Executive Summary – Enforcement Matter – Case No. 51471
Shell Chemical LP
RN100211879
Docket No. 2015-1636-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:
Petrochemical plant
Other Significant Matters:
Additional Pending Enforcement Actions: Yes, Docket Nos. 2015-1215-AIR-E, 2015-1367-AIR-E, 2015-1741-AIR-E, 2015-1816-AIR-E, and 2015-1834-AIR-E
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: March 18, 2016
Comments Received: No

Penalty Information

Total Penalty Assessed: $50,000
Amount Deferred for Expedited Settlement: $0
Amount Deferred for Financial Inability to Pay: $0
Total Paid to General Revenue: $25,000
Total Due to General Revenue: $0
Payment Plan: N/A
Supplemental Environmental Project ("SEP") Conditional Offset: $25,000
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: $45,000
Applicable Penalty Policy: April 2014

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Docket No. 2015-1636-AIR-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: July 29 through August 12, 2015
Date(s) of NOE(s): October 13, 2015

Violation Information

Failed to prevent unauthorized emissions and exceeded the highly reactive volatile organic compound emission rate of 1,200 pounds per one-hour block period. 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 [30 TEX. ADMIN. CODE §§ 101.20(3), 115.722(c)(1), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O1668, Special Terms and Conditions No. 22, and New Source Review Permit Nos. 3219 and PSDTX974, Special Conditions No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures to prevent a recurrence of emissions events due to the same cause as Incident No. 216835:

a. On September 24, 2015, conducted an internal investigation and shared the findings with appropriate Instrumentation & Process Control and Maintenance Control Systems personnel;

b. On September 30, 2015, obtained documentation of Honeywell's troubleshooting process for Input-Output Logic faults and the appropriate sequence of clearing alarms of corrected faults; and

c. On October 27, 2015, modified the control scheme to allow for local restart of the overhead fans in the case of a Distributed Control System loss of communication.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment 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: Rajesh Acharya, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0577; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Barry Klein, General Manager - Deer Park Site, Shell Chemical LP, P.O. Box 100, Deer Park, Texas 77536
Richard W. Bourns, Environmental Manager, Shell Chemical LP, P.O. Box 100, Deer Park, Texas 77536
Respondent's Attorney: N/A

Attachment A

Docket Number: 2015-1636-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Shell Chemical LP**
Penalty Amount:	**Fifty Thousand Dollars ($50,000)**
SEP Offset Amount:	**Twenty-Five Thousand Dollars ($25,000)**
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** 19-Oct-2015
PCW 20-Jan-2016 **Screening** 28-Oct-2015 **EPA Due**

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	51471	**No. of Violations**	1
Docket No.	2015-1636-AIR-E	**Order Type**	Findings
Media Program(s)	Air	**Government/Non-Profit**	No
Multi-Media		**Enf. Coordinator**	Rajesh Acharya
		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*** **$50,000**

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%** Adjustment ***Subtotals 2, 3, & 7*** **$50,000**

Notes: Enhancement for eight NOVs with same/similar violations, 12 orders with denial of liability, and 10 orders without denial of liability. Reduction for nine notices of intent to conduct an audit and four 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*** **-$5,000**

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

Total EB Amounts $682
Estimated Cost of Compliance $40,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 ***Final Subtotal*** **$95,000**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$95,000**

STATUTORY LIMIT ADJUSTMENT ***Final Assessed Penalty*** **$50,000**

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 **$50,000**

Screening Date 28-Oct-2015 **Docket No.** 2015-1636-AIR-E **PCW**

Respondent Shell Chemical LP *Policy Revision 4 (April 2014)*

Case ID No. 51471 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

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*)	8	40%
	Other written NOVs	0	0%
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	10	250%
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)*	9	-9%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	4	-8%

		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) 513%

>> 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 eight NOVs with same/similar violations, 12 orders with denial of liability, and 10 orders without denial of liability. Reduction for nine notices of intent to conduct an audit and four disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 513%

>> Final Compliance History Adjustment

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

Screening Date 28-Oct-2015 **Docket No.** 2015-1636-AIR-E **PCW**

Respondent Shell Chemical LP *Policy Revision 4 (April 2014)*

Case ID No. 51471 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 115.722(c)(1), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O1668, Special Terms and Conditions No. 22, and New Source Review Permit Nos. 3219 and PSDTX974, Special Conditions No. 1

Violation Description Failed to prevent unauthorized emissions and exceeded the highly reactive volatile organic compound ("HRVOC") emission rate of 1,200 pounds ("lbs") per one-hour block period. Specifically, the Respondent released 3,198 pounds ("lbs") of nitrogen oxides, 25,056 lbs of carbon monoxide, and 37,398 lbs of volatile organic compounds, including 9,135 lbs of ethylene, a HRVOC, during an emissions event (Incident No. 216835) that began on July 6, 2015 and lasted 48 hours. The release occurred from Olefins Plant III ("OP3") due to an inadvertent trip of the OP3 Process Gas Compressor, resulting in emissions released from the OP3 Elevated Flare, Emission Point Number ("EPN") OP3ELFLA, the OP3 Ground Flare, EPN OP3GRFLA, and the Olefins Plant II Elevated Flare, EPN OP2ELFLA. 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.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Harm: Moderate	Harm: Minor
OR	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 2 | 2 Number of violation days

mark only one with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $50,000

Two daily events are recommended.

Good Faith Efforts to Comply

10.0% Reduction $5,000

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

Notes: The Respondent came into compliance on October 27, 2015, after the Notice of Enforcement dated October 13, 2015.

Violation Subtotal $45,000

Economic Benefit (EB) for this violation

Estimated EB Amount $682

Statutory Limit Test

Violation Final Penalty Total $95,000

This violation Final Assessed Penalty (adjusted for limits) $50,000

Economic Benefit Worksheet

Respondent Shell Chemical LP
Case ID No. 51471
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	$15,000	6-Jul-2015	30-Sep-2015	0.24	$12	$236	$247
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction	$15,000	6-Jul-2015	27-Oct-2015	0.31	$15	$310	$325
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling	$10,000	6-Jul-2015	24-Sep-2015	0.22	$110	n/a	$110
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
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 DELAYED costs: Estimated cost to conduct an internal investigation and share the findings with appropriate Instrumentation & Process Control and Maintenance Control Systems personnel ($10,000), obtain documentation of Honeywell's troubleshooting process for Input-Output Logic faults and the appropriate sequence of clearing alarms of corrected faults ($15,000), and modify the control scheme to allow for local restart of the overhead fans in the case of a Distributed Control System loss of communication ($15,000). Dates Required are the date of the emissions event. Final Dates are the dates of compliance.

Notes for AVOIDED costs:

Approx. Cost of Compliance $40,000

TOTAL $682

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

TCEQ Compliance History Report

PENDING Compliance History Report for CN601405145, RN100211879, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN601405145, Shell Chemical LP	**Classification:** SATISFACTORY	**Rating:** 7.62
Regulated Entity:	RN100211879, SHELL OIL DEER PARK	**Classification:** SATISFACTORY	**Rating:** 10.68
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 1669
AIR OPERATING PERMITS PERMIT 1668
AIR OPERATING PERMITS PERMIT 1943
AIR OPERATING PERMITS PERMIT 1945
AIR OPERATING PERMITS PERMIT 1946
AIR OPERATING PERMITS PERMIT 1947
AIR OPERATING PERMITS PERMIT 1948
POLLUTION PREVENTION PLANNING ID NUMBER P00619
POLLUTION PREVENTION PLANNING ID NUMBER P07403
WASTEWATER PERMIT WQ0000402000
WASTEWATER EPA ID TX0004863
WASTEWATER PERMIT WQ0000403000
WASTEWATER EPA ID TX0004871
AIR NEW SOURCE PERMITS PERMIT 21262
AIR NEW SOURCE PERMITS REGISTRATION 54895
AIR NEW SOURCE PERMITS REGISTRATION 55312
AIR NEW SOURCE PERMITS REGISTRATION 75524
AIR NEW SOURCE PERMITS REGISTRATION 55869
AIR NEW SOURCE PERMITS REGISTRATION 130755
AIR NEW SOURCE PERMITS REGISTRATION 76315
AIR NEW SOURCE PERMITS PERMIT 7855
AIR NEW SOURCE PERMITS REGISTRATION 11177
AIR NEW SOURCE PERMITS REGISTRATION 12152
AIR NEW SOURCE PERMITS REGISTRATION 12537
AIR NEW SOURCE PERMITS REGISTRATION 13373
AIR NEW SOURCE PERMITS REGISTRATION 13713
AIR NEW SOURCE PERMITS REGISTRATION 16429
AIR NEW SOURCE PERMITS PERMIT 1119
AIR NEW SOURCE PERMITS PERMIT 1120
AIR NEW SOURCE PERMITS PERMIT 3178
AIR NEW SOURCE PERMITS PERMIT 3179
AIR NEW SOURCE PERMITS PERMIT 3216
AIR NEW SOURCE PERMITS PERMIT 5801
AIR NEW SOURCE PERMITS PERMIT 6791
AIR NEW SOURCE PERMITS PERMIT 9334
AIR NEW SOURCE PERMITS REGISTRATION 10888
AIR NEW SOURCE PERMITS REGISTRATION 11096
AIR NEW SOURCE PERMITS REGISTRATION 11586
AIR NEW SOURCE PERMITS REGISTRATION 12373
AIR NEW SOURCE PERMITS REGISTRATION 12829
AIR NEW SOURCE PERMITS REGISTRATION 13678
AIR NEW SOURCE PERMITS REGISTRATION 15961
AIR NEW SOURCE PERMITS PERMIT 8236
AIR NEW SOURCE PERMITS REGISTRATION 15262
AIR NEW SOURCE PERMITS REGISTRATION 15365
AIR NEW SOURCE PERMITS REGISTRATION 15499
AIR NEW SOURCE PERMITS REGISTRATION 15940
AIR NEW SOURCE PERMITS PERMIT 18576
AIR NEW SOURCE PERMITS PERMIT 19849
AIR NEW SOURCE PERMITS PERMIT 22038
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX815
AIR NEW SOURCE PERMITS REGISTRATION 24096
AIR NEW SOURCE PERMITS REGISTRATION 27598
AIR NEW SOURCE PERMITS REGISTRATION 29597
AIR NEW SOURCE PERMITS REGISTRATION 32282
AIR NEW SOURCE PERMITS REGISTRATION 33524
AIR NEW SOURCE PERMITS REGISTRATION 34230
AIR NEW SOURCE PERMITS REGISTRATION 34358
AIR NEW SOURCE PERMITS REGISTRATION 35243
AIR NEW SOURCE PERMITS REGISTRATION 35608
AIR NEW SOURCE PERMITS PERMIT 37206
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0659W
AIR NEW SOURCE PERMITS AFS NUM 4820100039
AIR NEW SOURCE PERMITS PERMIT 1920
AIR NEW SOURCE PERMITS PERMIT 1968
AIR NEW SOURCE PERMITS PERMIT 2597
AIR NEW SOURCE PERMITS PERMIT 3214
AIR NEW SOURCE PERMITS PERMIT 3215
AIR NEW SOURCE PERMITS PERMIT 3217
AIR NEW SOURCE PERMITS PERMIT 3218
AIR NEW SOURCE PERMITS PERMIT 3219
AIR NEW SOURCE PERMITS PERMIT 3985A
AIR NEW SOURCE PERMITS PERMIT 4256
AIR NEW SOURCE PERMITS PERMIT 4933
AIR NEW SOURCE PERMITS REGISTRATION 41920

AIR NEW SOURCE PERMITS REGISTRATION 41875
AIR NEW SOURCE PERMITS REGISTRATION 42573
AIR NEW SOURCE PERMITS REGISTRATION 43605
AIR NEW SOURCE PERMITS REGISTRATION 45654
AIR NEW SOURCE PERMITS REGISTRATION 47575
AIR NEW SOURCE PERMITS PERMIT 56476
AIR NEW SOURCE PERMITS REGISTRATION 71223
AIR NEW SOURCE PERMITS REGISTRATION 54061
AIR NEW SOURCE PERMITS REGISTRATION 52565
AIR NEW SOURCE PERMITS REGISTRATION 52088
AIR NEW SOURCE PERMITS REGISTRATION 50423
AIR NEW SOURCE PERMITS REGISTRATION 75045
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX928
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX974
AIR NEW SOURCE PERMITS REGISTRATION 76699
AIR NEW SOURCE PERMITS REGISTRATION 76265
AIR NEW SOURCE PERMITS REGISTRATION 79604
AIR NEW SOURCE PERMITS REGISTRATION 80503
AIR NEW SOURCE PERMITS REGISTRATION 84642
AIR NEW SOURCE PERMITS REGISTRATION 85596
AIR NEW SOURCE PERMITS REGISTRATION 87173
AIR NEW SOURCE PERMITS REGISTRATION 92386
AIR NEW SOURCE PERMITS REGISTRATION 93992
AIR NEW SOURCE PERMITS REGISTRATION 95595
AIR NEW SOURCE PERMITS REGISTRATION 98644
AIR NEW SOURCE PERMITS REGISTRATION 100328
AIR NEW SOURCE PERMITS REGISTRATION 100945
AIR NEW SOURCE PERMITS REGISTRATION 101891
AIR NEW SOURCE PERMITS PERMIT 120335
AIR NEW SOURCE PERMITS REGISTRATION 105051
AIR NEW SOURCE PERMITS REGISTRATION 132997
AIR NEW SOURCE PERMITS REGISTRATION 134988
AIR NEW SOURCE PERMITS PERMIT 135890
AIR NEW SOURCE PERMITS REGISTRATION 123359
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 132281
AIR NEW SOURCE PERMITS REGISTRATION 117430
AIR NEW SOURCE PERMITS REGISTRATION 112344
AIR NEW SOURCE PERMITS REGISTRATION 122116
AIR NEW SOURCE PERMITS REGISTRATION 125842
AIR NEW SOURCE PERMITS REGISTRATION 112313
AIR NEW SOURCE PERMITS REGISTRATION 106379
AIR NEW SOURCE PERMITS REGISTRATION 115088
AIR NEW SOURCE PERMITS REGISTRATION 105058
AIR NEW SOURCE PERMITS REGISTRATION 114863
AIR NEW SOURCE PERMITS REGISTRATION 131615

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 42221
AIR NEW SOURCE PERMITS REGISTRATION 42512
AIR NEW SOURCE PERMITS REGISTRATION 42118
AIR NEW SOURCE PERMITS REGISTRATION 45944
AIR NEW SOURCE PERMITS PERMIT 48912
AIR NEW SOURCE PERMITS PERMIT 56496
AIR NEW SOURCE PERMITS REGISTRATION 71567
AIR NEW SOURCE PERMITS REGISTRATION 50548
AIR NEW SOURCE PERMITS REGISTRATION 52089
AIR NEW SOURCE PERMITS REGISTRATION 50388
AIR NEW SOURCE PERMITS REGISTRATION 74572
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX896
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX928M1
AIR NEW SOURCE PERMITS REGISTRATION 77284
AIR NEW SOURCE PERMITS REGISTRATION 77952
AIR NEW SOURCE PERMITS REGISTRATION 78624
AIR NEW SOURCE PERMITS REGISTRATION 80525
AIR NEW SOURCE PERMITS REGISTRATION 81971
AIR NEW SOURCE PERMITS REGISTRATION 87871
AIR NEW SOURCE PERMITS REGISTRATION 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 133287
AIR NEW SOURCE PERMITS EPA PERMIT N208
AIR NEW SOURCE PERMITS REGISTRATION 112737
AIR NEW SOURCE PERMITS REGISTRATION 131062
AIR NEW SOURCE PERMITS REGISTRATION 113881
AIR NEW SOURCE PERMITS REGISTRATION 120437
AIR NEW SOURCE PERMITS REGISTRATION 105055
AIR NEW SOURCE PERMITS EPA PERMIT N228
AIR NEW SOURCE PERMITS REGISTRATION 127854
AIR NEW SOURCE PERMITS REGISTRATION 135037
AIR NEW SOURCE PERMITS REGISTRATION 133665
AIR NEW SOURCE PERMITS REGISTRATION 124415
AIR NEW SOURCE PERMITS REGISTRATION 132367
AIR NEW SOURCE PERMITS REGISTRATION 130375
AIR NEW SOURCE PERMITS REGISTRATION 129997
AIR NEW SOURCE PERMITS REGISTRATION 108593
AIR NEW SOURCE PERMITS REGISTRATION 105059
AIR NEW SOURCE PERMITS REGISTRATION 105772
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

Date Compliance History Report Prepared: October 21, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 21, 2010 to October 21, 2015

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

Name: Rajesh Acharya **Phone:** (512) 239-0577

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: 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.

2 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.

3 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.

4 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.

5 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.

6 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.

7 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.

8 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.

9 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.

10 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.

11 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.

12 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.

13 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

14 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.

15 Effective Date: 07/11/2014 ADMINORDER 2013-1205-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT
Special Terms and Conditions No. 15 OP

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT
Special Terms and Conditions No. 15 OP

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Special Condition 10 PERMIT
Special Terms and Conditions 21 OP

Description: Failed to comply with the maximum fill rate of 14,100 gallons per hour ("gal/hr") for Tank Nos. D402 and D403 and the maximum pumping rate of 126,000 gal/hr for Tank No. F354.

16 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.

17 Effective Date: 12/19/2014 ADMINORDER 2014-0152-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 Condtion No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Failure to prevent the overfilling of the GOHT Stripper Overhead Receiver during startup of the unit (Category A12(i)(6).
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: Failure to prevent unauthorized emissions. Shell failed to prevent the release of unauthorized emissions associated with four holes in the floating roof of Tank G358.

18 Effective Date: 07/17/2015 ADMINORDER 2014-1110-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 1945 PERMIT
3179 PERMIT

Description: Failed to maintain the minimum net heating value of 300 British thermal units per standard cubic foot ("Btu/scf") for the A & S Flare, Emission Point Number ("EPN") A1301. Specifically, the net heating value fell below 300 Btu/scf on January 25, 2013, March 5, 2013, and June 5, 2013.
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: 1945 PERMIT
3179 PERMIT

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

19 Effective Date: 08/10/2015 ADMINORDER 2014-1522-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Major
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 No. O1669 OP
Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 47,807.73 pounds ("lbs") of volatile organic compounds ("VOC"), including 1,805.52 lbs of highly reactive volatile organic compounds ("HRVOC");

28.39 lbs of hydrogen sulfide; and 0.71 lb of carbon monoxide from the Distillation Unit Column V-5102, during an emissions event (Incident No. 199252) that began on June 3, 2014 and lasted for 16 minutes. (Category A12(i)(6)).

Classification: Minor

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 No. O1669 OP
Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 6,844.43 lbs of VOC, including 640.32 lbs of HRVOC; 257.33 lbs of hydrogen sulfide; and 8.11 lbs of carbon monoxide from the Distillation Unit Column V-5102, during an emissions event (Incident No. 200476) that began on June 30, 2014 and lasted for three minutes.

20 Effective Date: 08/24/2015 ADMINORDER 2014-1245-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: ST&C 1A OP

Description: Failed to maintain the H2S concentration in the fuel gas at or below 230 mg/dscm.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: ST&C 1A OP

Description: Failed to comply with the NH3 concentration limit of 10 ppmv at three percent oxygen for units that inject urea or NH3 into the exhaust stream for nitrogen oxides control.

Classification: Minor

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

Rqmt Prov: GT&C OP

Description: Failed to include all applicable requirements for each deviation reported in the January 1, 2013 through June 30, 2013 deviation report dated July 30, 2013 and the July 1, 2013 through December 31, 2013 deviation report dated January 30, 2014.

21 Effective Date: 08/24/2015 ADMINORDER 2014-1728-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: FOP O-1668 OP
Special Condition No. 6 PERMIT

Description: Failure to prevent unauthorized emissions. Shell Chemical LP failed to prevent a leak on the flange of the recirculation nozzle on Tank T74B (Category A12i(6)).

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	January 21, 2011	(878058)
Item 2	March 08, 2011	(900041)
Item 3	March 15, 2011	(859959)
Item 4	April 08, 2011	(906978)
Item 5	April 27, 2011	(901538)
Item 6	May 12, 2011	(901220)
Item 7	May 16, 2011	(901224)
Item 8	May 24, 2011	(921483)
Item 9	June 07, 2011	(912033)
Item 10	June 17, 2011	(915211)
Item 11	July 22, 2011	(937608)
Item 12	August 01, 2011	(923435)
Item 13	August 17, 2011	(948252)
Item 14	August 23, 2011	(937593)
Item 15	August 26, 2011	(937667)
Item 16	August 29, 2011	(937668)
Item 17	August 30, 2011	(937207)
Item 18	September 22, 2011	(956750)
Item 19	September 28, 2011	(937483)
Item 20	December 12, 2011	(969310)
Item 21	December 16, 2011	(970016)
Item 22	January 17, 2012	(964848)
Item 23	February 06, 2012	(976905)
Item 24	February 15, 2012	(987664)
Item 25	February 24, 2012	(987343)
Item 26	March 16, 2012	(994459)
Item 27	March 30, 2012	(976906)
Item 28	April 10, 2012	(989049)
Item 29	April 18, 2012	(987396)
Item 30	May 15, 2012	(1006516)
Item 31	June 29, 2012	(1009226)
Item 32	July 30, 2012	(1013049)
Item 33	August 16, 2012	(1008493)
Item 34	September 05, 2012	(1013053)
Item 35	September 13, 2012	(1020375)
Item 36	September 18, 2012	(1031344)
Item 37	October 02, 2012	(1021281)
Item 38	January 25, 2013	(1046537)
Item 39	February 08, 2013	(1050758)
Item 40	February 27, 2013	(1059517)
Item 41	March 29, 2013	(1060207)
Item 42	April 10, 2013	(1059686)
Item 43	April 29, 2013	(1073262)
Item 44	July 31, 2013	(1098624)
Item 45	August 07, 2013	(1102332)
Item 46	November 14, 2013	(1106142)
Item 47	January 15, 2014	(1114349)
Item 48	February 18, 2014	(1139856)
Item 49	March 17, 2014	(1152421)
Item 50	April 04, 2014	(1152418)
Item 51	May 13, 2014	(1152530)
Item 52	May 28, 2014	(1163873)
Item 53	May 30, 2014	(1152587)
Item 54	July 09, 2014	(1179970)
Item 55	August 12, 2014	(1173221)
Item 56	August 22, 2014	(1172985)
Item 57	September 15, 2014	(1187151)
Item 58	December 18, 2014	(1216102)

Item 59	January 30, 2015	(1222756)
Item 60	February 04, 2015	(1223023)
Item 61	February 19, 2015	(1228205)
Item 62	February 20, 2015	(1227303)
Item 63	February 23, 2015	(1209666)
Item 64	February 27, 2015	(1228929)
Item 65	March 18, 2015	(1222396)
Item 66	July 16, 2015	(1228069)
Item 67	August 05, 2015	(1229874)
Item 68	August 26, 2015	(1274994)
Item 69	September 16, 2015	(1280640)
Item 70	October 12, 2015	(1281632)
Item 71	October 14, 2015	(1242129)

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: 01/16/2015 (1203738) CN601405145
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Shell failed to provide sufficient information regarding the leak on the re-run gasoline line to demonstrate they met the affirmative defense criteria (Category A12i(6)).

2 Date: 05/29/2015 (1229916) CN601405145
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Conditions (SC) 23E OP
Special Terms & Conditions (ST&C) 1A OP
Special Terms & Conditions (ST&C) 21 OP
Description: Failure to prevent Open Ended Lines (OELs) in VOC service (Category C10)

3 Date: 05/29/2015 (1248464) CN601405145
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 6E PERMIT
Special Term and Condition 17 OP
Special Term and Condition 1A OP
Description: Failure to prevent open ended lines (OELs) in Volatile Organic Compounds (VOC) service. (Category C10)

4 Date: 05/29/2015 (1229864) CN601405145
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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
FOP Special Term & Condition 22 OP
NSR Special Condition 8C PERMIT
Description: Failure to prevent visible emissions from flare [EPN: OP3FLARE]. (Category C4)
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(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)
FOP Special Term & Condition 1A OP

FOP Special Term & Condition 22 OP
NSR Special Condition 18A PERMIT

Description: Failure to prevent true vapor pressure (TVP) from exceeding the allowable limits for tanks [EPNs: TOL-909, TC3-3001, and K-307]. (Category B19(g)(1))

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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
FOP Special Term & Condition 22 OP
NSR Special Condition 22E PERMIT
NSR Special Condition 2E PERMIT
NSR Special Condition 4E PERMIT
NSR Special Condition 6E PERMIT

Description: Failure to prevent open-ended lines (OELs) from Unit IDs: OP-3, OP-2, PAU2, HT-2, IRU, and CUMENE. (Category C10)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(C)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP

Description: Failure to prevent any nonvapor-tight gauging and/or sampling while VOC is being transferred from Distribution EPN: SCRWRTC. (Category B1)

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 Special Term & Condition 22 OP
NSR Special Condition 7 PERMIT

Description: Failure to prevent Carbon Monoxide (CO) from exceeding 78 parts per million by volume (ppmv) limit in the combustion gas of Unit ID: PAU3 [EPN: H87920]. (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
FOP Special Term & Condition 22 OP
NSR Special Condition 14A PERMIT

Description: Failure to maintain net heating value (NHV) above 300BTU/scf for flare [EPN: A1333]. (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 61, Subpart V 61.242-7(c)(1)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP

Description: Failure to monitor valves for two successive months from Unit ID: HT-2. (Category C1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 2F OP

Description: Failure to submit an initial report in STEERS for incident No. 205862 within 24 hours. (Category C3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(7)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(i)(1)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP

Description: Failure to correctly identify and monitor components for Unit IDs: ACU and BEU. (Category C1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP

Description: Failure to attempt first repair of a component for Unit ID: OP-3. (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP

Description: Failure to repair Unit ID: PAU3 pump within 15 days. (Category C4)

5 Date: 05/29/2015 (1229920) CN601405145

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 6E PERMIT
Special Term and Condition 1A OP
Special Term and Condition 21 OP

Description: Failure to prevent open ended lines (OELs) in Volatile Organic Compound (VOC) service. (Category C10)

6 Date: 07/09/2015 (1252278)

Self Report? NO Classification: Moderate

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

Description: Failure to submit notification to the TCEQ of a reportable emissions event within 24 hours of discovery (Category B19g(1).

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. Failure to prevent the shutdown of Furnace FP3-1090, which resulted in off-spec product sent to the flares (Category B19g(1).

7 Date: 08/03/2015 (1228900) CN601405145

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition 1A OP

Description: Failure to maintain the SO2 12-hour average 250 parts per million by volume (ppmv) for the Sulfur Recovery Unit (SRU) incinerators (EPNs: SR 3/4 and SR-7). (Category B13)

Self Report? NO Classification: Moderate

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

Description: Failure to maintain the carbon monoxide (CO) below 400 ppmv 24 hr rolling concentration for the boilers (H-600 and H-1000). (Category B13)

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)
Special Condition 24 PERMIT
Special Terms and Condition 23 OP

Description: Failure to maintain nitrogen oxide (NOx) 3-hour (hr) rolling average concentration for boiler, H-600. (Category B13).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition 1A OP

Description: Failure to maintain ammonia (NH3) slip emissions from the boiler (EPN: H-600). (Category B13)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

5C THSC Chapter 382 382.085(b)
Special Condition 49(D)(i) PERMIT
Special Terms and Condition 1A OP
Special Terms and Condition 23 OP

Description: Failure to maintain the net heating value within the permitted requirements for the flares, EPN: FLAREEP (East property flare). (Category C4)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 9E PERMIT
Special Terms and Condition 1A OP
Special Terms and Condition 23 OP

Description: Failure to cap or seal open-ended lines (OELs). (Category C10)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
30 TAC Chapter 115, SubChapter H 115.766(a)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Condtion 1A OP

Description: Failure to meet the requirements of the cooling water tower, EPN:CWT12, continuous emissions monitoring (CEMS) 95 % uptime. (Category B18).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition 1A OP

Description: Failure to maintain the furnace (EPN: H200) firing rate. (Category C4)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(4)
5C THSC Chapter 382 382.085(b)
Special Condition 17D PERMIT
Special Terms and Condition 1A OP
Special Terms and Condition 23 OP

Description: Failure to submit seal gap measurements within 30 days of the inspection. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(e)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP

Description: Failure to inspect the atmospheric relief valve within 24 hrs of the actuation. (Category C1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition 1A OP

Description: Failure to maintain the hydrogen sulfide (H2S) required concentrations. (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 17D PERMIT
Special Terms and Condition 23 OP

Description: Failed to conduct seal gap measurements for tanks (EPNs: G357, G313, TA332, TA324 and TA309). (Category B1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition 1A OP

Description: Failed to repair a leaking valve (Unit PLAT-2) within the required timeframe. (Category C1)

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. Failure to prevent a release from the psv on the Benzene Distillation Column (V876).

F. Environmental audits:

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: 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

Notice of Intent Date: 08/06/2015 (1274333)

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**

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 CHEMICAL LP	§	
RN100211879	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2015-1636-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 Chemical LP ("Respondent") under the authority OF TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent 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 owns and operates a petro chemical plant located at 5900 Highway 225 in Deer Park, Harris County, Texas (the "Plant").

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

3. During a record review conducted from July 29, 2015 through August 12, 2015, TCEQ staff documented that the Respondent released 3,198 pounds ("lbs") of nitrogen oxides, 25,056 lbs of carbon monoxide, and 37,398 lbs of volatile organic compounds, including 9,135 lbs of ethylene, a highly reactive volatile organic compound ("HRVOC"), during an emissions event (Incident No. 216835) that began on July 6, 2015 and lasted 48 hours. The release occurred from Olefins Plant III ("OP3") due to an inadvertent trip of the OP3 Process Gas Compressor, resulting in emissions released from the OP3 Elevated Flare, Emission Point Number ("EPN") OP3ELFLA, the OP3 Ground Flare, EPN OP3GRFLA, and the Olefins Plant II Elevated Flare, EPN OP2ELFLA. TCEQ staff determined that the emissions event could have been avoided by better operational practices.

4. The Respondent received notice of the violations on October 19, 2015.

5. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant in order to prevent a recurrence of emissions events due to the same cause as Incident No. 216835:

   a. On September 24, 2015, conducted an internal investigation and shared the findings with appropriate Instrumentation & Process Control and Maintenance Control Systems personnel;

   b. On September 30, 2015, obtained documentation of Honeywell's troubleshooting process for Input-Output Logic faults and the appropriate sequence of clearing alarms of corrected faults; and

   c. On October 27, 2015, modified the control scheme to allow for local restart of the overhead fans in the case of a Distributed Control System loss of communication.

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 and exceeded the HRVOC emission rate of 1,200 lbs per one-hour block period, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 115.722(c)(1), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O1668, Special Terms and Conditions No. 22, and New Source Review Permit Nos. 3219 and PSDTX974, Special Conditions No. 1. 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.

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 Fifty Thousand Dollars ($50,000) 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 Twenty-Five Thousand Dollars ($25,000) of the administrative penalty. Twenty-Five Thousand Dollars ($25,000) 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 Fifty Thousand Dollars ($50,000) 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 Chemical LP, Docket No. 2015-1636-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 the SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Twenty-Five Thousand Dollars ($25,000) 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 completion of all provisions of the SEP agreement.

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

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

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

6. 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.

7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

8. This Agreed Order, issued by the Commission, shall not be admissible against 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.

9. 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.

10. 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 — Date

For the Executive Director — Date 4/29/16

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

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

I also understand that 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 — Date 2/10/16

BARRY KLEIN — GENERAL MANAGER - DEER PARK SITE

Name (Printed or typed) — Title

Authorized Representative of
Shell Chemical LP

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: 2015-1636-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Shell Chemical LP**
Penalty Amount:	**Fifty Thousand Dollars ($50,000)**
SEP Offset Amount:	**Twenty-Five Thousand Dollars ($25,000)**
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.