Executive Summary – Enforcement Matter – Case No. 50164
Shell Oil Company
RN100211879
Docket No. 2015-0325-AIR-E

Order Type:
Findings Agreed Order
Findings Order Justification:
People or environmental receptors have been exposed to pollutants which exceed levels that are protective.
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:
Petroleum refinery
Other Significant Matters:
Additional Pending Enforcement Actions: Yes, Docket No. 2015-0905-AIR-E and 2015-0442-AIR-E
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: August 7, 2015
Comments Received: No

Penalty Information

Total Penalty Assessed: $25,000
Amount Deferred for Expedited Settlement: $0
Amount Deferred for Financial Inability to Pay: $0
Total Paid to General Revenue: $12,500
Total Due to General Revenue: $0
Payment Plan: N/A
Supplemental Environmental Project ("SEP") Conditional Offset: $12,500
Name of SEP: Railroad Commission of Texas (Third-Party Pre-Approved)
Compliance History Classifications:
Person/CN - Satisfactory
Site/RN - Satisfactory
Major Source: Yes
Statutory Limit Adjustment: $25,000
Applicable Penalty Policy: April 2014

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Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: August 20, 2014 through September 3, 2014
Date(s) of NOE(s): February 6, 2015

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 57,260.91 pounds ("lbs") of volatile organic compounds ("VOC") and 4,157 lbs of hydrogen sulfide from Distillation Unit 2, during an emissions event (Incident No. 201415) that began on July 24, 2014 and lasted for 22 minutes. The event occurred due to entrained water in the crude feed, overloading the distillation column's condensing capacity, resulting in an increase in pressure and a release from the column's pressure safety valve to the atmosphere. Since the Respondent failed to demonstrate that the unauthorized emissions were caused by a sudden, unavoidable breakdown of equipment beyond the control of the owner or operator, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit Nos. 21262 and PSDTX928, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented modified procedures associated with control of specific crude injections and sampling to minimize the potential for residual water feed into Distillation Unit 2 on July 25, 2014.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

2. The Order will also require the Respondent to:

a. Within 120 days, implement improved crude tank sampling and other measures designed to prevent a recurrence of emissions events due to the same causes as Incident No. 201415; and;

b. Within 150 days, submit written certification to demonstrate compliance with a.

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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: Carol McGrath, Enforcement Division, Enforcement Team 4, MC R-13, (210) 403-4063; 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 Oil Company, P. O. Box 100, Deer Park, Texas 77536
Respondent's Attorney: N/A

Attachment A

Docket Number: 2015-0325-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Shell Oil Company**
Penalty Amount:	**Twenty-Five Thousand Dollars ($25,000)**
SEP Offset Amount:	**Twelve Thousand Five Hundred Dollars ($12,500)**
Type of SEP:	**Contribution to a Third-Party Pre-Approved SEP**
Third-Party Administrator:	**Railroad Commission of Texas**
Project Name:	***Alternative Fuels Clean School Bus Replacement Program***
Location of SEP:	**Statewide, Preference for Harris County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset 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 the **Railroad Commission of Texas** for the *Alternative Fuels Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards.

The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a propane or natural gas powered school bus that is model year 2010 or newer to public school districts and public charter schools to replace a diesel school bus that is model year 2002 or older. The SEP will be done 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 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 which contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

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 **Railroad Commission of Texas SEP** and shall mail the contribution with a copy of the Agreed Order to:

Alternative Energy Division
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

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 due to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

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 the 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.

Penalty Calculation Worksheet (PCW)

TCEQ

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

DATES					
Assigned	9-Feb-2015				
PCW	29-Apr-2015	Screening	24-Feb-2015	EPA Due	

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	50164	No. of Violations	1
Docket No.	2015-0325-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Carol McGrath
		EC's Team	Enforcement Team 4

Admin. Penalty $ Limit Minimum: $0 Maximum: $25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$25,000**

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* **$25,000**

Notes: Enhancement for seven NOVs with same/similar violations, two NOVs with dissimilar violations, 12 orders with denial of liability, and nine orders without denial of liability. Reduction for ten 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* **$0**

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

Total EB Amounts: $219
Estimated Cost of Compliance: $10,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$50,000**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$50,000**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$25,000**

DEFERRAL — **0.0%** Reduction — *Adjustment* **$0**

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **$25,000**

Screening Date 24-Feb-2015 **Docket No.** 2015-0325-AIR-E **PCW**

Respondent Shell Oil Company *Policy Revision 4 (April 2014)*

Case ID No. 50164 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Carol McGrath

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 (*number of NOVs meeting criteria*)	7	35%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	12	240%
	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 (*number of judgments or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	10	-10%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	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) 482%

>> 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 seven NOVs with same/similar violations, two NOVs with dissimilar violations, 12 orders with denial of liability, and nine orders without denial of liability. Reduction for ten Notices of Intent to conduct an audit and six Disclosures of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 482%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 100%

Screening Date 24-Feb-2015 **Docket No.** 2015-0325-AIR-E **PCW**

Respondent Shell Oil Company *Policy Revision 4 (April 2014)*

Case ID No. 50164 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Carol McGrath

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit Nos. 21262 and PSDTX928, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 57,260.91 pounds ("lbs") of volatile organic compounds ("VOC") and 4,157 lbs of hydrogen sulfide from Distillation Unit 2, during an emissions event (Incident No. 201415) that began on July 24, 2014 and lasted for 22 minutes. The event occurred due to entrained water in the crude feed, overloading the distillation column's condensing capacity, resulting in an increase in pressure and a release from the column's pressure safety valve to the atmosphere. Since the Respondent failed to demonstrate that the unauthorized emissions were caused by a sudden, unavoidable breakdown of equipment beyond the control of the owner or operator, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $0

$25,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $25,000

One daily event is recommended.

Good Faith Efforts to Comply

0.0% Reduction $0

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

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $25,000

Economic Benefit (EB) for this violation

Estimated EB Amount $219

Statutory Limit Test

Violation Final Penalty Total $50,000

This violation Final Assessed Penalty (adjusted for limits) $25,000

Economic Benefit Worksheet

Respondent Shell Oil Company
Case ID No. 50164
Reg. Ent. Reference No. RN100211879
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$10,000	24-Jul-2014	31-Dec-2015	1.44	$719	n/a	$719

Notes for DELAYED costs: Estimated cost to implement measures and procedures designed to prevent a recurrence of emissions event due to the same causes as Incident No. 201415. The Date Required is the date the emissions event occurred and the Final Date is the expected date of compliance.

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $10,000

TOTAL: $719

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.

Compliance History Report

PUBLISHED Compliance History Report for CN601542012, RN100211879, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN601542012, Shell Oil Company	**Classification:** SATISFACTORY	**Rating:** 8.36
Regulated Entity:	RN100211879, SHELL OIL DEER PARK	**Classification:** SATISFACTORY	**Rating:** 11.41
Complexity Points:	92	**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
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 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 NEW SOURCE PERMITS REGISTRATION 42221
AIR NEW SOURCE PERMITS REGISTRATION 42512
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 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 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 42573
AIR NEW SOURCE PERMITS REGISTRATION 43605

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 EPA PERMIT N208
AIR NEW SOURCE PERMITS REGISTRATION 123359
AIR NEW SOURCE PERMITS REGISTRATION 113881
AIR NEW SOURCE PERMITS REGISTRATION 120437
AIR NEW SOURCE PERMITS REGISTRATION 105055
AIR NEW SOURCE PERMITS REGISTRATION 127854
AIR NEW SOURCE PERMITS REGISTRATION 112344
AIR NEW SOURCE PERMITS REGISTRATION 124415
AIR NEW SOURCE PERMITS REGISTRATION 112313
AIR NEW SOURCE PERMITS REGISTRATION 129997
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

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 112737
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 117430
AIR NEW SOURCE PERMITS REGISTRATION 122116
AIR NEW SOURCE PERMITS REGISTRATION 125842
AIR NEW SOURCE PERMITS REGISTRATION 106379
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

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: February 17, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 17, 2010 to February 17, 2015

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

Name: Carol McGrath **Phone:** (210) 403-4063

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: 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

2 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.

3 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

4 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 atomosphere. 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

5 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.

6 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.

7 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.

8 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.

9 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.

10 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.

11 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.

12 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.

13 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.

14 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.

15 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.

16 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.

17 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

18 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.

19 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
Description: Failed to prevent unauthorized emissions.
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.

20 Effective Date: 10/27/2014 ADMINORDER 2014-0375-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter H 115.722(c)(1)
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 Conditions No. 1 PERMIT
Special Terms and Conditions No. 21 OP

Description: Failed to prevent unauthorized emissions and failed to limit HRVOC emissions to 1,200 lbs per one hour block period.
Classification: Major
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
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 Conditions No. 1 PERMIT
Special Terms and Conditions No. 22 OP

Description: Failed to prevent unauthorized emissions and failed to limit HRVOC emissions to 1,200 lbs per one hour block period.

See addendum for information regarding federal actions.

B. Criminal convictions: N/A

C. Chronic excessive emissions events: N/A

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

Item 1	February 18, 2010	(804533)
Item 2	February 23, 2010	(787148)
Item 3	March 15, 2010	(789829)
Item 4	March 17, 2010	(830837)
Item 5	March 25, 2010	(794199)
Item 6	March 29, 2010	(792150)
Item 7	April 02, 2010	(794620)
Item 8	April 05, 2010	(797068)
Item 9	April 06, 2010	(783318)
Item 10	April 12, 2010	(793088)
Item 11	April 21, 2010	(798275)
Item 12	April 22, 2010	(830838)
Item 13	April 29, 2010	(800569)
Item 14	May 07, 2010	(797014)
Item 15	May 10, 2010	(797040)
Item 16	May 19, 2010	(801115)
Item 17	May 20, 2010	(801366)
Item 18	May 25, 2010	(824557)
Item 19	May 26, 2010	(802424)
Item 20	June 18, 2010	(830841)
Item 21	June 22, 2010	(798148)
Item 22	July 09, 2010	(826170)
Item 23	July 19, 2010	(860848)
Item 24	July 26, 2010	(803128)
Item 25	July 27, 2010	(824430)
Item 26	July 28, 2010	(842924)
Item 27	August 09, 2010	(800144)
Item 28	August 17, 2010	(803124)
Item 29	August 19, 2010	(866815)
Item 30	August 31, 2010	(803142)
Item 31	September 16, 2010	(873886)
Item 32	October 19, 2010	(881488)
Item 33	November 17, 2010	(888016)
Item 34	December 17, 2010	(896221)
Item 35	January 18, 2011	(902290)
Item 36	January 21, 2011	(878058)
Item 37	February 17, 2011	(909066)
Item 38	March 08, 2011	(900041)
Item 39	March 14, 2011	(916329)
Item 40	March 15, 2011	(859959)
Item 41	March 23, 2011	(906934)
Item 42	April 08, 2011	(906978)
Item 43	April 18, 2011	(924772)
Item 44	April 27, 2011	(901538)
Item 45	May 12, 2011	(901220)
Item 46	May 16, 2011	(901224)
Item 47	May 18, 2011	(938010)
Item 48	June 07, 2011	(912033)
Item 49	June 17, 2011	(915211)
Item 50	June 20, 2011	(945334)
Item 51	July 01, 2011	(936461)
Item 52	July 22, 2011	(937608)
Item 53	August 01, 2011	(923435)
Item 54	August 17, 2011	(948249)
Item 55	August 18, 2011	(959288)
Item 56	August 23, 2011	(937593)
Item 57	August 26, 2011	(937667)
Item 58	August 29, 2011	(937668)
Item 59	August 30, 2011	(937207)

Item 60	September 15, 2011	(965321)
Item 61	September 28, 2011	(937483)
Item 62	October 13, 2011	(971361)
Item 63	November 17, 2011	(977521)
Item 64	December 09, 2011	(965179)
Item 65	December 12, 2011	(969310)
Item 66	December 16, 2011	(970016)
Item 67	December 19, 2011	(984287)
Item 68	January 12, 2012	(990589)
Item 69	January 17, 2012	(964848)
Item 70	February 06, 2012	(976905)
Item 71	February 15, 2012	(987664)
Item 72	February 20, 2012	(997950)
Item 73	February 24, 2012	(987343)
Item 74	March 16, 2012	(994459)
Item 75	March 20, 2012	(1003474)
Item 76	March 30, 2012	(976906)
Item 77	April 10, 2012	(989049)
Item 78	April 18, 2012	(987396)
Item 79	April 19, 2012	(1010037)
Item 80	May 03, 2012	(997861)
Item 81	May 15, 2012	(1006516)
Item 82	May 18, 2012	(1016432)
Item 83	June 20, 2012	(1024153)
Item 84	June 29, 2012	(1009226)
Item 85	July 10, 2012	(1015877)
Item 86	July 20, 2012	(1031549)
Item 87	July 30, 2012	(1013049)
Item 88	August 16, 2012	(1008493)
Item 89	August 20, 2012	(1037925)
Item 90	September 05, 2012	(1013053)
Item 91	September 13, 2012	(1020375)
Item 92	September 18, 2012	(1031344)
Item 93	October 02, 2012	(1021281)
Item 94	October 18, 2012	(1060822)
Item 95	November 20, 2012	(1060823)
Item 96	December 19, 2012	(1060824)
Item 97	January 18, 2013	(1078933)
Item 98	January 25, 2013	(1046537)
Item 99	February 08, 2013	(1050758)
Item 100	February 20, 2013	(1078934)
Item 101	February 27, 2013	(1059517)
Item 102	March 20, 2013	(1089290)
Item 103	March 29, 2013	(1060207)
Item 104	April 10, 2013	(1059686)
Item 105	April 18, 2013	(1095685)
Item 106	April 29, 2013	(1073262)
Item 107	May 20, 2013	(1095684)
Item 108	June 20, 2013	(1110285)
Item 109	July 19, 2013	(1117169)
Item 110	July 31, 2013	(1098624)
Item 111	August 07, 2013	(1102332)
Item 112	August 20, 2013	(1124926)
Item 113	September 18, 2013	(1129525)
Item 114	October 17, 2013	(1135256)
Item 115	November 05, 2013	(1095043)
Item 116	November 14, 2013	(1106142)
Item 117	November 20, 2013	(1140655)
Item 118	December 18, 2013	(1147113)
Item 119	January 15, 2014	(1114349)

Item 120	January 17, 2014	(1153182)
Item 121	February 03, 2014	(1135116)
Item 122	February 18, 2014	(1139856)
Item 123	February 19, 2014	(1160517)
Item 124	March 17, 2014	(1150150)
Item 125	March 19, 2014	(1167162)
Item 126	April 04, 2014	(1152418)
Item 127	April 17, 2014	(1174295)
Item 128	May 13, 2014	(1152530)
Item 129	May 20, 2014	(1180483)
Item 130	May 28, 2014	(1163873)
Item 131	May 30, 2014	(1152587)
Item 132	June 18, 2014	(1187382)
Item 133	July 09, 2014	(1179970)
Item 134	July 17, 2014	(1198511)
Item 135	August 12, 2014	(1173221)
Item 136	August 19, 2014	(1198512)
Item 137	August 22, 2014	(1172985)
Item 138	September 15, 2014	(1086729)
Item 139	September 17, 2014	(1205786)
Item 140	October 02, 2014	(1191546)
Item 141	October 20, 2014	(1212198)
Item 142	November 19, 2014	(1218450)
Item 143	December 18, 2014	(1216102)
Item 144	January 30, 2015	(1222756)
Item 145	February 04, 2015	(1223023)
Item 146	February 05, 2015	(1197220)

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: 05/01/2014 (1152660) CN601542012

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)

2 Date: 05/08/2014 (1152559) CN601542012

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)

3 Date: 05/31/2014 (1187381) CN601542012

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

4 Date: 06/30/2014 (1198513) CN601542012

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

5 Date: 07/17/2014 (1152563) CN601542012

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)

6 Date: 08/05/2014 (1173348)

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 water intrusion into the Differential Pressure Controller Electronic Transmitter Case,

7 Date: 08/12/2014 (1152747) CN601542012

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)

Description: Failure to maintain 500 parts per million (ppm) carbon monixide (CO) for Boiler (H-600). (Category B19 (g)(1)
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 A 60.18(c)(3)(i)(B)(ii)
5C THSC Chapter 382 382.085(b)
SC 24 PERMIT
ST&C 1A OP
ST&C 25 OP

Description: Failure to maintain the Net Heating Value (NHV) Tip Velocity permitted requirements for (EPNs: FLARECOKE, FLAREEP, EPFLARE, and FLARENP). (Category C4)
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 1A OP

Description: Failure to sample gas flare (FLAREEP). (Category B1)
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)
SC 24 PERMIT
ST&C 25 OP

Description: Failure to maintain nitrogen oxide (NOx) 3-hour (hr) rolling average for Boiler (H-600). (Category C4)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.305(e)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to maintain carbon monoxide (CO) 400 ppm for Boiler (H-5500). (Category B1)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to test Highly Reactive Volatile Organic Compound (HRVOC) fuel flow for heaters (H-31003, H-31001/H-31002, H-5100, H-5102, H53NN, and H1011). Category B1
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)
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 44 PERMIT
ST&C 1A OP
ST&C 25 OP

Description: Failure to ensure tanks were properly maintained. (Category B1)
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)
SC 11A PERMIT
ST&C 25 OP

Description: Failure to record visual, audible and/or olfactory checks for H2S. (Category B3)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter U 106.478(7)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a PI-7 for new construction. (Category B4)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.783(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 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
SC 9(E) PERMIT
ST&C 1A OP
ST&C 25 OP

Description: Failure to cap or seal open-ended lines. (Category C10)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP
Description: Failure to control high VOC paint emisisons. (Category B14)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP
Description: Failure to sample HRVOC at cooling water tower (CWT-9). (Category B1)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(9)
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(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(2)
5C THSC Chapter 382 382.085(b)
SC 9(F) & (G) PERMIT
ST&C 1A OP

ST&C 25 OP
Description: Failure to conduct Leak Detection and Repair (LDAR) Monitoring on 199 fugitive components. (Category B1)
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)
SC 42(C)(ii) PERMIT
ST&C 25 OP
Description: Failure to record test for lower limit (LEL). (Category B1)

8 Date: 09/26/2014 (1195897)
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: Shell failed to ensure that the isolation valve from the HT-2 off spec header to Tank TOL909 was fully closed.

9 Date: 01/16/2015 (1203738) CN601542012
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 provide sufficient information regarding the leak on the re-run gasoline line to demonstrate they met the affirmative defense criteria (Category A12i(6)).

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: 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 notificatioin 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: 04/24/2012 (1014033)
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: 1/17/20091400-1659 hrs -46.6 1bs; 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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: SHELL OIL DEER PARK

Reg Entity Add: 5900 HIGHWAY 225

Reg Entity City: DEER PARK ***Reg Entity No:*** RN100211879

Customer Name: Deer Park Refining LP ***Customer No:*** CN602641664

EPA Case No: 06-2009-3404 ***Order Issue Date (yyyymmdd):*** 20140606

Case Result: Final Order with Penalty ***Statute:*** CAA ***Sect of Statute:*** 173

Classification: Moderate ***Program:*** Permit Requirements ***Citation:***

Violation Type: Benzene Waste ***Cite Sect:*** ***Cite Part:***

Enforcement Action: Consent Decree or Court Order Resolving a Civil

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING	**§**	**TEXAS COMMISSION ON**
SHELL OIL COMPANY	**§**	
RN100211879	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2015-0325-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Shell Oil Company ("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 presented this agreement to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent operates a petroleum refinery at 5900 Highway 225 in Deer Park, Harris County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. During a record review conducted on August 20, 2014 through September 3, 2014, TCEQ staff documented that the Respondent released 57,260.91 pounds ("lbs") of volatile organic compounds ("VOC") and 4,157 lbs of hydrogen sulfide from Distillation Unit 2, during an emissions event (Incident No. 201415) that began on July 24, 2014 and lasted for 22 minutes. The event occurred due to entrained water in the crude feed, overloading the distillation column's condensing capacity, resulting in an increase in pressure and a release from the column's pressure safety valve to the atmosphere. The TCEQ staff determined that the Respondent failed to demonstrate that the unauthorized emissions were caused by a sudden, unavoidable breakdown of equipment beyond the control of the owner or operator.

4. The Respondent received a notice of the violation on February 9, 2015.

5. The Executive Director recognizes that on July 25, 2014, the Respondent implemented modified procedures associated with control of specific crude injections and sampling to minimize the potential for residual water feed into Distillation Unit 2.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 7, and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit Nos. 21262 and PSDTX928, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the Respondent failed to demonstrate that the unauthorized emissions were caused by a sudden, unavoidable breakdown of equipment beyond the control of the owner or operator, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of Twenty-Five Thousand Dollars ($25,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Twelve Thousand Five Hundred Dollars ($12,500) of the administrative penalty. Twelve Thousand Five Hundred Dollars ($12,500) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Twenty-Five Thousand Dollars ($25,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Shell Oil Company, Docket No. 2015-0325-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 II, Paragraph 4 above, Twelve Thousand Five Hundred Dollars ($12,500) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completions of all provisions of the SEP agreement.

3. The Respondent shall undertake the following technical requirements:

   a. Within 120 days after the effective date of this Agreed Order, implement improved crude tank sampling and other measures designed to prevent a recurrence of emissions events due to the same causes as Incident No. 201415; and;

   b. Within 150 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

      "I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on

my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

4. 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.

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the

Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

8. 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.

9. 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.

10. 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.

11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

Ramon Marcia Jr
For the Executive Director

10/30/15
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Shell Oil Company. I am authorized to agree to the attached Agreed Order on behalf of Shell Oil Company, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Shell Oil Company waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that 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

July 8, 2015
Date

BARRY KLEIN
Name (Printed or typed)
Authorized Representative of
Shell Oil Company

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 III, Paragraph 1 of this Agreed Order.

Attachment A

Docket Number: 2015-0325-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Shell Oil Company**
Penalty Amount:	**Twenty-Five Thousand Dollars ($25,000)**
SEP Offset Amount:	**Twelve Thousand Five Hundred Dollars ($12,500)**
Type of SEP:	**Contribution to a Third-Party Pre-Approved SEP**
Third-Party Administrator:	**Railroad Commission of Texas**
Project Name:	***Alternative Fuels Clean School Bus Replacement Program***
Location of SEP:	**Statewide, Preference for Harris County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset 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 the **Railroad Commission of Texas** for the *Alternative Fuels Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards.

The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a propane or natural gas powered school bus that is model year 2010 or newer to public school districts and public charter schools to replace a diesel school bus that is model year 2002 or older. The SEP will be done 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 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 which contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

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 **Railroad Commission of Texas SEP** and shall mail the contribution with a copy of the Agreed Order to:

Alternative Energy Division
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

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 due to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

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 the 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.