

Executive Summary – Enforcement Matter – Case No. 51652
Shell Chemical LP
RN100211879
Docket No. 2015-1816-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Unauthorized emissions which are excessive emissions events.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

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

Type of Operation:

Chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2015-1741-AIR-E,
2015-1834-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 29, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$25,000

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$12,500

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$12,500

Name of SEP: Houston Regional Monitoring Corporation (Third-Party Pre-
Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: \$25,000

Applicable Penalty Policy: April 2014

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Docket No. 2015-1816-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 11, 2015

Date(s) of NOE(s): December 4, 2015

Violation Information

Failed to prevent unauthorized emissions and failed to limit highly reactive volatile organic compound emissions to 1,200 pounds per one hour block period. This event was determined to be an excessive emissions event [30 TEX. ADMIN. CODE §§ 115.722(c)(1) and 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and New Source Review Permit No. 3217, Special Conditions No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days, submit a corrective action plan (“CAP”) in accordance with the TCEQ letter dated December 4, 2015 to address the excessive emissions event that began on August 9, 2015 (Incident No. 218482);
 - b. Within 45 days, submit written certification demonstrating compliance with a.;
 - c. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submitted in connection with the August 9, 2015 excessive emissions event within 15 days after the date of such requests, or by any other deadline specified in writing;
 - d. Upon Commission approval of the CAP, implement the CAP in accordance with the approved schedule; and
 - e. Within 15 days upon completion of the CAP implementation, submit written certification to demonstrate compliance with d.

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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: Kingsley Coppinger, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6581; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Helen Forde, Production Manager Refinery, 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: 2015-1816-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Shell Chemical LP
Penalty Amount:	Twenty-Five Thousand Dollars (\$25,000)
SEP Offset Amount:	Twelve Thousand Five Hundred Dollars (\$12,500)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the 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 **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor (“HRM”) 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely 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 provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

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 contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Shell Chemical LP
Agreed Order - Attachment A

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Morgan, Lewis, & Bockius, LLP
1000 Louisiana, Suite 4000
Houston, Texas 77002

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)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	7-Dec-2015	Screening	10-Dec-2015	EPA Due	
	PCW	10-Dec-2015				

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

CASE INFORMATION		No. of Violations	1
Enf./Case ID No.	51652	Order Type	Findings
Docket No.	2015-1816-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Kingsley Coppinger
Multi-Media		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**

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	<input type="text" value="\$25,000"/>
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Notes: Enhancement for eight NOV's with same/similar violations, 11 orders containing a denial of liability, and 10 orders without a denial of liability. Reduction for eight notices of intent to conduct an audit and four disclosures of violations.

Culpability **0.0%** Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit	0.0% Enhancement*	Subtotal 6	<input type="text" value="\$0"/>
Total EB Amounts	\$407	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$10,000		

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Screening Date 10-Dec-2015

Docket No. 2015-1816-AIR-E

PCW

Respondent Shell Chemical LP

Policy Revision 4 (April 2014)

Case ID No. 51652

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Kingsley Coppinger

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	8	40%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	11	220%
	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 (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	8	-8%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 494%

>> 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, 11 orders containing a denial of liability, and 10 orders without a denial of liability. Reduction for eight notices of intent to conduct an audit and four disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 494%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 10-Dec-2015
 Respondent Shell Chemical LP
 Case ID No. 51652

Docket No. 2015-1816-AIR-E

PCW

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

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Kingsley Coppinger

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 115.722(c)(1) and 116.115(c), Tex. Health & Safety Code § 382.085(b), and New Source Review Permit No. 3217, Special Conditions No. 1

Violation Description

Failed to prevent unauthorized emissions and failed to limit Highly Reactive Volatile Organic Compounds ("HRVOC") emissions to 1,200 pounds ("lbs") per one hour block period. Specifically, the Respondent released 341,508 lbs of volatile organic compounds, including 309,213 lbs of 1,3-butadiene and 14,652 lbs of butenes which are HRVOC, from Relief Valves RV955/9001/2/26, during an emissions event (Incident No. 218482) that occurred on August 9, 2015 and lasted 56 minutes. The emissions event occurred when Butadiene Sphere V-BD-933 was overfilled while attempting to transfer butadiene product to Tank V-BD-993 in the Butadiene Unit 3/North Tank Farm. This event was determined to be an excessive emissions event.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	x
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event		

Violation Base Penalty \$25,000

One daily event is recommended for the emissions event lasting 56 minutes.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$407

Violation Final Penalty Total \$50,000

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

Economic Benefit Worksheet

Respondent Shell Chemical LP
Case ID No. 51652
Reg. Ent. Reference No. RN100211879
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	9-Aug-2015	1-Jun-2016	0.81	\$407	n/a	\$407

Notes for DELAYED costs

Estimated cost for implementing a corrective action plan. The Date Required is the date of the emissions event. The Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$407

The TCEQ is committed to accessibility.

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



Compliance History Report

PUBLISHED Compliance History Report for 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 1668

AIR OPERATING PERMITS PERMIT 1945

AIR OPERATING PERMITS PERMIT 1947

POLLUTION PREVENTION PLANNING ID NUMBER P00619

WASTEWATER PERMIT WQ0000402000

WASTEWATER PERMIT WQ0000403000

AIR NEW SOURCE PERMITS PERMIT 21262

AIR NEW SOURCE PERMITS REGISTRATION 55312

AIR NEW SOURCE PERMITS REGISTRATION 55869

AIR NEW SOURCE PERMITS REGISTRATION 76315

AIR NEW SOURCE PERMITS REGISTRATION 11177

AIR NEW SOURCE PERMITS REGISTRATION 12537

AIR NEW SOURCE PERMITS REGISTRATION 13713

AIR NEW SOURCE PERMITS PERMIT 1119

AIR NEW SOURCE PERMITS PERMIT 3178

AIR NEW SOURCE PERMITS PERMIT 3216

AIR NEW SOURCE PERMITS PERMIT 6791

AIR NEW SOURCE PERMITS REGISTRATION 10888

AIR NEW SOURCE PERMITS REGISTRATION 11586

AIR NEW SOURCE PERMITS REGISTRATION 12829

AIR NEW SOURCE PERMITS REGISTRATION 15961

AIR NEW SOURCE PERMITS REGISTRATION 15262

AIR NEW SOURCE PERMITS REGISTRATION 15499

AIR NEW SOURCE PERMITS PERMIT 18576

AIR NEW SOURCE PERMITS PERMIT 22038

AIR NEW SOURCE PERMITS REGISTRATION 24096

AIR NEW SOURCE PERMITS REGISTRATION 29597

AIR NEW SOURCE PERMITS REGISTRATION 33524

AIR NEW SOURCE PERMITS REGISTRATION 34358

AIR NEW SOURCE PERMITS REGISTRATION 35608

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0659W

AIR NEW SOURCE PERMITS PERMIT 1920

AIR NEW SOURCE PERMITS PERMIT 2597

AIR NEW SOURCE PERMITS PERMIT 3215

AIR NEW SOURCE PERMITS PERMIT 3218

AIR NEW SOURCE PERMITS PERMIT 3985A

AIR NEW SOURCE PERMITS PERMIT 4933

AIR NEW SOURCE PERMITS REGISTRATION 41875

AIR NEW SOURCE PERMITS REGISTRATION 42573

AIR OPERATING PERMITS PERMIT 1669

AIR OPERATING PERMITS PERMIT 1943

AIR OPERATING PERMITS PERMIT 1946

AIR OPERATING PERMITS PERMIT 1948

POLLUTION PREVENTION PLANNING ID NUMBER P07403

WASTEWATER EPA ID TX0004863

WASTEWATER EPA ID TX0004871

AIR NEW SOURCE PERMITS REGISTRATION 54895

AIR NEW SOURCE PERMITS REGISTRATION 75524

AIR NEW SOURCE PERMITS REGISTRATION 130755

AIR NEW SOURCE PERMITS PERMIT 7855

AIR NEW SOURCE PERMITS REGISTRATION 12152

AIR NEW SOURCE PERMITS REGISTRATION 13373

AIR NEW SOURCE PERMITS REGISTRATION 16429

AIR NEW SOURCE PERMITS PERMIT 1120

AIR NEW SOURCE PERMITS PERMIT 3179

AIR NEW SOURCE PERMITS PERMIT 5801

AIR NEW SOURCE PERMITS PERMIT 9334

AIR NEW SOURCE PERMITS REGISTRATION 11096

AIR NEW SOURCE PERMITS REGISTRATION 12373

AIR NEW SOURCE PERMITS REGISTRATION 13678

AIR NEW SOURCE PERMITS PERMIT 8236

AIR NEW SOURCE PERMITS REGISTRATION 15365

AIR NEW SOURCE PERMITS REGISTRATION 15940

AIR NEW SOURCE PERMITS PERMIT 19849

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX815

AIR NEW SOURCE PERMITS REGISTRATION 27598

AIR NEW SOURCE PERMITS REGISTRATION 32282

AIR NEW SOURCE PERMITS REGISTRATION 34230

AIR NEW SOURCE PERMITS REGISTRATION 35243

AIR NEW SOURCE PERMITS PERMIT 37206

AIR NEW SOURCE PERMITS AFS NUM 4820100039

AIR NEW SOURCE PERMITS PERMIT 1968

AIR NEW SOURCE PERMITS PERMIT 3214

AIR NEW SOURCE PERMITS PERMIT 3217

AIR NEW SOURCE PERMITS PERMIT 3219

AIR NEW SOURCE PERMITS PERMIT 4256

AIR NEW SOURCE PERMITS REGISTRATION 41920

AIR NEW SOURCE PERMITS REGISTRATION 42221

AIR NEW SOURCE PERMITS REGISTRATION 42512

AIR 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 EPA PERMIT GHGPSDTX147
AIR NEW SOURCE PERMITS REGISTRATION 112737
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 EPA PERMIT PSDTX1476
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

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 PERMIT 135890
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1474
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 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

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: December 17, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 09, 2010 to December 09, 2015

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

Name: Kingsley Coppinger

Phone: (512) 239-6581

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: 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.

- 2 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.

3 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.

4 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.

- 5 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.
- 6 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.
- 7 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.
- 8 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.
- 9 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 Conditions 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 Conditions 01/24/2005 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.

10 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.

- 11 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 01668, 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 01669, 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.
- 12 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
- 13 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 01946, 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.
- 14 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.

- 15 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.

- 16 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 Condition 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.

- 17 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.

18 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.

19 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.

20 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)
Item 72	November 13, 2015	(1282021)

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) CN601405145

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 Condition 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

Description: Special Terms and Condition 23 OP
 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)

 8 Date: 09/04/2015 (1261902) 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. 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 notification to the users of the non-community water system of the missed backflow preventer tests within 45 days of discovery of the missed testing.

Viol. Classification: Minor
Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT K 264.254(b)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.303(b)(3)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.310(b)

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

Notice of Intent Date: 09/29/2011 (976141)
No DOV Associated

Notice of Intent Date: 06/11/2012 (1014412)
Disclosure Date: 09/26/2012

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

Rqmt Prov: PERMIT SC 1

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

Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201

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

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

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

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

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

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

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

Viol. Classification: Major
Citation: 30 TAC Chapter 115, SubChapter B 115.112
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

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

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

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

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

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

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

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

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(1)(iii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)

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

Notice of Intent Date: 04/25/2013 (1089202)

No DOV Associated

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
ENFORCEMENT ACTION
CONCERNING
SHELL CHEMICAL LP
RN100211879**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2015-1816-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 chemical plant 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 an investigation conducted on August 11, 2015, TCEQ staff documented that the Respondent released 341,508 pounds ("lbs") of volatile organic compounds, including 309,213 lbs of 1,3-butadiene and 14,652 lbs of butenes which are Highly Reactive Volatile Organic Compounds ("HRVOC"), from Relief Valves RV955/9001/2/26, during an emissions event (Incident No. 218482) that occurred on August 9, 2015 and lasted 56 minutes. The emissions event occurred when Butadiene Sphere V-BD-933 was overfilled while attempting to transfer butadiene product to Tank V-BD-993 in the Butadiene Unit 3/North Tank Farm. TCEQ staff determined that this event was an excessive emissions event.
4. The Respondent received notice of the violations on December 8, 2015.

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 failed to limit HRVOC emissions to 1,200 lbs per one hour block period, in violation of 30 TEX. ADMIN. CODE §§ 115.722(c)(1) and 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and New Source Review Permit No. 3217, Special Conditions No. 1. This event was determined to be an excessive emissions event.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Twenty-Five Thousand Dollars (\$25,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Twelve Thousand Five Hundred Dollars (\$12,500) of the administrative penalty. Twelve Thousand Five Hundred Dollars (\$12,500) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Twenty-Five Thousand Dollars (\$25,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Shell Chemical LP, Docket No. 2015-1816-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Twelve Thousand Five Hundred Dollars (\$12,500) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, submit a corrective action plan ("CAP") in accordance with the TCEQ letter dated December 4, 2015 to address the excessive emissions event that began on August 9, 2015 (Incident No. 218482);
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision No. 3.a, as described in Ordering Provision No. 3.e below;
 - c. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submitted in connection with the August 9, 2015 excessive emissions event within 15 days after the date of such requests, or by any other deadline specified in writing;
 - d. Upon Commission approval of the CAP, implement the CAP in accordance with the approved schedule; and

- e. Within 15 days upon completion of the CAP implementation, submit written certification, as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Barbara Morine J
For the Executive Director

6/9/16
Date

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.

Barbara Morine J FOR BARRY J. KLEIN
Signature

3/16/2016
Date

HELEN FORDE
Name (Printed or typed)
Authorized Representative of
Shell Chemical LP

PRODUCTION MANAGER REFINERY
Title

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

Attachment A
Docket Number: 2015-1816-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Shell Chemical LP
Penalty Amount:	Twenty-Five Thousand Dollars (\$25,000)
SEP Offset Amount:	Twelve Thousand Five Hundred Dollars (\$12,500)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the 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 **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor (“HRM”) 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely 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 provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

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 contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Shell Chemical LP
Agreed Order - Attachment A

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Morgan, Lewis, & Bockius, LLP
1000 Louisiana, Suite 4000
Houston, Texas 77002

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.