

Executive Summary – Enforcement Matter – Case No. 49088
Shell Chemical LP
RN100211879
Docket No. 2014-1110-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Shell Oil Deer Park, 5900 Highway 225, Deer Park, Harris County

Type of Operation:

Chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos.: 2014-1522-AIR-E
and 2014-1245-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 21, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$19,688

Amount Deferred for Expedited Settlement: \$3,937

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,876

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$7,875

Name of SEP: Barber's Hill Independent School District (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 49088
Shell Chemical LP
RN100211879
Docket No. 2014-1110-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 20, 2014

Date(s) of NOE(s): July 17, 2014

Violation Information

1. Failed to maintain the minimum net heating value of 300 British thermal units per standard cubic foot ("Btu/scf") for the A & S Flare, Emission Point Number ("EPN") A1301. Specifically, the net heating value fell below 300 Btu/scf on January 25, 2013, March 5, 2013, and June 5, 2013 [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(3)(ii), Federal Operating Permit ("FOP") No. O1945, Special Terms and Conditions ("STC") No. 21, and New Source Review ("NSR") Permit No. 3179, Special Conditions ("SC") No. 14.A].

2. Failed to maintain the required minimum firebox temperature of 1,500 degrees Fahrenheit ("°F") for the Regenerative Thermal Oxidizer ("RTO"), EPN H87002. Specifically, the firebox temperature fell below 1,500 °F on February 23, 2013, April 24, 2013, and April 27, 2013 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1945, STC No. 21, and NSR Permit No. 3179, SC No. 18].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By June 6, 2013, adjusted control parameters to ensure that the A & S Flare, EPN A1301, operates above the minimum net heating value of 300 Btu/scf; and
- b. By February 27, 2014, revised the internal Shell Environmental Impact Statement used for Phenol Production Unit turnarounds and adjusted process control parameters to ensure that the RTO, EPN H87002, operates above the minimum firebox temperature of 1,500 °F.

Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Executive Summary – Enforcement Matter – Case No. 49088
Shell Chemical LP
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Docket No. 2014-1110-AIR-E

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jessica Schildwachter, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2617; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Barry Klein, General Manager, Shell Chemical LP, P.O. Box 100, Deer Park, Texas 77536
Steve Hansen, Manager Environmental Affairs, Shell Chemical LP, P.O. Box 100, Deer Park, Texas 77536
Respondent's Attorney: N/A

Attachment A
Docket Number: 2014-1110-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Shell Chemical LP
Penalty Amount:	Fifteen Thousand Seven Hundred Fifty-One Dollars (\$15,751)
SEP Offset Amount:	Seven Thousand Eight Hundred Seventy-Five Dollars (\$7,875)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Barber’s Hill Independent School District
Project Name:	<i>Alternative Fuel School Bus Replacement</i>
Location of SEP:	Chambers County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the 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 Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Barber’s Hill Independent School District** (“Barber’s Hill ISD”) for the *Alternative Fuel School Bus Replacement* program. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount shall be used to reduce carbon monoxide (“CO”), nitrogen oxides (“NO_x”), particulate matter (“PM”), and volatile organic compounds (“VOCs”) emissions by replacing older school buses with new propane-fueled buses. The Third-Party Administrator shall ensure that each replacement bus purchased has an engine that meets 2010 EPA Standards. The Third-Party Administrator has invested in propane fueling infrastructure to support the operation of new propane-fueled buses. The Third-Party Administrator shall give preference to replacing the oldest, most polluting buses currently in use. Only older buses that are currently in regular use, driven on a regular route on a weekly basis for at least the past two years are eligible for replacement. The SEP Offset Amount will only be used for the purchase of a base model propane-fueled Replacement Bus. The Third-Party Administrator shall own and operate each Replacement Bus for at least five years following the date of purchase. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a new 2010 ultra-low emission model, passengers' exposures to NO_x may be reduced by 98 percent; VOCs by 93 percent; CO by 83 percent; and PM by 99 percent.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator 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 Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Barber's Hill ISD SEP** and shall mail the contribution with a copy of the Agreed Order to:

John Johnson, Consultant
Carl R. Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Shell Chemical LP
Agreed Order - Attachment A

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

4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

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

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. **Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

Shell Chemical LP
Agreed Order - Attachment A

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	21-Jul-2014	Screening	5-Aug-2014	EPA Due	
	PCW	2-Oct-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	Shell Chemical LP				
Reg. Ent. Ref. No.	RN100211879				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	49088	No. of Violations	2
Docket No.	2014-1110-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jessica Schildwachter
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$11,250**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 100.0% Enhancement Subtotals 2, 3, & 7 **\$11,250**

Notes

Enhancement for six NOV's with same or similar violations, one NOV with dissimilar violations, 13 orders with denial of liability, and nine orders without denial of liability. Reduction for 12 Notices of Intent to conduct an audit and six disclosures of violations.

Culpability No 0.0% Enhancement Subtotal 4 **\$0**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 **-\$2,812**

Economic Benefit 0.0% Enhancement* Subtotal 6 **\$0**

Total EB Amounts	\$137
Estimated Cost of Compliance	\$4,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$19,688**

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$19,688**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$19,688**

DEFERRAL 20.0% Reduction Adjustment **-\$3,937**

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 **\$15,751**

Screening Date 5-Aug-2014

Docket No. 2014-1110-AIR-E

PCW

Respondent Shell Chemical LP

Policy Revision 4 (April 2014)

Case ID No. 49088

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	6	30%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	13	260%
	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	9	225%
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 (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	12	-12%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	6	-12%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 493%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for six NOVs with same or similar violations, one NOV with dissimilar violations, 13 orders with denial of liability, and nine orders without denial of liability. Reduction for 12 Notices of Intent to conduct an audit and six disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 493%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 5-Aug-2014
Respondent Shell Chemical LP
Case ID No. 49088
Reg. Ent. Reference No. RN100211879
Media [Statute] Air
Enf. Coordinator Jessica Schildwachter

Docket No. 2014-1110-AIR-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations § 60.18(c)(3)(ii), Federal Operating Permit ("FOP") No. O1945, Special Terms and Conditions ("STC") No. 21, and New Source Review ("NSR") Permit No. 3179, Special Conditions ("SC") No. 14.A.

Violation Description

Failed to maintain the minimum net heating value of 300 British thermal units per standard cubic foot ("Btu/scf") for the A & S Flare, Emission Point Number ("EPN") A1301. Specifically, the net heating value fell below 300 Btu/scf on January 25, 2013, March 5, 2013, and June 5, 2013.

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Two quarterly events are recommended for the three instances of non-compliance that occurred between January 25, 2013 to June 5, 2013.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes

The Respondent completed corrective actions by June 6, 2013, before the July 17, 2014 NOE.

Violation Subtotal

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Shell Chemical LP
Case ID No. 49088
Reg. Ent. Reference No. RN100211879
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment			0.00	\$0	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0	\$0
Engineering/Construction			0.00	\$0	\$0	\$0	\$0
Land			0.00	\$0	n/a	n/a	\$0
Record Keeping System			0.00	\$0	n/a	n/a	\$0
Training/Sampling			0.00	\$0	n/a	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	n/a	\$0
Permit Costs			0.00	\$0	n/a	n/a	\$0
Other (as needed)	\$2,000	25-Jan-2013	6-Jun-2013	0.36	\$36	n/a	\$36

Notes for DELAYED costs Estimated cost to adjust control parameters to ensure that the A & S Flare operates above the minimum net heating value of 300 Btu/scf. The Date Required is the first date of non-compliance. The Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$2,000 **TOTAL** \$36

Screening Date 5-Aug-2014

Docket No. 2014-1110-AIR-E

PCW

Respondent Shell Chemical LP

Case ID No. 49088

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1945, STC No. 21, and NSR Permit No. 3179, SC No. 18

Violation Description

Failed to maintain the required minimum firebox temperature of 1,500 degrees Fahrenheit (°F) for the Regenerative Thermal Oxidizer ("RTO"), EPN H87002. Specifically, the firebox temperature fell below 1,500 °F on February 23, 2013, April 24, 2013, and April 27, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm		
		Major	Moderate	Minor
Actual				X
Potential				

Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

3 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended for the three instances of non-compliance that occurred between February 23, 2013 to April 27, 2013.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent completed corrective actions by February 27, 2014, before the July 17, 2014 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$101

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent Shell Chemical LP
Case ID No. 49088
Reg. Ent. Reference No. RN100211879
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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-Feb-2013	27-Feb-2014	1.01	\$101	n/a	\$101

Notes for DELAYED costs

Estimated cost to revise the internal Shell Environmental Impact Statement used for Phenol Production Unit turnarounds and adjust process control parameters to ensure that the RTO operates above the minimum firebox temperature of 1,500 °F. The Date Required is the first date of non-compliance. The Final Date is the date of compliance.

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

\$101

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN601405145, RN100211879, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN601405145, Shell Chemical LP	Classification:	SATISFACTORY	Rating:	14.64
Regulated Entity:	RN100211879, SHELL OIL DEER PARK	Classification:	SATISFACTORY	Rating:	21.10
Complexity Points:	90	Repeat Violator:	NO		
CH Group:	02 - Oil and Petroleum Refineries				
Location:	5900 HIGHWAY 225 DEER PARK, TX 77536-2434, HARRIS COUNTY				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0659W
AIR OPERATING PERMITS PERMIT 1668
AIR OPERATING PERMITS PERMIT 1945
AIR OPERATING PERMITS PERMIT 1947
AIR OPERATING PERMITS PERMIT 1942

POLLUTION PREVENTION PLANNING ID NUMBER P07403

WASTEWATER EPA ID TX0004863

WASTEWATER EPA ID TX0004871

AIR NEW SOURCE PERMITS REGISTRATION 54895
AIR NEW SOURCE PERMITS REGISTRATION 75524
AIR NEW SOURCE PERMITS REGISTRATION 76315
AIR NEW SOURCE PERMITS REGISTRATION 11177
AIR NEW SOURCE PERMITS REGISTRATION 12537
AIR NEW SOURCE PERMITS REGISTRATION 13713
AIR NEW SOURCE PERMITS PERMIT 1119
AIR NEW SOURCE PERMITS PERMIT 3178
AIR NEW SOURCE PERMITS PERMIT 3216
AIR NEW SOURCE PERMITS PERMIT 6791
AIR NEW SOURCE PERMITS REGISTRATION 10888
AIR NEW SOURCE PERMITS REGISTRATION 11586
AIR NEW SOURCE PERMITS REGISTRATION 12829
AIR NEW SOURCE PERMITS REGISTRATION 15961
AIR NEW SOURCE PERMITS REGISTRATION 15262
AIR NEW SOURCE PERMITS REGISTRATION 15499
AIR NEW SOURCE PERMITS PERMIT 18576
AIR NEW SOURCE PERMITS PERMIT 22038
AIR NEW SOURCE PERMITS REGISTRATION 24096
AIR NEW SOURCE PERMITS REGISTRATION 29597
AIR NEW SOURCE PERMITS REGISTRATION 33524
AIR NEW SOURCE PERMITS REGISTRATION 34358
AIR NEW SOURCE PERMITS REGISTRATION 35608
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0659W
AIR NEW SOURCE PERMITS PERMIT 1920
AIR NEW SOURCE PERMITS PERMIT 2597
AIR NEW SOURCE PERMITS PERMIT 3214
AIR NEW SOURCE PERMITS PERMIT 3217
AIR NEW SOURCE PERMITS PERMIT 3219
AIR NEW SOURCE PERMITS PERMIT 4256
AIR NEW SOURCE PERMITS REGISTRATION 41920

AIR OPERATING PERMITS PERMIT 1669
AIR OPERATING PERMITS PERMIT 1943
AIR OPERATING PERMITS PERMIT 1946
AIR OPERATING PERMITS PERMIT 1948
POLLUTION PREVENTION PLANNING ID NUMBER P00619
WASTEWATER PERMIT WQ0000402000
WASTEWATER PERMIT WQ0000403000
AIR NEW SOURCE PERMITS PERMIT 21262
AIR NEW SOURCE PERMITS REGISTRATION 55312
AIR NEW SOURCE PERMITS REGISTRATION 55869
AIR NEW SOURCE PERMITS PERMIT 7855
AIR NEW SOURCE PERMITS REGISTRATION 12152
AIR NEW SOURCE PERMITS REGISTRATION 13373
AIR NEW SOURCE PERMITS REGISTRATION 16429
AIR NEW SOURCE PERMITS PERMIT 1120
AIR NEW SOURCE PERMITS PERMIT 3179
AIR NEW SOURCE PERMITS PERMIT 5801
AIR NEW SOURCE PERMITS PERMIT 9334
AIR NEW SOURCE PERMITS REGISTRATION 11096
AIR NEW SOURCE PERMITS REGISTRATION 12373
AIR NEW SOURCE PERMITS REGISTRATION 13678
AIR NEW SOURCE PERMITS PERMIT 8236
AIR NEW SOURCE PERMITS REGISTRATION 15365
AIR NEW SOURCE PERMITS REGISTRATION 15940
AIR NEW SOURCE PERMITS PERMIT 19849
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX815
AIR NEW SOURCE PERMITS REGISTRATION 27598
AIR NEW SOURCE PERMITS REGISTRATION 32282
AIR NEW SOURCE PERMITS REGISTRATION 34230
AIR NEW SOURCE PERMITS REGISTRATION 35243
AIR NEW SOURCE PERMITS PERMIT 37206
AIR NEW SOURCE PERMITS AFS NUM 4820100039
AIR NEW SOURCE PERMITS PERMIT 1968
AIR NEW SOURCE PERMITS PERMIT 3173
AIR NEW SOURCE PERMITS PERMIT 3215
AIR NEW SOURCE PERMITS PERMIT 3218
AIR NEW SOURCE PERMITS PERMIT 3985A
AIR NEW SOURCE PERMITS PERMIT 4933
AIR NEW SOURCE PERMITS REGISTRATION 41875

AIR NEW SOURCE PERMITS REGISTRATION 42221
AIR NEW SOURCE PERMITS REGISTRATION 42512
AIR NEW SOURCE PERMITS REGISTRATION 42118
AIR NEW SOURCE PERMITS REGISTRATION 45944
AIR NEW SOURCE PERMITS PERMIT 48912
AIR NEW SOURCE PERMITS PERMIT 56496
AIR NEW SOURCE PERMITS REGISTRATION 71567
AIR NEW SOURCE PERMITS REGISTRATION 50548
AIR NEW SOURCE PERMITS REGISTRATION 52089
AIR NEW SOURCE PERMITS REGISTRATION 50388
AIR NEW SOURCE PERMITS REGISTRATION 74572
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX896
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX928M1
AIR NEW SOURCE PERMITS REGISTRATION 77284
AIR NEW SOURCE PERMITS REGISTRATION 77952
AIR NEW SOURCE PERMITS REGISTRATION 78624
AIR NEW SOURCE PERMITS REGISTRATION 80525
AIR NEW SOURCE PERMITS REGISTRATION 81971
AIR NEW SOURCE PERMITS REGISTRATION 87871
AIR NEW SOURCE PERMITS REGISTRATION 85596
AIR NEW SOURCE PERMITS REGISTRATION 87173
AIR NEW SOURCE PERMITS REGISTRATION 92386
AIR NEW SOURCE PERMITS REGISTRATION 93992
AIR NEW SOURCE PERMITS REGISTRATION 95595
AIR NEW SOURCE PERMITS REGISTRATION 98644
AIR NEW SOURCE PERMITS REGISTRATION 100328
AIR NEW SOURCE PERMITS REGISTRATION 100945
AIR NEW SOURCE PERMITS REGISTRATION 101891
AIR NEW SOURCE PERMITS PERMIT 120335
AIR NEW SOURCE PERMITS REGISTRATION 105051
AIR NEW SOURCE PERMITS REGISTRATION 112737
AIR NEW SOURCE PERMITS REGISTRATION 113881
AIR NEW SOURCE PERMITS REGISTRATION 120437
AIR NEW SOURCE PERMITS REGISTRATION 105055
AIR NEW SOURCE PERMITS REGISTRATION 117430
AIR NEW SOURCE PERMITS REGISTRATION 122116
AIR NEW SOURCE PERMITS REGISTRATION 106379
AIR NEW SOURCE PERMITS REGISTRATION 108593
AIR NEW SOURCE PERMITS REGISTRATION 105059
AIR NEW SOURCE PERMITS REGISTRATION 105772

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50099

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30007

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
6001443

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30007

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HG0659W

Compliance History Period: September 01, 2008 to August 31, 2013

Rating Year: 2013

Rating Date: 09/01/2013

Date Compliance History Report Prepared: August 01, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 01, 2009 to August 01, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jessica Schildwachter

Phone: (512) 239-2617

AIR NEW SOURCE PERMITS REGISTRATION 42573
AIR NEW SOURCE PERMITS REGISTRATION 43605
AIR NEW SOURCE PERMITS REGISTRATION 45654
AIR NEW SOURCE PERMITS REGISTRATION 47575
AIR NEW SOURCE PERMITS PERMIT 56476
AIR NEW SOURCE PERMITS REGISTRATION 71223
AIR NEW SOURCE PERMITS REGISTRATION 54061
AIR NEW SOURCE PERMITS REGISTRATION 52565
AIR NEW SOURCE PERMITS REGISTRATION 52088
AIR NEW SOURCE PERMITS REGISTRATION 50423
AIR NEW SOURCE PERMITS REGISTRATION 75045
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX928
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX974
AIR NEW SOURCE PERMITS REGISTRATION 76699
AIR NEW SOURCE PERMITS REGISTRATION 76265
AIR NEW SOURCE PERMITS REGISTRATION 79604
AIR NEW SOURCE PERMITS REGISTRATION 80503
AIR NEW SOURCE PERMITS REGISTRATION 84642
AIR NEW SOURCE PERMITS REGISTRATION 84538
AIR NEW SOURCE PERMITS REGISTRATION 87183
AIR NEW SOURCE PERMITS REGISTRATION 92675
AIR NEW SOURCE PERMITS REGISTRATION 92219
AIR NEW SOURCE PERMITS REGISTRATION 94547
AIR NEW SOURCE PERMITS REGISTRATION 96066
AIR NEW SOURCE PERMITS REGISTRATION 102096
AIR NEW SOURCE PERMITS REGISTRATION 98473
AIR NEW SOURCE PERMITS REGISTRATION 96915
AIR NEW SOURCE PERMITS REGISTRATION 102948
AIR NEW SOURCE PERMITS REGISTRATION 120555
AIR NEW SOURCE PERMITS REGISTRATION 105057
AIR NEW SOURCE PERMITS REGISTRATION 105056
AIR NEW SOURCE PERMITS REGISTRATION 105060
AIR NEW SOURCE PERMITS REGISTRATION 109247
AIR NEW SOURCE PERMITS REGISTRATION 115095
AIR NEW SOURCE PERMITS REGISTRATION 112344
AIR NEW SOURCE PERMITS REGISTRATION 112313
AIR NEW SOURCE PERMITS REGISTRATION 115088
AIR NEW SOURCE PERMITS REGISTRATION 105058
AIR NEW SOURCE PERMITS REGISTRATION 114863
PETROLEUM STORAGE TANK STAGE II REGISTRATION
32780
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD067285973
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD000750620
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1010320
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 32780
STORMWATER PERMIT TXR150010946

Site and Owner/Operator History:

- 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? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 08/23/2009 ADMINORDER 2008-1092-AIR-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov:21262 AND PSD-TX-928, SC No. 1 PERMIT
- Description: Shell exceeded permit limits during an avoidable emissions event.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov:Permit PERMIT
- Description: Failed to prevent the unauthorized emissions of: 2,540 lbs of VOC, 12 lbs of H₂S, 452 lbs of NO_x, 3,248 lbs of CO, and 1,216 lbs of SO₂ released from the OP2 Elevated Flare, the OP3 Elevated Flare, and the OP3 Ground Flare during an emissions event that occurred on March 7, 2008 and lasted 4 hours and 0 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.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov:Special Condition #1 PERMIT
- Description: Failed to prevent plugging of level transmitter (LT-257) tap.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov:Special Condition #1 PERMIT
- Description: Failed to prevent an electrical short during installation of additional alarm at SRU Unit.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov:Special Condition #1 PERMIT
- Description: Failure to prevent wet gas compressor malfunction.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov:MAERT PERMIT
- Description: Failed to prevent the shutdown of the SRUs.

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:SC 1 PA
Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions from the North Property Flare on June 18, 2008.

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:General Condition 8, NSRP 3219/PSDTX974 PA

Description: Failed to prevent unauthorized emissions from the OP-2 Elevated Flare, OP-3 Elevated Flare, and from the OP-3 Ground Flare on June 29, 2008

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:SC No. 1 PERMIT
Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions from the North Property Flare on July 17, 2008.

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

Description: Failed to timely provide information requested by the TCEQ Houston Regional Office regarding the July 17, 2008 emissions event.

- 3 Effective Date: 10/31/2009 ADMINORDER 2009-0465-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, an emissions event occurred from November 13 through 15, 2008, due to accumulation of rain resulting from clogged drain lines on a floating tank roof (Emission Point No. TOL905), that lasted for 38 hours and 44 minutes, resulting in the release of 10,169.40 pounds of volatile organic compounds.
- 4 Effective Date: 03/20/2010 ADMINORDER 2009-0806-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition #1 PERMIT
Description: 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, 82.7 lbs of nitrogen dioxide, 597.3 lbs of carbon monoxide, 16.8 lbs of particulate matter and 14,329.3 lbs of sulfur dioxide from the Distilling Hydrotreater ("DHT") Unit and the Catalytic Cracking Unit during an avoidable
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition #1 PERMIT
Description: 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 the malfunc
- 5 Effective Date: 06/18/2010 ADMINORDER 2009-1789-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Shell failed to prevent unauthorized emissions. Shell Aromatics Concentration Unit operators caused unauthorized emissions when they landed the internal floating roof of tank, D-381. The operator failed to monitor the tank pump-out rates, and the tank level indication alarms. (Incident No. 125893). This resulted in the routing of emissions to

the atmosphere.

- 6 Effective Date: 06/26/2010 ADMINORDER 2009-2090-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition #1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 125,980 pounds ("lbs") of volatile organic compounds, 262 lbs of benzene and 34 lbs of hydrogen sulfide from Distillation Unit 2 during an avoidable emissions event that began May 19, 2009 and lasted 20 minutes. The emissions event was the result of operators utilizing the No. 3 Crude Line even though water had accumulated in the line. The water flashed into steam which increased column pressure, resulting in the rel
- 7 Effective Date: 07/11/2010 ADMINORDER 2009-1984-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 12,972 lbs of VOC, 5,816 lbs of CO and 1,062 lbs of NOx from flaring at the Olefins Flare System in the Olefins 3 Unit during an avoidable emissions event (Incident No. 126985) that began July 19, 2009 and lasted nine hours and 58 minutes. The event was the result of an operator not following the established procedure for bypassing the Instrument Protection Function transmitters. As a result, the LI-5026Z transmitter
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 37.08 pounds of benzene from the Aromatics Concentration Unit during an avoidable emissions event (Incident No. 127526) that was discovered July 28, 2009 and lasted two hours. An internal floating roof of a storage tank was lowered to the point where the vacuum breaker opened releasing emissions to the atmosphere. The tank level alarm was improperly set, so there was no indication that the vacuum breaker had
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)
Description: Failed to submit the initial notification for Incident No. 127526 within 24 hours after the discovery of the event and failed to submit the final report within 14 days after the end of the event. Specifically, the initial notification was due July 29, 2009 but was not submitted until July 31, 2009, and the final report was due August 11, 2009 but was not submitted until August 12, 2009.
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)
Rqmt Prov:Special Condition 1 PA
Special Condition 13 OP
Description: Failed to comply with hourly VOC emission rates. Specifically, the Respondent exceeded the 0.98 lb/hour VOC limit for the C39 Scrubber Column Vent on 221 occasions and released an aggregate amount of 57.18 lbs of unauthorized VOC emissions over a total of 119 hours, from July 29 through September 11, 2008.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Permit No. 3179, Spec. Cond. No. 6 OP
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 241.40 lbs of VOC, 121.70 lbs of CO and 25.20 lbs of NOx from the HIPA flare in the LPG Unit during an avoidable emissions event (Incident No. 127809) that began July 3, 2009 and lasted five hours. The event was not discovered until August 5, 2009, during the internal monthly compliance review. The event was due to a faulty relief valve prematurely opening, allowing emissions to enter the flare. Since this emissions
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition No. 6 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 278.40 lbs of volatile organic compounds ("VOC"), 240.10 lbs of carbon monoxide ("CO") and 39 lbs of nitrogen oxide ("NOx") from the Houston

Isopropyl Alcohol ("HIPA") flare in the LPG ("Liquified Petroleum Gas") Unit during an avoidable emissions event (Incident No. 127810) that began July 15, 2009 and lasted five hours. The event was not discovered until August 5, 2009, during the internal monthly compliance review

8 Effective Date: 10/25/2010 ADMINORDER 2009-1300-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

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)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-02108 STC 15 OP

FOP O-02108 STC 1A OP
NSR 18576 SC 4A PERMIT
NSR 1968 SC 2 PERMIT
NSR 19849 SC 2A PERMIT
NSR 3173 SC 4 PERMIT
NSR 3179 SC 14 PERMIT

Description: Failed to maintain minimum heating value at the HIPA and A&S Flares.

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)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-02108 STC 15 OP

FOP O-02108 STC 1A OP
NSR 18576 SC 4A PERMIT
NSR 19849 SC 26 PERMIT

Description: Failed to meet the net heating value and exit velocity at the A&S Flare.

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)

Rqmt Prov:FOP O-02108 STC 1A OP

FOP STC O-02108 15 OP
NSR 18576 SC 4B PERMIT
NSR 1968 SC 2 PERMIT
NSR 19849 SC 2B PERMIT

Description: Failed to maintain records of the pilot monitoring data at the A&S Flare from April 21, 2008 through December 31, 2008.

9 Effective Date: 02/05/2011 ADMINORDER 2010-0609-AIR-E (Findings Order-Agreed Order Without Denial)

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:Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 133506. Since this emissions event could have been avoided through better maintenance practices, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 for an affirmative defense were not met.

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:Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 134189. Since this emissions event could have been avoided through better operational practices, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 for an affirmative defense were not met.

Classification: Moderate

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

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 134301. Since this emissions event could have been avoided through better operational practices, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 for an affirmative defense were not met.

10 Effective Date: 04/18/2011 ADMINORDER 2010-1331-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

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

Rqmt Prov:Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Since this emissions event could have been avoided by better operational practices and was reported late, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present affirmative defense were not met.

Classification: Minor

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

Description: Failed to submit the initial notification for Incident No. 136726 within 24 hours after the discovery of the event and failed to submit the final report within 14 days after the end of the event.

11 Effective Date: 05/08/2011 ADMINORDER 2010-1439-IHW-E (1660 Order-Agreed Order With Denial)

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)

Rqmt Prov:V.G.4.g. OP

Description: Failed to ensure that the leachate depth in the leachate collection/leak detection system does not exceed 12 inches above the liner. Specifically, based on review of the Leachate Log, a TCEQ investigator noted leachate levels above the maximum permitted level of 12 inches on 14 occasions in Cell 2 of the Site 104 Landfill located at the Plant.

12 Effective Date: 06/20/2011 ADMINORDER 2010-1351-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(iii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:PSD-TX-928 PERMIT

Description: Failing to provide first repair attempt records for three leaking pumps. Specifically, Tag Nos. 115830, 26001 and 40477 were detected to be leaking on April 11, 2007, April 10, 2007, and May 10, 2007. During an enforcement review meeting on December 17, 2009, leaking component records were requested; however, Respondent did not provide accurate records to demonstrate compliance for these pumps until October 20, 2010.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
40 CFR Part 61, Subpart V 61.242-7(d)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-01669, SC 1(A) OP

FOP O-01669, SC 24 OP

NSR 21262, SC 2 PERMIT

NSR 21262, SC 3(A) PERMIT
NSR 21262, SC 3(B) PERMIT
NSR 21262, SC 4(D) PERMIT
NSR 21262, SC 9(I) PERMIT
SC 2, 3(A), 3(B), 4(D), 9(I) PERMIT

Description: Failing to repair or place the valve on delay of repair by the 15th day after the detection of a leak. Specifically, Tag. No. 41855 was detected leaking on February 13, 2007, and was not repaired until March 20, 2007.
Classification: Moderate

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

Rqmt Prov:FOP O-01669, General Terms & Conditions OP

Description: Failing to report all instances of deviations. Specifically, a total of 7 deviations were missing from reports for the following time periods: November 22, 2006 through May 21, 2007, May 22, 2007 through November 21, 2007, November 22, 2007 through December 31, 2007, January 1, 2008 through June 30, 2008, and July 1, 2008 through December 31, 2008;

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(ii)
5C THSC Chapter 382 382.085(b)

Description: Failing to prevent the exceedance of 3.5 pounds per gallon ("lbs/gal") volatile organic compounds (VOC) on a daily basis. Specifically, EPN PAINTFE exceeded this limit on 98 occasions, with amounts ranging from 3.51 lbs/gal to 6.98 lbs/gal from January 2, 2008 through July 31, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-01669, SC 1(A) OP
FOP O-01669, SC 24(A) OP
NSR 21262, SC 2 PERMIT
NSR 21262, SC 24 PERMIT
NSR 21262, SC 4 PERMIT
SC 2, 4, 24 PERMIT

Description: Failing to maintain a minimum of 300 British thermal units per standard cubic foot ("Btu/scf") for EPN COKEFLARE. Specifically, EPN COKEFLARE fell below the required heating value for a total of three hours on three separate days in January, May, and July, 2008, with heating values ranging from 238 Btu/scf to 231 Btu/scf.

Classification: Moderate

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

Rqmt Prov:FOP O-01669, SC 24(A) OP
General Condition 8 PERMIT
NSR 46535, SC 1 PERMIT

Description: Failing to maintain compliance with the MAERT for sulfur dioxide (SO₂) for the Cracked Gas Hydrotreater Furnace ("EPN H36100"). Specifically, EPN H36100 emitted 7.3067 tons in 2007, and the allowed limit is 4.48 tons per year.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(2)(i)(E)

Rqmt Prov:Permit Provision (PP) V.I.3.b.(1) PERMIT

Description: Failing to maintain the minimum combustion temperature at the BIF of 1800 degrees Fahrenheit. Specifically, on March 26, 2009 and May 20, 2009, a total of three excursions occurred and the temperature fell to 1744.14, 1770.38, and 1721.2 degrees Fahrenheit, respectively.

Classification: Moderate

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

Rqmt Prov:PP V.I.7.d. PERMIT

Description: Failing to test or document the rationale that the BIF was being tested at least every 30 days. Specifically, more than a 30 day gap was noted from September 10, 2008 through October 14, 2008, and from December 10, 2008

until January 29, 2009
Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)

Rqmt Prov:PP V.I.7.e. PERMIT

Description: Failing to record observations in an inspection log or summary at the BIF area. Specifically, a phenol heavy waste stream had leaked around the pump in a secondary containment, the boiler water was leaking and being collected into a fracture tank, and the operator did not make any notations about these problems on the daily BIF inspection log.
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:SC No. 1 PERMIT
Special Condition #1 PERMIT

Description: Failing to prevent the unauthorized release of air contaminants into the atmosphere when the V-5102 Crude Column was overpressured when the wash water entered the feed crude train at the DU2. Specifically, on May 17, 2009, during this two-minute emission event (Incident No. 124343) the following emissions were released: 7.587 tons of VOCs, 4 lbs. of hydrogen sulfide (H₂S), and 32 lbs of benzene. The TCEQ determined these emissions could have been avoided by better operational practices.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(2)(i)(E)

Rqmt Prov:V.I.3.b.1 OP

Description: Failing to maintain the minimum combustion temperature of 1800 degrees Fahrenheit while hazardous waste is being fed to the BIF unit. Specifically, Respondent fed hazardous waste to the BIF unit below the minimum combustion temperature on June 24, 2009, August 28, 2009, September 10, 2009, and September 19, 2009.

- 13 Effective Date: 06/20/2011 ADMINORDER 2010-1889-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions.
- 14 Effective Date: 06/20/2011 ADMINORDER 2010-1538-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions during an emissions event that occurred on May 7, 2010.
- 15 Effective Date: 07/31/2011 ADMINORDER 2010-2072-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: The Respondent is alleged to have failed to prevent unauthorized emissions from the OP2 Elevated Flare, the OP3 Elevated Flare, and the OP3 Ground Flare during Incident No. 143946.
- 16 Effective Date: 10/17/2011 ADMINORDER 2011-0475-AIR-E (Findings Order-Agreed Order Without Denial)
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:Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions.
- 17 Effective Date: 02/18/2012 ADMINORDER 2011-0860-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)

Rqmt Prov:General Terms and Conditons OP

Description: Failure to timely submit a PCC Report certifying the first semi-annual reporting period January 1, 2010 through June 30, 2010. (Category A8(c)(1)(E))

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions01/24/2005 OP

Description: Failed to submit a PCC under Title V Permit O-01948 within the required 30-day timeframe for the certification period of January 1, 2010 through December 31, 2010

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Description: Failed to submit a PCC under Title V Permit O-01668 within the required 30-day timeframe for the certification period of January 1, 2010 through June 30, 2010

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 OP

Description: Failure to submit permit compliance certification for the period January 1, 2010 through June 30, 2010. Violation Category A8(c)(1)(E). This is a high priority violation (HPV).

Classification: Moderate

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

Rqmt Prov:Special Conditions 1 OP

Description: Failed to report as deviation for not submitting a PCC for the period January 1, 2010 through June 30, 2010. Category C3 violation.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Permit No. 1943 ORDER

Description: Failure to submit a timely PCC report certifying the first semi-annual reporting period January 1, 2010 through June 30, 2010 [Category A8; Attachment A c.(1)(E)]

Classification: Moderate

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)

Rqmt Prov:General Terms & Conditions OP

Description: Failure to submit a PCC under Title V Permit O-01669 within the required 30-day timeframe for the certification period of January 1, 2010 through December 31, 2010

Classification: Moderate

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

Rqmt Prov:General Terms and Conditions OP

Description: Failure to report two emissions events and four startups/shutdowns as deviations in the deviation report dated July 30, 2010

This violation discovered by the investigator during the course of this investigation

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Description: Failed to submit a PCC under Title V Permit O-01945 within the required 30-day timeframe for the certification period of January 1, 2010 through June 30, 2010

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)

5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms and Conditions OP
Description: Failure to submit a permit compliance certification report. Category A8(c)(1)(E)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms and Conditions OP

Description: Failure to report as deviation for not submitting a PCC for the first semi-annual reporting period January 1, 2010 through June 30, 2010. Category C3 violation.

- 18 Effective Date: 05/25/2012 ADMINORDER 2011-1311-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:SC 1 PERMIT
ST&C 2.I PERMIT
Description: Failure to prevent unauthorized emissions. Shell failed to prevent a leak on the overhead of the DU2 Unit Crude Column V-5102.
- 19 Effective Date: 08/17/2012 ADMINORDER 2011-2121-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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)
Rqmt Prov:FOP O1668, STC 15 OP
NSR Permit 3219, SC 1 PERMIT
Description: Failed to prevent unauthorized emissions on June 7, 2011 in Olefins Plant 3. Because the event could have been avoided by better operating practices and was not reported properly, Shell Chemical LP did not meet the criteria for claiming an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)
Description: Failed to include all the total quantities of contaminants released in the final report the emissions event that occurred on June 7, 2011 in Olefins Plant 3.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O1669, STC 22 OP
NSR Permit 21262, SC 1 PERMIT
Description: Failed to prevent unauthorized emissions during an emissions event in the Coker Unit that began on June 12, 2011. Because the event could have been avoided by better operating practices, Shell Oil Company did not meet the criteria for claiming an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)
5C THSC Chapter 382 382.085(b)
Description: Failed to provide timely submittal of additional information to the TCEQ by August 1, 2011 for the emissions event that began on June 12, 2011 in the Coker Unit.
- 20 Effective Date: 03/21/2013 ADMINORDER 2012-1385-AIR-E (1660 Order-Agreed Order With Denial)
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:Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions during Incident No. 165218. Specifically, 35.60 pounds ("lbs") of 1,3 butadiene, 440.56 lbs of cis-2-butene, 637.99 lbs of trans-2-butene, 511.19 lbs of n-butane, 1,392.48 lbs of butene 1_isobutene, 892.50 lbs of butanes and isobutanes, 20 lbs of propane, 339.60 lbs of other volatile organic compounds ("VOC"), and 4.90 lbs of propylene were released during an emissions event (Incident No. 165218) which began on

February 22, 2012, and lasted for 24 mi

- 21 Effective Date: 05/24/2014 ADMINORDER 2013-2000-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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)
Rqmt Prov:FOP O1946, STC No. 21 OP
Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
- 22 Effective Date: 07/11/2014 ADMINORDER 2013-1205-AIR-E (1660 Order-Agreed Order With Denial)
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)
Rqmt Prov:Special Condition No. 1 PERMIT
Special Terms and Conditions No. 15 OP
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)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition No. 1 PERMIT
Special Terms and Conditions No. 15 OP
Description: Failed to prevent unauthorized emissions.
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)
Rqmt Prov:Special Condition 10 PERMIT
Special Terms and Conditions 21 OP
Description: Failed to comply with the maximum fill rate of 14,100 gallons per hour ("gal/hr") for Tank Nos. D402 and D403 and the maximum pumping rate of 126,000 gal/hr for Tank No. F354.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 12, 2009	(764686)
Item 2	August 13, 2009	(760336)
Item 3	September 23, 2009	(766994)
Item 4	September 28, 2009	(777627)
Item 5	October 14, 2009	(779040)
Item 6	October 23, 2009	(778758)
Item 7	October 30, 2009	(765451)
Item 8	November 10, 2009	(760343)
Item 9	November 30, 2009	(780176)
Item 10	December 09, 2009	(778830)
Item 11	January 13, 2010	(787368)
Item 12	February 01, 2010	(788201)
Item 13	February 23, 2010	(787148)
Item 14	March 15, 2010	(789829)
Item 15	March 25, 2010	(794199)

Item 16	March 29, 2010	(792150)
Item 17	April 02, 2010	(794620)
Item 18	April 05, 2010	(797068)
Item 19	April 06, 2010	(783318)
Item 20	April 12, 2010	(793088)
Item 21	April 21, 2010	(798275)
Item 22	April 29, 2010	(800569)
Item 23	May 07, 2010	(797014)
Item 24	May 10, 2010	(797040)
Item 25	May 19, 2010	(801115)
Item 26	May 20, 2010	(801366)
Item 27	May 25, 2010	(824557)
Item 28	June 22, 2010	(798148)
Item 29	July 09, 2010	(826170)
Item 30	July 26, 2010	(803128)
Item 31	July 27, 2010	(824430)
Item 32	July 28, 2010	(842904)
Item 33	August 09, 2010	(800144)
Item 34	August 17, 2010	(803124)
Item 35	August 31, 2010	(803142)
Item 36	September 16, 2010	(864076)
Item 37	January 21, 2011	(878058)
Item 38	March 08, 2011	(900041)
Item 39	March 15, 2011	(859959)
Item 40	April 08, 2011	(906978)
Item 41	April 27, 2011	(901538)
Item 42	May 12, 2011	(901220)
Item 43	May 16, 2011	(901224)
Item 44	May 24, 2011	(921483)
Item 45	June 07, 2011	(912033)
Item 46	June 17, 2011	(915211)
Item 47	July 22, 2011	(937608)
Item 48	August 01, 2011	(923435)
Item 49	August 17, 2011	(948252)
Item 50	August 23, 2011	(937593)
Item 51	August 26, 2011	(937667)
Item 52	August 29, 2011	(937668)
Item 53	August 30, 2011	(937207)
Item 54	September 22, 2011	(956750)
Item 55	September 28, 2011	(937483)
Item 56	December 12, 2011	(969310)
Item 57	December 16, 2011	(970016)
Item 58	January 17, 2012	(964848)
Item 59	February 06, 2012	(976905)
Item 60	February 15, 2012	(987664)
Item 61	February 24, 2012	(987343)
Item 62	March 16, 2012	(994459)
Item 63	March 30, 2012	(976906)
Item 64	April 10, 2012	(989049)
Item 65	April 18, 2012	(987396)
Item 66	May 15, 2012	(1006516)
Item 67	June 29, 2012	(1009226)
Item 68	July 10, 2012	(1015877)
Item 69	July 30, 2012	(1013049)
Item 70	August 16, 2012	(1008493)
Item 71	September 05, 2012	(1013053)
Item 72	September 13, 2012	(1020375)
Item 73	September 18, 2012	(1031344)
Item 74	October 02, 2012	(1021281)

Item 75	January 25, 2013	(1046537)
Item 76	February 08, 2013	(1050758)
Item 77	February 27, 2013	(1059517)
Item 78	March 29, 2013	(1060207)
Item 79	April 10, 2013	(1059686)
Item 80	April 29, 2013	(1073262)
Item 81	July 31, 2013	(1098624)
Item 82	August 07, 2013	(1102332)
Item 83	November 14, 2013	(1106142)
Item 84	January 15, 2014	(1114349)
Item 85	February 18, 2014	(1139856)
Item 86	March 17, 2014	(1152421)
Item 87	April 04, 2014	(1152418)
Item 88	May 13, 2014	(1152530)
Item 89	May 28, 2014	(1163873)
Item 90	May 30, 2014	(1152587)
Item 91	July 09, 2014	(1179970)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 08/12/2013 (1073265) CN601405145
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
SC 2 PERMIT
ST&C 1A and 25 PERMIT
- Description: H2S exceedances in refinery fuel gas
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THSC Chapter 382 382.085(b)
SC 2 PERMIT
ST&C 1A & 25 PERMIT
- Description: SO2 exceedances from the Sulfur Recovery Unit (SRU) Incinerators (EPN SR3/4 Stack & SR5 Stack)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
5C THSC Chapter 382 382.085(b)
SC 2 PERMIT
ST & C 1A and 25 PERMIT
- Description: CO exceedances from the Fluid Catalytic Cracking Unit (FCCU) Catalyst Regenerator (EPN H5500 Stack)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST & C 1A PERMIT
- Description: NH3 exceedances from the Catalytic Reformer SCR (EPN H53NN) and the FCCU CO Boiler (H600)
- Self Report? NO Classification: Minor
- 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)
ST & C 1A PERMIT
- Description: Failure to operate the Process Heater H5200 in HRVOC service within the established operating parameter limit
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)
5C THSC Chapter 382 382.085(b)
SC 24 PERMIT

Description: ST & C 1A and 25 PERMIT
 Failure to operate the North Property Flare (FNFLARE) and the East Property Flare (EPFLARE) with the minimum net heating value of 300 Btu/scf and/or the maximum flare tip velocity
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 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)
 SC 24 PERMIT
 ST & C 1A and 25 PERMIT

Description: Failure to record flare's pilot flame presence for Girbitol Flare (EPN GIRBFLARE)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 19 PERMIT
 ST & C 25 PERMIT

Description: Failure to maintain the moisture content of no less than 7 percent for all coke stockpiles
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 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)
 SC 9E PERMIT
 ST & C 1A and 25 PERMIT

Description: Open-ended lines
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(b)(1)
 5C THSC Chapter 382 382.085(b)
 SC 9H PERMIT
 ST & C 1A and 25 PERMIT

Description: Missing fugitive emissions leak tags
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-4(b)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(b)
 5C THSC Chapter 382 382.085(b)
 SC 9I PERMIT
 ST & C 1A and 25 PERMIT

Description: Late fugitive leak repair for the relief valve (RV36264)
 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)
 ST & C 1A PERMIT

Description: Late HRVOC grab sampling for the Coker Flare (EPNFLARECOKE) and the East Property Flare (EPFLARE)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST & C 1A PERMIT

Description: Tank roof vents open due to tank roof landings
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 42C(ii) PERMIT
 ST & C 25 PERMIT

Description: Failure to conduct daily calibrations of monitoring instruments and failure to maintain calibration records
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.340(c)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST & C 1A PERMIT

Description: Excessive downtime of NOx analyzer for the Catalytic Reformer SCR (EPN H53NN)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST & C 1A PERMIT

Description: CO exceedances from the Process Heaters (EPNs H1000, H5103, and H31003)
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)
SC 3B PERMIT
ST & C 25 PERMIT

Description: CO exceedances from the Duct Burner 1 (EPN CDUCT1)

2 Date: 08/12/2013 (1073212) CN601405145

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1063(d)(3)(iii)
5C THSC Chapter 382 382.085(b)
Special Terms & Conditions 1.A OP

Description: Failure to prevent a secondary tank seal gap in excess of regulatory limits.
(Category B19g1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions (ST&C) 1A OP

Description: Failure to Limit Carbon Monoxide Emissions from EPN FP3-1110 and FP3-1120 to
400 parts per million by volume (ppmv). (Category B19g1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition (SC) 1 PERMIT
Special Terms and Conditions (ST&C) 15 OP

Description: Failure to Limit Nitrogen Oxide (NOx) Emissions from EPN FOL-700 and FOL-710
to 18.37 pounds per hour (lb/hr). (Category B19g1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(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 A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 8A PERMIT
Special Terms and Conditions (ST&C) 15 OP
Special Terms and Conditions (ST&C) 1A OP

Description: Failure to Maintain Flare Net Heating Value and Exit Velocity Within Permitted
Limits. (Category B19g1)

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 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition (SC) 6E PERMIT
Special Terms and Conditions (ST&C) 15 OP
Special Terms and Conditions (ST&C) 1A OP

Description: Failure to Seal an Open Ended Line (OEL). (Category C10)

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)
Special Terms and Conditions (ST&C) 1A OP

Description: Failure to sample and analyze HRVOC concentration in the flare header gas when analyzer was down. (Category C1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
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 THSC Chapter 382 382.085(b)
Special Condition (SC) 8C PERMIT
Special Terms and Conditions (ST&C) 1A OP

Description: Failure to Prevent Visible Emissions from the OP3 Ground Flare (EPN OP3GRFLA). (Category C4)

3 Date: 08/30/2013 (1073215) CN601405145

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Conditions PERMIT
ST&C 13 OP

Description: Failure to maintain records sufficient to demonstrate compliance with minimum scrubber solution flow rate requirements (Category C3).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP

Description: Failure to report a deviation for failure to maintain records sufficient to demonstrate compliance with minimum scrubber solution flowrate requirements (Category C3).

4 Date: 12/20/2013 (1123160) CN601405145

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Shell failed to prevent a rod-out tool from becoming lodged in a bleeder valve.

5 Date: 05/01/2014 (1152660) CN601405145

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-1943) , ST&C 17 OP
NSR (9334) SC 4 PERMIT

Description: Failure to maintain the permit firing rate for the ACU furnace, Emission Point Number (EPN: H902) on January 16, 2013. (Category C7)

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-1943) ST&C 17 OP
NSR (9334) SC 9 PERMIT

Description: Failure to maintain the permit limit pump rate for Emission Point Number (EPNs: F-358 and D-353) on December 10, 2013 and December 11, 2013. (Category C7)

Self Report? NO Classification: Moderate

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 THSC Chapter 382 382.085(b)
FOP (O-1943) ST&C 17 and 1A OP
NSR (3219) SC 13 PERMIT

Description: Failure to seal open-ended lines on November 14, 2013 and December 5, 2013 on the IRU and the Benzene Extraction Unit (BEU). (Category C10)

6 Date: 05/08/2014 (1152559) CN601405145

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)
5C THSC Chapter 382 382.085(b)
SC 6(E) PERMIT
ST&C 1(A) OP
ST&C 15 OP

Description: Failure to seal an Open Ended Line (OEL) in VOC and HRVOC service . (Category C10)

Self Report? NO Classification: Moderate

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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
SC 8(C) PERMIT
ST&C 1(A) OP
ST&C 15 ORDER

Description: Failure to meet Flare visible emissions requirements. (Category B14)

Self Report? NO Classification: Moderate

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)
ST&C 1(A) OP

Description: Failure to take daily grab sample. (Category B1)

Self Report? NO Classification: Minor

Citation: 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 61.242-7(c)(2)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to monitor leaking valves. (Category B1)

7 Date: 07/17/2014 (1152563) CN601405145
Self Report? NO Classification: Moderate

Citation: 1945 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
3179 PERMIT
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain tank fill rates below the permitted limits on tanks D400, D402, and D403. (Category B19g1)

F. Environmental audits:

Notice of Intent Date: 10/27/2009 (785669)

Disclosure Date: 08/02/2010

Viol. Classification: Major

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

Rqmt Prov: PERMIT NSR permit no. 3179 MAERT

Description: Failure to monitor tank's internal floating roof which resulted in abnormal venting via breather vents and caused the unauthorized emission of 15lb of acetone. No RQ was exceeded.

Notice of Intent Date: 11/12/2009 (785386)

Disclosure Date: 07/12/2010

Viol. Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

Description: Failure to perform LDAR directed maintenance on leaking components in refining units. Failing to meet 28 MID program requirements.

Notice of Intent Date: 01/12/2010 (789407)

No DOV Associated

Notice of Intent Date: 10/20/2010 (873036)

No DOV Associated

Notice of Intent Date: 11/18/2010 (884821)

Disclosure Date: 07/21/2011

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107

Description: Failed to report all required information or negative declaration of Subpart J Specific Reporting Requirements when the negative applicability statement is not marked in the cover letter of the report.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)

Description: Failed to report the magnitude of each period of excess emissions.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(e)(3)

Description: Failed to explicitly report the cause and corrective actions taken when monitoring systems were inoperable.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7

Description: Failed to submit a Fig. 1 summary report for all pollutant and diluents analyzers.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(h)

Description: Performed incorrect application of data reduction and downtime calculations during the out of control periods.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(12)(ii)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(c)

Description: Failed to include quarterly DARs in the semi-annual reports.

Notice of Intent Date: 01/26/2011 (899545)

No DOV Associated

Notice of Intent Date: 08/26/2011 (956682)

Disclosure Date: 10/27/2011

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(2)

Description: Failed to submit raw seal gap measurements from the external floating roof tanks to the agency within 60 days of taking the measurements; also the measurement data for the tanks that did not pass inspection were not submitted with the periodic compliance reports.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(3)(A)

Description: Failed to conduct annual backflow preventer testing, and failed to provide notification to the users of the non-community water system of the missed backflow preventer tests within 45 days of discovery of the missed testing.

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT K 264.254(b)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.303(b)(3)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.310(b)

Description: Failed to include a check of the Cell 2 primary leachate systems inspections in the Site 104 inspection records; failed to include 5 weeks of 2010 inspections of the Waste Pile (8/9, 10/25, 11/1, 11/8, and 12/20) in the records; and failed to include the April 2011 record for the closed site inspection as the record was not available.

Notice of Intent Date: 09/29/2011 (976141)

No DOV Associated

Notice of Intent Date: 06/11/2012 (1014412)

Disclosure Date: 09/26/2012

Viol. 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)

Rqmt Prov: PERMIT SC 1

Description: Failed to control emissions of benzene from the Catalytic Reformer #3 vent (V54) occurred to atmosphere in an amount greater than the MAERT limits in NSR Permit 21262 on nine separate periods since 2009. Details are listed here: 1/17/2009 1400-1659 hrs -46.6 lbs; 5/21/2009, 0600-1259 hrs --24.1 lbs; 7/3/2009 0600-1259, hrs - 129.2 lbs; 9/22/2009 1500-1659 hrs -- 17.1 lbs; 9/25/2009 0800-1159 hrs- 34.6 lbs; 7/11/2010 2000 hrs- /12/2010, 0959 hrs-140.31bs;1/9/2011 1000-1359 hrs -- 91.21bs; 11/23/2

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to submit initial notification of reportable emission events within the required time period.

Notice of Intent Date: 09/12/2012 (1043261)
No DOV Associated

Notice of Intent Date: 09/19/2012 (1035458)
Disclosure Date: 06/19/2013

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

Description: Failed to keep rim space vents closed when required in external floating roof tank A309.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

Description: Failed to keep rim space vents closed when required in external floating roof tank G360.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

Description: Failed to keep rim space vents closed when required in external floating roof tank G313.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

Description: Failed to keep rim space vents closed when required in external floating roof tank A324.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

Description: Failed to keep rim space vents closed when required in external floating roof tank A322.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

Description: Failed to keep rim space vents closed when required in external floating roof tank G359.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

Description: Failed to keep rim space vents closed when required in external floating roof tank G357 due to the malfunction of a rim vent pin.

Notice of Intent Date: 04/25/2013 (1089202)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SHELL CHEMICAL LP
RN100211879

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2014-1110-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Shell Chemical LP ("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 together stipulate that:

1. The Respondent owns and operates a chemical plant located 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 Executive Director 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 July 22, 2014.
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 Nineteen Thousand Six Hundred Eighty-Eight Dollars (\$19,688) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Eight Hundred Seventy-Six Dollars (\$7,876) of the administrative penalty and Three

Thousand Nine Hundred Thirty-Seven Dollars (\$3,937) 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. Seven Thousand Eight Hundred Seventy-Five Dollars (\$7,875) 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 and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. By June 6, 2013, adjusted control parameters to ensure that the A & S Flare, Emission Point Number ("EPN") A1301, operates above the minimum net heating value of 300 British thermal units per standard cubic foot ("Btu/scf"); and
 - b. By February 27, 2014, revised the internal Shell Environmental Impact Statement used for Phenol Production Unit turnarounds and adjusted process control parameters to ensure that the Regenerative Thermal Oxidizer ("RTO"), EPN H87002, operates above the minimum firebox temperature of 1,500 degrees Fahrenheit ("°F").
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to maintain the minimum net heating value of 300 Btu/scf for the A & S Flare, EPN A1301, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS

§ 60.18(c)(3)(ii), Federal Operating Permit ("FOP") No. O1945, Special Terms and Conditions ("STC") No. 21, and New Source Review ("NSR") Permit No. 3179, Special Conditions ("SC") No. 14.A., as documented during a record review conducted on March 20, 2014. Specifically, the net heating value fell below 300 Btu/scf on January 25, 2013, March 5, 2013, and June 5, 2013.

2. Failed to maintain the required minimum firebox temperature of 1,500 °F for the RTO, EPN H87002, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1945, STC No. 21, and NSR Permit No. 3179, SC No. 18, as documented during a record review conducted on March 20, 2014. Specifically, the firebox temperature fell below 1,500 °F on February 23, 2013, April 24, 2013, and April 27, 2013.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Shell Chemical LP, Docket No. 2014-1110-AIR-E" to:

Financial Administration Division, Revenue Operations 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, Seven Thousand Eight Hundred Seventy-Five Dollars (\$7,875) 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 separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela Maurer
For the Executive Director

2/20/15
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]
Signature

10/21/2014
Date

BARRY KLEIN
Name (Printed or typed)
Authorized Representative of
Shell Chemical LP

GM - DEER PARK SITE
Title

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

Attachment A
Docket Number: 2014-1110-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Shell Chemical LP
Penalty Amount:	Fifteen Thousand Seven Hundred Fifty-One Dollars (\$15,751)
SEP Offset Amount:	Seven Thousand Eight Hundred Seventy-Five Dollars (\$7,875)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Barber’s Hill Independent School District
Project Name:	<i>Alternative Fuel School Bus Replacement</i>
Location of SEP:	Chambers County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the 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 Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Barber’s Hill Independent School District** (“Barber’s Hill ISD”) for the *Alternative Fuel School Bus Replacement* program. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount shall be used to reduce carbon monoxide (“CO”), nitrogen oxides (“NO_x”), particulate matter (“PM”), and volatile organic compounds (“VOCs”) emissions by replacing older school buses with new propane-fueled buses. The Third-Party Administrator shall ensure that each replacement bus purchased has an engine that meets 2010 EPA Standards. The Third-Party Administrator has invested in propane fueling infrastructure to support the operation of new propane-fueled buses. The Third-Party Administrator shall give preference to replacing the oldest, most polluting buses currently in use. Only older buses that are currently in regular use, driven on a regular route on a weekly basis for at least the past two years are eligible for replacement. The SEP Offset Amount will only be used for the purchase of a base model propane-fueled Replacement Bus. The Third-Party Administrator shall own and operate each Replacement Bus for at least five years following the date of purchase. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a new 2010 ultra-low emission model, passengers' exposures to NO_x may be reduced by 98 percent; VOCs by 93 percent; CO by 83 percent; and PM by 99 percent.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator 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 Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Barber's Hill ISD SEP** and shall mail the contribution with a copy of the Agreed Order to:

John Johnson, Consultant
Carl R. Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Shell Chemical LP
Agreed Order - Attachment A

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

4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

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

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. **Recognition**

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