Condition 5E PERMIT  
 3219, Special Condition 2E PERMIT  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 O-1668, Special Condition 15 OP  
 O-1668, Special Condition 1A OP

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)  
 3219, Maximum Allowable Emission Rates PERMIT  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 O-1668, Special Condition 15 OP

Description: Exceedance of VOC MAER In lpy 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)  
 9334, Special Condition 15E PERMIT  
 O-1943, Special Condition 17 OP  
 O-1943, Special Condition 1A OP

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)  
 9334, Special Condition 7 PERMIT  
 O-1943, Special Condition 17 OP

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)  
 O-1943, Special Condition 1A OP

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)  
 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)  
 9334, Special Condition 8 PERMIT  
 O-1943, Special Condition 17 OP

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)  
 9334, Special Condition 10D PERMIT  
 O-1943, Special Condition 17 OP

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)  
9334, Special Condition 10D PERMIT  
O-1943, Special Condition 17 OP  
O-1943, Special Condition 1A OP  
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)  
48912, Special Condition 5 PERMIT  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-2108, Special Condition 15 OP

Description: Failure to analyze wastewater for isobutyraldehyde

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-2108, Special Condition 1A OP

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)  
O-2108, Special Condition 1A OP

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)  
O-2108, Special Condition 1A OP

Description: Failure to monitor the presence of the pilot flame on the A&S Flare, EPN A1301

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)  
FOP #O-01669, Special Condition #1A OP

Description: Failure to record the daily visual observations of flare per 30 TAC 111.111(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)  
FOP #O-01669, Special Condition #1A OP  
FOP #O-01669, Special Condition #1D OP

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)

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

Date: 12/31/2006 (544409)

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: 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)  
FOP O-01946, Special Condition 1A OP  
FOP O-01946, Special Condition 1M(iv) OP  
FOP O-01946, Special Condition 21 OP  
NSR #18576, Special Condition 7H PA  
NSR #3216, Special Condition 6H PA  
NSR #3217, Special Condition 3H PA

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)  
FOP # O-01946, Special Condition 1A OP  
FOP #O-01946, Special Condition 21 OP  
NSR 3216, Special Condition 2 PA  
NSR 3218, Special Condition 2 PA

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)  
FOP O-01946, Special Condition 1A OP  
FOP O-01946, Special Condition 1M(iv) OP  
FOP O-01946, Special Condition 21 OP  
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 PA

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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

FOP O-01946, Special Condition 21 OP  
NSR Permit 3216, Special Condition 5 PA

**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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)  
FOP O-01946, Special Condition 1A OP  
FOP O-01946, Special Condition 21 OP  
NSR Permit 3219, Special Condition 4 PA

**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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
FOP O-01946, Special Condition 21 OP  
NSR Permit 3216, Special Condition 1 PA

**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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
FOP O-01946, Special Condition 1M(ii) OP

**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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
FOP O-01946, Special Condition 1M(ii) OP

**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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)  
FOP O-01946, Special Condition 1A OP

**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)  
40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.73(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
FOP O-01946, Special Condition 28 OP

**Description:** Failure to provide chemical process training to refinery personnel per by 40 CFR 68.73(c).

**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)  
 FOP #O-01947, General Terms & Conditions OP  
 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)  
 FOP #O-01947, General Terms & Conditions OP  
 Description: Failure to submit a Deviation report within 30 days as required.

Date: 02/28/2007 (575168)  
 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: 02/28/2007 (575177)  
 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: 03/31/2007 (575169)  
 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: 04/30/2007 (575170)  
 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: 05/14/2007 (542697)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)  
 Description: Failure to submit the initial notification ten days prior or as soon as practicable for a major turnaround.

Date: 05/31/2007 (575171)  
 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: 05/31/2007 (575187)  
 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 (575172)  
 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 (575173)  
 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: 08/29/2007 (543555)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01669, General Terms/Condition OP  
Description: failed to submit a permit compliance certification and a deviation report in a timely manner.

Date: 08/31/2007 (601572)  
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: 09/30/2007 (601573)  
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: 02/05/2008 (610680)  
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 63, SubChapter C, PT 63, SubPT H 63.162(f)(1)  
5C THSC Chapter 382 382.085(b)  
NSR 18576, Special Condition 7H PERMIT  
NSR 3217, Special Condition 3H PERMIT  
O-01946 Special Conditions 1M(iv) OP  
O-01946 Special Conditions 1A OP  
Description: Failure to affix and maintain leaking component tags on Leak Detection and Repair components.

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 THSC Chapter 382 382.085(b)  
NSR 3216, Special Condition 2 PERMIT  
NSR 3218, Special Condition 2 PERMIT  
O-01946 Special Condition 1A OP  
O-01946 Special Condition 21 OP  
Description: Failure to affix permanent identification tags on 76 LDAR components.

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 THSC Chapter 382 382.085(b)  
NSR 18576, Special Condition 7E PERMIT  
NSR 3216, Special Condition 6E PERMIT  
NSR 3217, Special Condition 3E PERMIT  
NSR 3218, Special Condition 8E PERMIT  
O-01946 Special Condition 1A OP  
O-01946 Special Condition 1M(iv) OP  
O-01946 Special Condition 21 OP

Description: Failure to seal open-ended valves or lines with a cap, blind flange, plug, or a second valve. (CATEGORY C10 violation)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01946 Special Condition 1M(ii) OP

Description: Failure to stay below the maximum operating limit for vents in HRVOC service.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)(D)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01946 Special Condition 1M(ii) OP

Description: Failure to meet HRVOC monitoring/recordkeeping requirements.

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 THSC Chapter 382 382.085(b)  
 NSR 3216, Special Condition 11C PERMIT  
 O-01946 Special Condition 21 OP

Description: Failure to continuously monitor and record the H2S concentration on the fuel gas on analyzer AI104 at the OP-2 fuel blend drum.

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 THSC Chapter 382 382.085(b)  
 O-01946 Special Condition 21 OP  
 Special Condition 11B PERMIT

Description: Failure to continuously monitor the Gross Heating Value (GHV) measurement of the fuel gas.

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 THSC Chapter 382 382.085(b)  
 NSR 3216, Special Condition 5 PERMIT  
 O-01946 Special Condition 21 OP

Description: Failure to monitor the firing rate of the FOL602 furnace for 79 hours during the semi-annual deviation reporting period 8/24/2006 through 2/23/2007.

Date: 04/01/2008 (610634)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(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 I 61.112(a)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 NSR 3214, SC 5(E) PERMIT  
 NSR 3214, SC 6(E) PERMIT  
 NSR 3219, SC 2(E) PERMIT  
 NSR 3219, SC 8 PERMIT  
 O-01668, SC 1(A) OP  
 O-01668, SC 1(H)(v) OP  
 O-01668, SC 15(A) OP

Description: Failure to seal eighty-eight (88) open-ended lines (OEL's) from August 24, 2006 to June 28, 2007: 42 OEL's in LO3FUG, 23 OEL's in PY3FUG, and 23 OEL's in OP2FUG.

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 I 61.112(a)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.246(b)(1)  
 5C THSC Chapter 382 382.085(b)  
 NSR 3214, SC 5(H) PERMIT

NSR 3214, SC 6(H) PERMIT  
NSR 3219, SC 2(H) PERMIT  
NSR 3219, SC 8 PERMIT  
O-01668, SC 1(A) OP  
O-01668, SC 1(H)(v) OP  
O-01668, SC 15(A) OP

Description: Failure to tag seventeen (17) leaking components: 14 components in OP2FUG and 3 components in LO3FUG from September 21, 2006 to June 25, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01668, SC 1(H)(v) OP

Description: Failure to repair valve 76372A within 7 days.

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 THSC Chapter 382 382.085(b)  
NSR 56496, GC 8 PERMIT  
NSR 56496, SC 1 PERMIT  
O-01668, SC 15(A) OP

Description: Failure to stay at or below the 18.37 lb/hr NOx limit, August 24, 2006 at 0000 to February 23, 2007 at 2300, for FOL-700 (79 block hrs for 179 lbs excess NOx ) and FOL-710 (22 block hrs for 25 lbs excess NOx).

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 THSC Chapter 382 382.085(b)  
NSR 56496, SC 5 PERMIT  
O-01668, SC 15(A) OP

Description: Failure to stay at or below the 0.12 lb/MMBtu NOx limit for FOL-700 (118 days exceeded limit) and FOL-710 (39 days exceeded limit), from August 24, 2006 at 0000 to February 23, 2007 at 2300 and from February 24, 2007 at 0000 to August 23, 2007 at 2300 and to stay at or below the 0.10 lb/MMBtu NOx annual limit for calendar year 2006 for FOL-700 and FOL-710.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.136(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01668, SC 1(A) OP

Description: Failure to collect required daily samples for LO3CPI from October 24, 2006 at 0000 to November 30, 2006 at 2300.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01668, SC 1(H)(iv) OP

Description: Failure to collect samples when the HRVOC monitor was down more than 24 hrs for OP3CWT and OP2CWT (OP3CWT missed 2 samples, OP2CWT-North riser missed 2 samples, and OP2CWT-South riser missed 1 sample) from August 24, 2006 at 0000 to February 23, 2007 at 2300.

Self Report? NO Classification: Moderate

Citation: 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)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)  
NSR 3219, SC 16 PERMIT  
NSR 3219, SC 5 PERMIT  
O-01668, SC 1(A) OP  
O-01668, SC 15(A) OP

Description: Failure to verify the presence of pilot flame for 8 block hrs (invalid data or signal indicated loss of pilot and the operator logs to indicate if pilot was indeed lit were not completed) for OP2 ELFLA on February 27, 2007 from 0100 to 0900.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
O-01668, SC 1(H)(ii) OP

Description: Failure to collect samples when the HRVOC monitor was down for more than 8 hrs for OP3ELFLA (9 samples missed), OP2ELFLA (8 samples missed), OP3GRFLA (7 samples missed) from August 24, 2006 at 0000 to February 23, 2007 at 2300 and from February 24, 2007 at 0000 to August 23, 2007 at 2300.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01668, SC 1(H)(ii) OP

Description: Failure to prevent two exceedances of the site-wide HRVOC limit of 1200 lb/hr, as reported in STEERS 86796 and STEERS 90699 on February 01, 2007 from 2200 to 2300 and on May 03, 2007 from 0200 to 0600.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01668, SC 1(H)(ii) OP

Description: Failure to prevent CMS downtimes greater than 5% (OP3ELFLA (up time of 93.3%), OP2ELFLA (up time of 86.3%), and OP2GRFLA (up time of 93.7%), for calendar year 2006.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter C 122.210(a)  
5C THSC Chapter 382 382.085(b)  
O-01668, SC 15(B) OP

Description: Failure to include all authorizations in Federal Operating Permit (FOP) O-01668, issued October 18, 2004 and amended February 1, 2006.

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 60.113b(b)(1)(i)  
5C THSC Chapter 382 382.085(b)  
O-01668, SC 1(A) OP

Description: Failure to conduct physical measurements (every 5 years at least) on the primary seal of Tank AP-19.

Date: 04/09/2008 (639062)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)  
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 Kb 60.113b(a)(2)  
5C THSC Chapter 382 382.085(b)  
NSR 3173, SC 3 PERMIT  
NSR 3173, SC 8(D) PERMIT  
NSR 3985A, SC 8(D) PERMIT  
NSR19849, SC 7(D) PERMIT  
O-01948, SC 1(A) OP  
O-01948, SC 13(A) OP

Description: Failure to perform annual visual internal floating roof (IFR) inspections in OXYSOLVTANK in a timely manner.

Self Report? NO Classification: Moderate

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 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
NSR 1968, SC 3(E) PERMIT  
NSR 19849, SC 11(E) PERMIT  
NSR 19849, SC 13 PERMIT  
NSR 19849, SC 14 PERMIT  
NSR 3173, SC 6(E) PERMIT  
O-01948, 13(A) OP  
O-01948, SC 1(A) OP

O-01948, SC 1(H)(iv) OP  
**Description:** Failure to seal open-ended lines.  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter D 115.352(1)(A)  
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 THSC Chapter 382 382.085(b)  
NSR 3173, SC 6(I) PERMIT  
O-01948, SC 1(A) OP  
O-01948, SC 1(H)(iv) OP  
O-01948, SC 13(A) OP

**Description:** Failure to repair connector 702527 in IPACRUF6 (in HRVOC service) within 15 days  
**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)  
5C THSC Chapter 382 382.085(b)  
NSR 3173, SC 6(H) PERMIT  
O-01948, SC 1(A) OP  
O-01948, SC 1(H)(iv) OP  
O-01948, SC 13(A) OP

**Description:** Failure to tag two components, 201566.1 and 201589.P, on June 18, 2007.  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.725(d)(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01948, SC 1(H)(ii) OP

**Description:** Failure to prevent CMS downtimes greater than 5% for the A&S Flare CMS (HRVOC analyzer).  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01948, SC 1(H)(ii) OP

**Description:** Failure to collect samples when the HRVOC monitor went off-line for more than 8 hours for the HIPA flare and the A&S flare.  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01948, SC 1(H)(iii) OP

**Description:** Failure to collect samples when the HRVOC analyzer to CWT-1D went off-line for more than 24 hours.  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.725(c)(3)(D)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01948, SC 1(H)(ii) OP

**Description:** Failure to timely conduct quarterly CMS (HRVOC analyzer) inspections for SOLV PRV's & Vents.

**Date:** 04/11/2008 (637073)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.722(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01947, SC 1(H)(iii) OP

**Description:** Failure to prevent an exceedance of the site-wide HRVOC limit of 1200 lb/hr, as reported in STEERS 98777 on October 15, 2007 from 1400 to 1500.  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.725(c)(3)(D)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01947, SC 1(H)(ii) OP

Description: Failure to timely conduct quarterly CMS (HRVOC analyzer) inspections for Distribution, from October 16, 2006 to March 31, 2007.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01947, SC 1(H)(ii) OP  
Description: Failure to timely collect samples when the HRVOC monitor went off-line for more than 8 hours for the A&S flare.

Date: 04/11/2008 (610638)  
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)  
5C THSC Chapter 382 382.085(b)  
O-02108, SC 1(A) OP  
O-02108, SC 15(A) OP  
Permit 19849, SC 11(E) PERMIT  
Description: Failure to seal three (3) open-ended lines (OEL's) from March 20, 2007 to March 30, 2007 in ENVSOFLR1 (tag nos. 188.P, 185, and 188).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-02108, SC 1(A) OP  
Description: Failure to tag one component, tag no. 185, in ENVSOFLR1 from November 13, 2006 to November 14, 2006.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter B 115.136(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-02108, SC 1(A) OP  
Description: Failure to collect the required daily sample for the API vapor pressure from GRPAPI on January 13, 2007.

Date: 05/31/2008 (689908)  
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: 06/30/2008 (689909)  
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: 08/20/2008 (685355)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
Provision II.C.1.i. PERMIT  
Description: Failure to have an up-to-date Notice of Registration for waste streams and waste management units.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)  
30 TAC Chapter 335, SubChapter E 335.112(a)  
30 TAC Chapter 335, SubChapter F 335.152(a)(1)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)  
40 CFR Chapter 263, SubChapter I, PT 263, SubPT C 264.15  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174  
Provision II.D PERMIT  
Description: Failure to complete required inspections.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter F 335.173(a)(3)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.301(a)(2)  
Provision V.G.4.g PERMIT

Description: Failure to maintain leachate levels below twelve inches in Site 104 Landfill.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(12)  
40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.303(c)(1)  
Provision V.G.4.h PERMIT

Description: Failure to record the amount of leachate being removed from the landfill.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(4)  
40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.73(b)(9)  
Provision II.B.9 PERMIT

Description: Failure to have an Annual Waste Minimization Statement.

Date: 09/02/2008 (637076)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
FOP O-01945, General Terms & Conditions OP

Description: Failure to submit the Annual Compliance Certification (ACC) report for the certification period April 15, 2006 through October 15, 2007 within 30 days.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)  
FOP O-01945, General Terms & Conditions OP

Description: Failure to submit the second semi-annual deviation report for the period April 16, 2007 through October 15, 2007 within 30 days.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01945, SC 21 OP  
NSR 3179, GC 1 PERMIT

Description: Failure to maintain maximum vapor pressures from Tanks T-665, G-330, G331, D-402, D-403, and EX-80 from October 16, 2006 at 0000 to April 15, 2007 at 2359.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01945, SC 21(A) OP  
NSR 3179, GC 1 PERMIT  
NSR 3179, SC 10 PERMIT

Description: Failure to maintain the maximum pumping rate for Tank D-402 on February 8, 2007 from 1100 to 1300 and Tank D-392 on September 19, 2007 from 1700 to 1800.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(2)  
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 G 63.113(a)(2)  
5C THSC Chapter 382 382.085(b)  
FOP O-01945, SC 1(A) OP  
NSR 3179, SC 2 PERMIT

Description: Failure to maintain the maximum three-hour volatile organic compound (VOC) average limit of 20 ppm for H-9200 from May 1, 2007 at 0000 to October 17, 2007 at 1700.

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 THSC Chapter 382 382.085(b)  
  
FOP O-01945, SC 21(A) OP  
NSR 3179, SC 13 PERMIT

Description: Failure to maintain a minimum scrubber stream factor from V8342 to H-9200 of 98% on a twelve-month basis from October 16, 2006 at 0000 to April 15, 2007 at 2359 and from April 16, 2007 at 0000 to June 30, 2007 at 2359.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter C 122.210(a)  
5C THSC Chapter 382 382.085(b)

Description: Failure to include in the Federal Operating Permit, vent gas stream collection vessel V8342.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01945, SC 1(H)(ii) OP

Description: Failure to collect samples or collect timely samples when the HRVOC monitor was down for more than 8 hrs for the East Property Flare from November 8, 2006 at 1800 July 12, 2007 at 2050, and the Temporary Flare from March 2, 2007 at 2200 to March 3, 2007 at 0800.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.303(a)(11)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01945, SC 1(A) OP

Description: Failure to prevent an exceedance of 100 annual operating hours for P87921 (diesel demineralized water pump) from March 21, 2007 at 0000 to April 15, 2007 at 2359.

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 63, SubChapter C, PT 63, SubPT G 63.114(d)(2)  
5C THSC Chapter 382 382.085(b)  
FOP O-01945, SC 1(A) OP  
FOP O-01945, SC 21(A) OP  
NSR 3179, SC 2 PERMIT

Description: Failure to conduct monthly inspections for car-sealed bypasses to the atmosphere on vent lines V8223, V8228, V8212 (all located in GRPPAUPV3), and V8200 (located in GRPPAUPV4) from December 1, 2006 at 0000 to January 5, 2007 at 0000.

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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
5C THSC Chapter 382 382.085(b)  
FOP O-01945, SC 1(A) OP  
FOP O-01945, SC 21(A) OP  
NSR 3179, SC 20E PERMIT  
NSR 3179, SC 21E PERMIT  
NSR 3179, SC 3(B) PERMIT

Description: Failure to prevent four open-ended lines: Tag No. 4501333.P in Phenol 2 from November 13, 2006 at 0000 to November 14, 2006 at 0000; tag No. 2981 in the Cumene Unit, and tag nos. 450133 and 450425 in Phenol 2 from February 20, 2007 at 0000 to February 22, 2007 at 0000.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(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 63.181(b)  
5C THSC Chapter 382 382.085(b)  
FOP O-01945, SC 1(A) OP  
FOP O-01945, SC 21(A) OP  
NSR 3179, SC 21(H) PERMIT

Description: Failure to tag the following components: Tag No. 322769 in Phenol 3 on February 8, 2007, and tag no. 950522 in Phenol 3 on March 21, 2007, which constitutes the violation of NSR Permit 3179 SC 21H, 30 TAC 115.354(5), and 40 CFR 63.181(b)(10).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)

30 TAC Chapter 115, SubChapter H 115.725(l)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01945, SC 1(H)(iii) OP

Description: Failure to prevent a greater than 5% downtime for the East Property Flare CMS (HRVOC analyzer) for CY 2006.

Date: 09/30/2008 (710693)

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: 04/17/2009 (737361)

Self Report? NO

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Description: Failure to prevent the unauthorized discharge of untreated or partially treated wastewater. Foam and solids overflowed the North Effluent Treater (NET) aeration basin walls on January 8, 2009. Also, untreated or partially treated wastewater leaked from the temporary transfer line that was transporting wastewater from the Storm Water Impoundment Basin (SWIB) to the South Effluent Treater (SET).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)

Description: Failure to submit a non-compliance notification for the unauthorized discharge of untreated or partially treated wastewater and foam from the aeration basins at the North Effluent Treaters.

Date: 04/17/2009 (740668)

Self Report? NO

Classification: Major

Citation: 2A TWC Chapter 5, SubChapter A 5.502  
30 TAC Chapter 305, SubChapter F 305.125(7)  
30 TAC Chapter 305, SubChapter F 305.125(8)

Description: Failure to notify the Texas Commission on Environmental Quality (TCEQ) of the intent and commencement of discharge of wastewater from the Shell Refinery to the Shell Chemical plant.

#### F. Environmental audits.

Notice of Intent Date: 10/20/2003 (263033)

Disclosure Date: 12/07/2004

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.136(a)(1)  
30 TAC Chapter 115, SubChapter B 115.136(a)(4)

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: 08/06/2004 (334038)

Disclosure Date: 10/12/2004

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)

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: 40 CFR Chapter 261, SubChapter I, PT 261, SubPT A 261.3(b)(2)  
30 TAC Chapter 335, SubChapter A 335.1(59)

Description: Failure to characterize a process water stream from a leaking economizer, which contained K022 waste.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(b)  
30 TAC Chapter 335, SubChapter R 335.504  
30 TAC Chapter 335, SubChapter R 335.511  
30 TAC Chapter 335, SubChapter R 335.513  
30 TAC Chapter 335, SubChapter C 335.62

Description: Failure to characterize wastewater treatment plant residues carrying the K022 waste code.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)

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 305.62

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: 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 113.320  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.654(d)(5)

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 60.7(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)

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 GGG 60.590(a)(3)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.590(b)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(4)

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 101.10(b)  
30 TAC Chapter 101, SubChapter A 101.10(c)  
30 TAC Chapter 101, SubChapter A 101.10(d)  
30 TAC Chapter 101, SubChapter A 101.10(e)  
40 CFR Chapter 372, SubChapter J, PT 372, SubPT B 372.30(a)

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 113.100  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(I)

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 113.320  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.640(I)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.654(f)(1)(ii)

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 113.110  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(4)(I)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(6)

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 61.347(a)(1)(I)(A)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)

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 61.347(a)(1)(i)(A)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(b)

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: 01/27/2005 (350721)

Disclosure Date: 03/23/2005

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.105(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.105(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.105(d)

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120

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: 03/02/2005 (375030)

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: 04/18/2007 (562595)

No DOV Associated

Notice of Intent Date: 08/03/2007 (593493)

No DOV Associated

Notice of Intent Date: 08/24/2007 (594238)

No DOV Associated

Notice of Intent Date: 09/24/2007 (598731)

Disclosure Date: 03/25/2008

Viol. Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: PERMIT 00402

Description: Failure to maintain the storm water sewer line integrity.

Notice of Intent Date: 10/16/2007 (599701)

No DOV Associated

Notice of Intent Date: 10/15/2007 (599713)

No DOV Associated

Notice of Intent Date: 01/11/2008 (616239)

Disclosure Date: 07/16/2008  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT 00402  
Description: Failure to maintain sewer system integrity.

Notice of Intent Date: 04/08/2008 (654698)  
No DOV Associated

Notice of Intent Date: 04/18/2008 (654683)  
No DOV Associated

Notice of Intent Date: 06/17/2008 (686667)  
No DOV Associated

Notice of Intent Date: 08/18/2008 (701440)  
No DOV Associated

Notice of Intent Date: 09/08/2008 (704658)  
No DOV Associated

G. Type of environmental management systems (EMSs).

01/11/2008 01/10/2011 ENVIRONMENTAL MANAGEMENT SYSTEM NON 30 TAC CH 90 CERTIFIED

H. Voluntary on-site compliance assessment dates.  
N/A

I. Participation in a voluntary pollution reduction program.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM		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 OIL COMPANY  
RN100211879**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2009-0806-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 Oil Company ("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 operates a petroleum refinery at 5900 Highway 225 in Deer Park, 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 May 18 and June 13, 2009.
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 Thirty Thousand Dollars (\$30,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twelve Thousand Dollars (\$12,000) of the administrative penalty and Six Thousand Dollars (\$6,000) 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. Twelve Thousand Dollars (\$12,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 the Respondent has completed the following corrective measures:
  - a. Increased routine monitoring of the caustic injection system and added a requirement that involves the recording of the caustic injection rates by April 23, 2009 (Incident No. 119042);
  - b. Removed the failed switch and transformer from active service and inspected the insulation on the 12kV circuit to determine if it was fit for service on December 23, 2008 (Incident No. 118094); and
  - c. Developed and implemented an inspection and preventative maintenance schedule for electrical circuit 16H5 on May 13, 2009 (Incident No. 118094).
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 operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b) and Flexible Permit No. 21262, Special Condition No. 1, as documented during a record review conducted on March 11, 2009. Specifically, the Respondent released 1,514.6 pounds ("lbs") of volatile organic compounds ("VOC") [including 3.6 lbs of the Highly Reactive VOC ("HRVOC") ethylene and 884.2 lbs of the HRVOC propylene], 152.3 lbs of hydrogen sulfide ("H<sub>2</sub>S"), 82.7 lbs of nitrogen dioxide, 597.3 lbs of carbon monoxide ("CO"), 16.8 lbs of particulate matter ("PM") and 14,329.3 lbs of sulfur dioxide ("SO<sub>2</sub>") from the Distilling Hydrotreater ("DHT") Unit and the Catalytic Cracking Unit during an avoidable emissions event (Incident No. 118094) that began December 23, 2008 and lasted 24 hours and one minute. The event was caused by the failure of electrical insulation which resulted in a ground fault causing a power dip on the 201-2 electrical system. The motors associated with the electrical system shutdown throughout the DHT Unit leading to an unauthorized release of emissions. Since this emissions event could have been avoided by better maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b) and Flexible Permit No. 21262, Special Condition No. 1, as documented during a record review conducted on April 23, 2009. Specifically, the Respondent released 7,520.79 lbs of VOC, 16.28 lbs of H<sub>2</sub>S, 147.84 lbs of benzene, 426.70 lbs of SO<sub>2</sub>, 51.50 lbs of nitrogen oxide, 372.10 lbs of CO, 8.60 lbs of PM, 103.89 lbs of ethane, 292.53 lbs of methane, 12.75 lbs of nitrogen and 2.15 lbs of hydrogen from Distillation Unit 2 during an avoidable emissions event (Incident No. 119042) that began January 18, 2009 and lasted eight hours and four minutes. The event was caused by the malfunction of the caustic injection system resulting in the formation of corrosive material, leading to a flange leak on the outlet of the crude overhead exchanger. Since this emissions event could have been avoided by better maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

## 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 Oil Company, Docket No. 2009-0806-AIR-E" to:

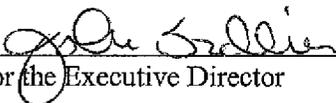
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twelve Thousand Dollars (\$12,000) 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. 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.
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 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.
6. 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.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
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

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

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

12/8/2009  
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.

  
\_\_\_\_\_  
Signature

OCT. 12 2009  
Date

AAMIR FARID  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Shell Oil Company

GENERAL MGR - DEER PARK SITE  
\_\_\_\_\_  
Title SHELL OIL PRODUCTS CO.-L.L.C.  
AS AGENT FOR SHELL OIL COMPANY

**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: 2009-0806-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Shell Oil Company</b>
<b>Payable Penalty Amount:</b>	<b>Twenty-Four Thousand Dollars (\$24,000)</b>
<b>SEP Amount:</b>	<b>Twelve Thousand Dollars (\$12,000)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Houston Regional Monitoring Corporation - Houston Area Monitoring</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 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

Performing Party shall use SEP Funds to operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation Ambient Air Quality Monitoring Network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided.

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

Data from this monitoring may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. Performing party notifies the TCEQ on a quarterly basis of all exceedences of the National Ambient Air Quality Standards (“NAAQS”) that it measures at its monitoring stations. The TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston’s progress toward achieving or remaining in attainment of the NAAQS.

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

Christopher B. Amandes  
Vinson & Elkins LLP  
First City Tower  
1001 Fannin Street, Suite 2500  
Houston, TX 77002-6760

**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:

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 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.

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 Respondent 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 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 an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

