

Executive Summary – Enforcement Matter – Case No. 48396

Shell Chemical LP

RN100211879

Docket No. 2014-0375-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. 2014-0330-IHW-E, 2014-0152-AIR-E, and 2013-1205-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 27, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$400,000

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$200,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$200,000

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: \$400,000

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 11, 2013 through February 13, 2013

Executive Summary – Enforcement Matter – Case No. 48396
Shell Chemical LP
RN100211879
Docket No. 2014-0375-AIR-E

Date(s) of NOE(s): February 11, 2014

Violation Information

1. Failed to prevent unauthorized emissions and failed to limit Highly Reactive Volatile Organic Compound ("HRVOC") emissions to 1,200 pounds ("lbs") per one hour block period [30 TEX. ADMIN. CODE §§ 101.20(3), 115.722(c)(1), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1946, Special Terms and Conditions ("STC") No. 21, New Source Review ("NSR") Permit Nos. 3219 and PSDTX974, Special Conditions ("SC") No. 1, and NSR Permit No. 3217, SC No. 1].
2. Failed to prevent unauthorized emissions and failed to limit HRVOC emissions to 1,200 lbs per one hour block period [30 TEX. ADMIN. CODE §§ 115.722(c)(1), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1669, STC No. 22, and NSR Permit No. 3214, SC No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On April 10, 2014, the Respondent submitted corrective action plans ("CAPs") to address the excessive emissions events that began on January 10, 2013 and January 12, 2013 (Incident Nos. 177975 and 178612).

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
 - a. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAPs submitted on April 10, 2014 in connection with the January 10, 2013 and January 12, 2013 excessive emissions events within 15 days after the date of such requests, or by any other deadline specified in writing;
 - b. Upon Commission approval, implement the CAPs in accordance with the approved schedule; and
 - c. Within 15 days upon completion of the CAP implementation, submit written certification to demonstrate compliance with Ordering Provision b.

Executive Summary – Enforcement Matter – Case No. 48396
Shell Chemical LP
RN100211879
Docket No. 2014-0375-AIR-E

Litigation Information

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

Contact Information

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

Attachment A
Docket Number: 2014-0375-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Shell Chemical LP
Penalty Amount:	Four Hundred Thousand Dollars (\$400,000)
SEP Offset Amount:	Two Hundred Thousand Dollars (\$200,000)
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. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP 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 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	18-Feb-2014	Screening	11-Mar-2014	EPA Due	
	PCW	28-Mar-2014				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	48396	No. of Violations	2
Docket No.	2014-0375-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jessica Schildwachter
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$400,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$400,000**

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

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

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

Total EB Amounts **\$1,803**
 Approx. Cost of Compliance **\$20,000**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$800,000**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$800,000**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$400,000**

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

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$400,000**

Screening Date 11-Mar-2014

Docket No. 2014-0375-AIR-E

PCW

Respondent Shell Chemical LP

Policy Revision 3 (September 2011)

Case ID No. 48396

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	6	30%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	12	240%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	9	225%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	12	-12%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	6	-12%
<i>Please Enter Yes or No</i>			
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) 475%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

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

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 475%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 11-Mar-2014

Docket No. 2014-0375-AIR-E

PCW

Respondent Shell Chemical LP

Policy Revision 3 (September 2011)

Case ID No. 48396

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 115.722(c)(1), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O1946, Special Terms and Conditions ("STC") No. 21, New Source Review ("NSR") Permit Nos. 3219 and PSDTX974, Special Conditions ("SC") No. 1, and NSR Permit No. 3217, SC No. 1

Violation Description Failed to prevent unauthorized emissions and failed to limit Highly Reactive Volatile Organic Compound ("HRVOC") emissions to 1,200 pounds ("lbs") per one hour block period. Specifically, the Respondent released 31,352 lbs of 1,3-butadiene, which is a HRVOC, from the atmospheric vents and relief valve on the Olefins Plant 3 ("OP3") Boiler Feed Water ("BFW") deaerator drum, and 33 lbs of 1,3-butadiene and 50 lbs of acetylene from the Butadiene 3 Unit Drips Tank, Emission Point No. ("EPN") T-B3-301, during an emissions event (Incident No. 177975) that began on January 10, 2013 and lasted 23 hours and 45 minutes. The emissions event occurred when material containing 1,3-butadiene entered the BFW system through a process line that included a partially stuck open check valve and backflow preventer that failed to operate properly. 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

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$25,000

One daily event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	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 \$903

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. 48396
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
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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	10-Jan-2013	31-Oct-2014	1.81	\$903	n/a	\$903

Notes for DELAYED costs

Estimated cost for submitting and implementing a corrective action plan ("CAP"). The Date Required is the date the emissions event began. 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

\$903

Screening Date 11-Mar-2014

Docket No. 2014-0375-AIR-E

PCW

Respondent Shell Chemical LP

Policy Revision 3 (September 2011)

Case ID No. 48396

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100211879

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 115.722(c)(1), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1669, STC No. 22, and NSR Permit No. 3214, SC No. 1

Violation Description

Failed to prevent unauthorized emissions and failed to limit HRVOC emissions to 1,200 lbs per one hour block period. Specifically, the Respondent released 1,673 lbs of carbon monoxide, 39,144 lbs of benzene, 41,821 lbs of 1,3-butadiene (which is a HRVOC), 1,563,422 lbs of ethylene (which is a HRVOC), 41,821 lbs of propylene (which is a HRVOC), and 75,613 lbs of other volatile organic compounds from the Decoke Pot Vent, EPN VP31142, during an emissions event (Incident No. 178612) that began on January 12, 2013 and lasted 360 hours. The emissions event occurred when two Motor Operated Valves remained partially open following a decoking cycle on an OP3 furnace, allowing loss of process gases during the next phase of furnace operations. This event was determined to be an excessive emissions event.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100.0%
Potential				

>> 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 15 Number of violation days 15

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$375,000

Fifteen daily events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	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 \$375,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$900

Violation Final Penalty Total \$750,000

This violation Final Assessed Penalty (adjusted for limits) \$375,000

Economic Benefit Worksheet

Respondent Shell Chemical LP
Case ID No. 48396
Reg. Ent. Reference No. RN100211879
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	12-Jan-2013	31-Oct-2014	1.80	\$900	n/a	\$900

Notes for DELAYED costs

Estimated cost for submitting and implementing a CAP. The Date Required is the date the emissions event began. The Final Date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$10,000	TOTAL	\$900
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To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

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

Customer, Respondent, or Owner/Operator: CN601405145, Shell Chemical LP **Classification:** SATISFACTORY **Rating:** 14.64

Regulated Entity: RN100211879, SHELL OIL DEER PARK **Classification:** SATISFACTORY **Rating:** 21.10

Complexity Points: 90 **Repeat Violator:** NO

CH Group: 02 - Oil and Petroleum Refineries

Location: 5900 HIGHWAY 225 DEER PARK, TX 77536-2434, HARRIS COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0659W

AIR OPERATING PERMITS PERMIT 1668

AIR OPERATING PERMITS PERMIT 1945

AIR OPERATING PERMITS PERMIT 1947

AIR OPERATING PERMITS PERMIT 2108

POLLUTION PREVENTION PLANNING ID NUMBER P00619

WASTEWATER PERMIT WQ0000402000

WASTEWATER PERMIT WQ0000403000

WASTEWATER EPA ID TX0004871

AIR NEW SOURCE PERMITS REGISTRATION 54895

AIR NEW SOURCE PERMITS REGISTRATION 75524

AIR NEW SOURCE PERMITS REGISTRATION 76315

AIR NEW SOURCE PERMITS REGISTRATION 11177

AIR NEW SOURCE PERMITS REGISTRATION 12537

AIR NEW SOURCE PERMITS REGISTRATION 13713

AIR NEW SOURCE PERMITS PERMIT 1119

AIR NEW SOURCE PERMITS PERMIT 3178

AIR NEW SOURCE PERMITS PERMIT 3216

AIR NEW SOURCE PERMITS PERMIT 6791

AIR NEW SOURCE PERMITS REGISTRATION 10888

AIR NEW SOURCE PERMITS REGISTRATION 11586

AIR NEW SOURCE PERMITS REGISTRATION 12829

AIR NEW SOURCE PERMITS REGISTRATION 15961

AIR NEW SOURCE PERMITS REGISTRATION 15262

AIR NEW SOURCE PERMITS REGISTRATION 15499

AIR NEW SOURCE PERMITS PERMIT 18576

AIR NEW SOURCE PERMITS PERMIT 22038

AIR NEW SOURCE PERMITS REGISTRATION 24096

AIR NEW SOURCE PERMITS REGISTRATION 29597

AIR NEW SOURCE PERMITS REGISTRATION 33524

AIR NEW SOURCE PERMITS REGISTRATION 34358

AIR NEW SOURCE PERMITS REGISTRATION 35608

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0659W

AIR NEW SOURCE PERMITS PERMIT 1920

AIR NEW SOURCE PERMITS PERMIT 2597

AIR NEW SOURCE PERMITS PERMIT 3214

AIR NEW SOURCE PERMITS PERMIT 3217

AIR NEW SOURCE PERMITS PERMIT 3219

AIR NEW SOURCE PERMITS PERMIT 4256

AIR OPERATING PERMITS PERMIT 1669

AIR OPERATING PERMITS PERMIT 1943

AIR OPERATING PERMITS PERMIT 1946

AIR OPERATING PERMITS PERMIT 1948

AIR OPERATING PERMITS PERMIT 1942

POLLUTION PREVENTION PLANNING ID NUMBER P07403

WASTEWATER EPA ID TX0004863

WASTEWATER EPA ID TX0004871

AIR NEW SOURCE PERMITS PERMIT 21262

AIR NEW SOURCE PERMITS REGISTRATION 55312

AIR NEW SOURCE PERMITS REGISTRATION 55869

AIR NEW SOURCE PERMITS PERMIT 7855

AIR NEW SOURCE PERMITS REGISTRATION 12152

AIR NEW SOURCE PERMITS REGISTRATION 13373

AIR NEW SOURCE PERMITS REGISTRATION 16429

AIR NEW SOURCE PERMITS PERMIT 1120

AIR NEW SOURCE PERMITS PERMIT 3179

AIR NEW SOURCE PERMITS PERMIT 5801

AIR NEW SOURCE PERMITS PERMIT 9334

AIR NEW SOURCE PERMITS REGISTRATION 11096

AIR NEW SOURCE PERMITS REGISTRATION 12373

AIR NEW SOURCE PERMITS REGISTRATION 13678

AIR NEW SOURCE PERMITS PERMIT 8236

AIR NEW SOURCE PERMITS REGISTRATION 15365

AIR NEW SOURCE PERMITS REGISTRATION 15940

AIR NEW SOURCE PERMITS PERMIT 19849

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX815

AIR NEW SOURCE PERMITS REGISTRATION 27598

AIR NEW SOURCE PERMITS REGISTRATION 32282

AIR NEW SOURCE PERMITS REGISTRATION 34230

AIR NEW SOURCE PERMITS REGISTRATION 35243

AIR NEW SOURCE PERMITS PERMIT 37206

AIR NEW SOURCE PERMITS AFS NUM 4820100039

AIR NEW SOURCE PERMITS PERMIT 1968

AIR NEW SOURCE PERMITS PERMIT 3173

AIR NEW SOURCE PERMITS PERMIT 3215

AIR NEW SOURCE PERMITS PERMIT 3218

AIR NEW SOURCE PERMITS PERMIT 3985A

AIR NEW SOURCE PERMITS PERMIT 4933

AIR NEW SOURCE PERMITS REGISTRATION 41920
AIR NEW SOURCE PERMITS REGISTRATION 42221
AIR NEW SOURCE PERMITS REGISTRATION 42512
AIR NEW SOURCE PERMITS REGISTRATION 42118
AIR NEW SOURCE PERMITS REGISTRATION 45944
AIR NEW SOURCE PERMITS PERMIT 48912
AIR NEW SOURCE PERMITS PERMIT 56496
AIR NEW SOURCE PERMITS REGISTRATION 71567
AIR NEW SOURCE PERMITS REGISTRATION 50548
AIR NEW SOURCE PERMITS REGISTRATION 52089
AIR NEW SOURCE PERMITS REGISTRATION 50388
AIR NEW SOURCE PERMITS REGISTRATION 74572
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX896
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX928M1
AIR NEW SOURCE PERMITS REGISTRATION 77284
AIR NEW SOURCE PERMITS REGISTRATION 77952
AIR NEW SOURCE PERMITS REGISTRATION 78624
AIR NEW SOURCE PERMITS REGISTRATION 80525
AIR NEW SOURCE PERMITS REGISTRATION 81971
AIR NEW SOURCE PERMITS REGISTRATION 87871
AIR NEW SOURCE PERMITS REGISTRATION 85596
AIR NEW SOURCE PERMITS REGISTRATION 87173
AIR NEW SOURCE PERMITS REGISTRATION 92386
AIR NEW SOURCE PERMITS REGISTRATION 93992
AIR NEW SOURCE PERMITS REGISTRATION 95595
AIR NEW SOURCE PERMITS REGISTRATION 98644
AIR NEW SOURCE PERMITS REGISTRATION 100328
AIR NEW SOURCE PERMITS REGISTRATION 100945
AIR NEW SOURCE PERMITS REGISTRATION 101891
AIR NEW SOURCE PERMITS REGISTRATION 105051
AIR NEW SOURCE PERMITS REGISTRATION 112737
AIR NEW SOURCE PERMITS REGISTRATION 113881
AIR NEW SOURCE PERMITS REGISTRATION 109247
AIR NEW SOURCE PERMITS REGISTRATION 115095
AIR NEW SOURCE PERMITS REGISTRATION 117430
AIR NEW SOURCE PERMITS REGISTRATION 112313
AIR NEW SOURCE PERMITS REGISTRATION 115088
AIR NEW SOURCE PERMITS REGISTRATION 105058
AIR NEW SOURCE PERMITS REGISTRATION 114863
PETROLEUM STORAGE TANK STAGE II REGISTRATION
32780
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD067285973
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD000750620
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1010320
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 32780

AIR NEW SOURCE PERMITS REGISTRATION 41875
AIR NEW SOURCE PERMITS REGISTRATION 42573
AIR NEW SOURCE PERMITS REGISTRATION 43605
AIR NEW SOURCE PERMITS REGISTRATION 45654
AIR NEW SOURCE PERMITS REGISTRATION 47575
AIR NEW SOURCE PERMITS PERMIT 56476
AIR NEW SOURCE PERMITS REGISTRATION 71223
AIR NEW SOURCE PERMITS REGISTRATION 54061
AIR NEW SOURCE PERMITS REGISTRATION 52565
AIR NEW SOURCE PERMITS REGISTRATION 52088
AIR NEW SOURCE PERMITS REGISTRATION 50423
AIR NEW SOURCE PERMITS REGISTRATION 75045
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX928
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX974
AIR NEW SOURCE PERMITS REGISTRATION 76699
AIR NEW SOURCE PERMITS REGISTRATION 76265
AIR NEW SOURCE PERMITS REGISTRATION 79604
AIR NEW SOURCE PERMITS REGISTRATION 80503
AIR NEW SOURCE PERMITS REGISTRATION 84642
AIR NEW SOURCE PERMITS REGISTRATION 84538
AIR NEW SOURCE PERMITS REGISTRATION 87183
AIR NEW SOURCE PERMITS REGISTRATION 92675
AIR NEW SOURCE PERMITS REGISTRATION 92219
AIR NEW SOURCE PERMITS REGISTRATION 94547
AIR NEW SOURCE PERMITS REGISTRATION 96066
AIR NEW SOURCE PERMITS REGISTRATION 102096
AIR NEW SOURCE PERMITS REGISTRATION 98473
AIR NEW SOURCE PERMITS REGISTRATION 96915
AIR NEW SOURCE PERMITS REGISTRATION 102948
AIR NEW SOURCE PERMITS REGISTRATION 105057
AIR NEW SOURCE PERMITS REGISTRATION 105056
AIR NEW SOURCE PERMITS REGISTRATION 105060
AIR NEW SOURCE PERMITS REGISTRATION 105055
AIR NEW SOURCE PERMITS REGISTRATION 117640
AIR NEW SOURCE PERMITS REGISTRATION 112344
AIR NEW SOURCE PERMITS REGISTRATION 106379
AIR NEW SOURCE PERMITS REGISTRATION 108593
AIR NEW SOURCE PERMITS REGISTRATION 105059
AIR NEW SOURCE PERMITS REGISTRATION 105772
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50099

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30007
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
6001443
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30007
AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HG0659W

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: March 10, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 10, 2009 to March 10, 2014

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

Name: Jessica Schildwachter

Phone: (512) 239-2617

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: 06/15/2009 ADMINORDER 2008-1621-AIR-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov:Special Condition #1 PERMIT
- Description: Failure to prevent the shutdown of the compressor.
- 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:FOP O-01669, General Terms & Conditions OP
- Description: Failure to submit the annual Permit Compliance Certification within 30 days of the end of the certification period.
- 2 Effective Date: 08/23/2009 ADMINORDER 2008-1092-AIR-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov:21262 AND PSD-TX-928, SC No. 1 PERMIT
- Description: Shell exceeded permit limits during an avoidable emissions event.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov:Permit PERMIT
- Description: Failed to prevent the unauthorized emissions of: 2,540 lbs of VOC, 12 lbs of H2S, 452 lbs of NOx, 3,248 lbs of CO, and 1,216 lbs of SO2 released from the OP2 Elevated Flare, the OP3 Elevated Flare, and the OP3 Ground Flare during an emissions event that occurred on March 7, 2008 and lasted 4 hours and 0 minutes. Since the emissions event was avoidable, Shell failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code 101.222.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov:Special Condition #1 PERMIT
- Description: Failed to prevent plugging of level transmitter (LT-257) tap.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov:Special Condition #1 PERMIT
- Description: Failed to prevent an electrical short during installation of additional alarm at SRU Unit.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition #1 PERMIT

Description: Failure to prevent wet gas compressor malfunction.

Classification: Moderate

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

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

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:MAERT PERMIT

Description: Failed to prevent the shutdown of the SRUs.

3 Effective Date: 08/31/2009 ADMINORDER 2008-1925-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:SC 1 PA

Special Condition #1 PERMIT

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

Classification: Moderate

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

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Condition 8, NSRP 3219/PSDTX974 PA

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:SC No. 1 PERMIT

Special Condition #1 PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

5C THSC Chapter 382 382.085(b)

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

4 Effective Date: 10/31/2009 ADMINORDER 2009-0465-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emissions event occurred from November 13 through 15, 2008, due to accumulation of rain resulting from clogged drain lines on a floating tank roof (Emission Point No. TOL905), that lasted for 38 hours and 44 minutes, resulting in the release of 10,169.40 pounds of volatile organic compounds.

5 Effective Date: 03/20/2010 ADMINORDER 2009-0806-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,514.6 pounds ("lbs") of volatile organic compounds ("VOC") [including 3.6 lbs of the Highly Reactive VOC ("HRVOC") ethylene and 884.2 lbs of the HRVOC propylene], 152.3 lbs of hydrogen sulfide, 82.7 lbs of nitrogen dioxide, 597.3 lbs of carbon monoxide, 16.8 lbs of particulate matter and 14,329.3 lbs of sulfur dioxide from the Distilling Hydrotreater ("DHT") Unit and the Catalytic Cracking Unit during an avoidable

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,520.79 lbs of VOC, 16.28 lbs of H₂S, 147.84 lbs of benzene, 426.70 lbs of SO₂, 51.50 lbs of nitrogen oxide, 372.10 lbs of CO, 8.60 lbs of PM, 103.89 lbs of ethane, 292.53 lbs of methane, 12.75 lbs of nitrogen and 2.15 lbs of hydrogen from Distillation Unit 2 during an avoidable emissions event (Incident No. 119042) that began January 18, 2009 and lasted eight hours and four minutes. The event was caused the malfunc

- 6 Effective Date: 06/18/2010 ADMINORDER 2009-1789-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Shell failed to prevent unauthorized emissions. Shell Aromatics Concentration Unit operators caused unauthorized emissions when they landed the internal floating roof of tank, D-381. The operator failed to monitor the tank pump-out rates, and the tank level indication alarms. (Incident No. 125893). This resulted in the routing of emissions to the atmosphere.
- 7 Effective Date: 06/26/2010 ADMINORDER 2009-2090-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition #1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 125,980 pounds ("lbs") of volatile organic compounds, 262 lbs of benzene and 34 lbs of hydrogen sulfide from Distillation Unit 2 during an avoidable emissions event that began May 19, 2009 and lasted 20 minutes. The emissions event was the result of operators utilizing the No. 3 Crude Line even though water had accumulated in the line. The water flashed into steam which increased column pressure, resulting in the rel
- 8 Effective Date: 07/11/2010 ADMINORDER 2009-1984-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 12,972 lbs of VOC, 5,816 lbs of CO and 1,062 lbs of NO_x from flaring at the Olefins Flare System in the Olefins 3 Unit during an avoidable emissions event (Incident No. 126985) that began July 19, 2009 and lasted nine hours and 58 minutes. The event was the result of an operator not following the established procedure for bypassing the Instrument Protection Function transmitters. As a result, the LI-5026Z transmitter
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 37.08 pounds of benzene from the Aromatics Concentration Unit during an avoidable emissions event (Incident No. 127526) that was discovered July 28, 2009 and lasted two hours. An internal floating roof of a storage tank was lowered to the point where the vacuum breaker opened releasing emissions to the atmosphere. The tank level alarm was improperly set, so there was no indication that the vacuum breaker had
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)
Description: Failed to submit the initial notification for Incident No. 127526 within 24 hours after the discovery of the event and failed to submit the final report within 14 days after the end of the event. Specifically, the initial notification was due July 29, 2009 but was not submitted until July 31, 2009, and the final report was due August 11, 2009 but was not submitted until August 12, 2009.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PA
Special Condition 13 OP
Description: Failed to comply with hourly VOC emission rates. Specifically, the Respondent exceeded the 0.98 lb/hour VOC limit for the C39 Scrubber Column Vent on 221 occasions and released an aggregate amount of 57.18 lbs of unauthorized VOC emissions over a total of 119 hours, from July 29 through September 11, 2008.

Classification: Moderate

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

Rqmt Prov:Permit No. 3179, Spec. Cond. No. 6 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 241.40 lbs of VOC, 121.70 lbs of CO and 25.20 lbs of NOx from the HIPA flare in the LPG Unit during an avoidable emissions event (Incident No. 127809) that began July 3, 2009 and lasted five hours. The event was not discovered until August 5, 2009, during the internal monthly compliance review. The event was due to a faulty relief valve prematurely opening, allowing emissions to enter the flare. Since this emissions

Classification: Moderate

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

Rqmt Prov:Special Condition No. 6 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 278.40 lbs of volatile organic compounds ("VOC"), 240.10 lbs of carbon monoxide ("CO") and 39 lbs of nitrogen oxide ("NOx") from the Houston Isopropyl Alcohol ("HIPA") flare in the LPG ("Liquified Petroleum Gas") Unit during an avoidable emissions event (Incident No. 127810) that began July 15, 2009 and lasted five hours. The event was not discovered until August 5, 2009, during the internal monthly compliance review

9

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

Classification: Moderate

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

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-02108 STC 15 OP

FOP O-02108 STC 1A OP

NSR 18576 SC 4A PERMIT

NSR 1968 SC 2 PERMIT

NSR 19849 SC 2A PERMIT

NSR 3173 SC 4 PERMIT

NSR 3179 SC 14 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-02108 STC 15 OP

FOP O-02108 STC 1A OP

NSR 18576 SC 4A PERMIT

NSR 19849 SC 26 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-02108 STC 1A OP

FOP STC O-02108 15 OP

NSR 18576 SC 4B PERMIT

NSR 1968 SC 2 PERMIT

NSR 19849 SC 2B PERMIT

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

- 10 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.
- 11 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.
- 12 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.
- 13 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.

14 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.

15 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.

16 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.

17 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.

18 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.

19 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.

20 Effective Date: 08/17/2012 ADMINORDER 2011-2121-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O1668, STC 15 OP
NSR Permit 3219, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions on June 7, 2011 in Olefins Plant 3. Because the event could have been avoided by better operating practices and was not reported properly, Shell Chemical LP did not meet the criteria for claiming an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

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

Description: Failed to include all the total quantities of contaminants released in the final report the emissions event that occurred on June 7, 2011 in Olefins Plant 3.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O1669, STC 22 OP

NSR Permit 21262, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event in the Coker Unit that began on June 12, 2011. Because the event could have been avoided by better operating practices, Shell Oil Company did not meet the criteria for claiming an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

5C THSC Chapter 382 382.085(b)

Description: Failed to provide timely submittal of additional information to the TCEQ by August 1, 2011 for the emissions event that began on June 12, 2011 in the Coker Unit.

21 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

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	March 23, 2009	(750217)
Item 2	April 02, 2009	(722827)
Item 3	April 30, 2009	(744066)
Item 4	May 11, 2009	(741959)
Item 5	May 13, 2009	(742834)
Item 6	May 14, 2009	(742134)
Item 7	May 20, 2009	(768321)
Item 8	June 01, 2009	(742131)
Item 9	June 15, 2009	(768320)
Item 10	July 22, 2009	(763029)
Item 11	August 12, 2009	(764686)
Item 12	August 13, 2009	(760336)
Item 13	September 23, 2009	(766994)
Item 14	September 28, 2009	(777627)
Item 15	October 14, 2009	(779040)
Item 16	October 23, 2009	(778758)
Item 17	October 30, 2009	(765451)
Item 18	November 10, 2009	(760343)
Item 19	November 30, 2009	(780176)
Item 20	December 09, 2009	(778830)
Item 21	January 13, 2010	(787368)
Item 22	February 01, 2010	(788201)
Item 23	February 23, 2010	(787148)
Item 24	March 15, 2010	(789829)
Item 25	March 25, 2010	(794199)
Item 26	March 29, 2010	(792150)
Item 27	April 02, 2010	(794620)
Item 28	April 05, 2010	(797068)
Item 29	April 06, 2010	(783318)
Item 30	April 12, 2010	(793088)
Item 31	April 21, 2010	(798275)
Item 32	April 29, 2010	(800569)

Item 33	May 07, 2010	(797014)
Item 34	May 10, 2010	(797040)
Item 35	May 19, 2010	(801115)
Item 36	May 20, 2010	(801366)
Item 37	May 25, 2010	(824557)
Item 38	June 22, 2010	(798148)
Item 39	July 09, 2010	(826170)
Item 40	July 26, 2010	(803128)
Item 41	July 27, 2010	(824430)
Item 42	July 28, 2010	(842904)
Item 43	August 09, 2010	(800144)
Item 44	August 17, 2010	(803124)
Item 45	August 31, 2010	(803142)
Item 46	September 16, 2010	(864076)
Item 47	January 21, 2011	(878058)
Item 48	March 08, 2011	(900041)
Item 49	March 15, 2011	(859959)
Item 50	April 08, 2011	(906978)
Item 51	April 27, 2011	(901538)
Item 52	May 12, 2011	(901220)
Item 53	May 16, 2011	(901224)
Item 54	May 24, 2011	(921483)
Item 55	June 07, 2011	(912033)
Item 56	June 17, 2011	(915211)
Item 57	July 22, 2011	(937608)
Item 58	August 01, 2011	(923435)
Item 59	August 17, 2011	(948252)
Item 60	August 23, 2011	(937593)
Item 61	August 26, 2011	(937667)
Item 62	August 29, 2011	(937668)
Item 63	August 30, 2011	(937207)
Item 64	September 22, 2011	(956750)
Item 65	September 28, 2011	(937483)
Item 66	December 12, 2011	(969310)
Item 67	December 16, 2011	(970016)
Item 68	January 17, 2012	(964848)
Item 69	February 06, 2012	(976905)
Item 70	February 15, 2012	(987664)
Item 71	February 24, 2012	(987343)
Item 72	March 16, 2012	(994459)
Item 73	March 30, 2012	(976906)
Item 74	April 10, 2012	(989049)
Item 75	April 18, 2012	(987396)
Item 76	May 15, 2012	(1006516)
Item 77	June 29, 2012	(1009226)
Item 78	July 10, 2012	(1015877)
Item 79	July 30, 2012	(1013049)
Item 80	August 16, 2012	(1008493)
Item 81	September 05, 2012	(1013053)
Item 82	September 13, 2012	(1020375)
Item 83	September 18, 2012	(1031344)
Item 84	October 02, 2012	(1021281)
Item 85	January 25, 2013	(1046537)
Item 86	February 08, 2013	(1050758)
Item 87	February 27, 2013	(1059517)
Item 88	March 29, 2013	(1060207)
Item 89	April 10, 2013	(1059686)
Item 90	April 29, 2013	(1073262)
Item 91	July 31, 2013	(1098624)
Item 92	August 07, 2013	(1102332)
Item 93	August 20, 2013	(1124926)

Item 94	September 18, 2013	(1129526)
Item 95	October 17, 2013	(1135256)
Item 96	November 14, 2013	(1106142)
Item 97	November 20, 2013	(1140655)
Item 98	December 18, 2013	(1147114)
Item 99	January 15, 2014	(1114349)
Item 100	January 17, 2014	(1153183)
Item 101	February 18, 2014	(1139856)

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: 03/22/2013 (1054740) CN601405145
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)
Description: Shell failed to report totally during emissions event Incident No. 177413.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT
Description: Shell failed to prevent unauthorized emissions during Incident No. 177413.
- 2 Date: 05/08/2013 (1073260) CN601405145
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Title V O1946, ST&C 1A PERMIT
Description: Failure to repair a valve in HRVOC service within the time frame required
- 3 Date: 06/03/2013 (1073258) CN601405145
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms & Conditions 17 OP
Description: Failure to notify TCEQ using form PI-7 within ten days following a change of tank service from benzene to toluene. (Category C3)
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 9 PERMIT
Special Terms & Conditions 17 OP
Description: Failure to maintain tank fill rate of D350 below permitted limits. (Category B19g1)
- 4 Date: 07/26/2013 (1073213) 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)
5C THSC Chapter 382 382.085(b)
Special Condition 18 PERMIT
Special Terms and Conditions 21 OP
Description: Failure to maintain minimum firebox temperature in the Regenerative Thermal Oxidizer (RTO) (EPN H87002) (Category B19g1)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)
5C THSC Chapter 382 382.085(b)
Special Terms & Conditions 1A OP
Description: Failure to maintain minimum hazardous air pollutant removal / destruction efficiency of the Catalytic Incinerator (EPN H9200) (Category B19g1).
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 1 PERMIT
Special Terms & Conditions 21 OP

Description: Failure to prevent exceedance of carbon monoxide (CO) concentration and emissions rate limits from the Phenol/Acetone Plant Boiler (EPN H87920)

(Category B14)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(d)(2)
30 TAC Chapter 122, SubChapter B 122.143(1)
General Terms & Conditions OP

Description: Failure to revise NSR Permit 3179 to incorporate operational changes documented in PBR Registration No. 87871 (Category C3).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)
5C THSC Chapter 382 382.085(b)
Special Condition 14A PERMIT
Special Terms & Conditions 21 OP

Description: Failure to maintain permitted flare tip velocity and net heating value on flares A-1301, A-1331 and A-1333 (Category B19g1).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms & Conditions 1.H(i) OP

Description: Failure to collect daily grab samples within ten hours of analyzer malfunction at Flare A1301 (Category C1).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 22.E PERMIT
Special Terms & Conditions 1A OP
Special Terms & Conditions 21 OP

Description: Failure to seal an open ended line (OEL) (Category C10).

5 Date: 08/12/2013 (1073265) CN601405145

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
SC 2 PERMIT
ST&C 1A and 25 PERMIT

Description: H2S exceedances in refinery fuel gas

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THSC Chapter 382 382.085(b)
SC 2 PERMIT
ST&C 1A & 25 PERMIT

Description: SO2 exceedances from the Sulfur Recovery Unit (SRU) Incinerators (EPN SR3/4 Stack & SR5 Stack)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
5C THSC Chapter 382 382.085(b)
SC 2 PERMIT
ST & C 1A and 25 PERMIT

Description: CO exceedances from the Fluid Catalytic Cracking Unit (FCCU) Catalyst Regenerator (EPN H5500 Stack)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST & C 1A PERMIT

Description: NH3 exceedances from the Catalytic Reformer SCR (EPN H53NN) and the FCCU CO Boiler (H600)

Self Report? NO Classification: Minor

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

ST & C 1A PERMIT

Description: Failure to operate the Process Heater H5200 in HRVOC service within the established operating parameter limit

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)
5C THSC Chapter 382 382.085(b)
SC 24 PERMIT
ST & C 1A and 25 PERMIT

Description: Failure to operate the North Property Flare (FLNFLARE) and the East Property Flare (EPFLARE) with the minimum net heating value of 300 Btu/scf and/or the maximum flare tip velocity

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
SC 24 PERMIT
ST & C 1A and 25 PERMIT

Description: Failure to record flare's pilot flame presence for Girbitol Flare (EPN GIRBFLARE)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 19 PERMIT
ST & C 25 PERMIT

Description: Failure to maintain the moisture content of no less than 7 percent for all coke stockpiles

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
SC 9E PERMIT
ST & C 1A and 25 PERMIT

Description: Open-ended lines

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(b)(1)
5C THSC Chapter 382 382.085(b)
SC 9H PERMIT
ST & C 1A and 25 PERMIT

Description: Missing fugitive emissions leak tags

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-4(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(b)
5C THSC Chapter 382 382.085(b)
SC 9I PERMIT
ST & C 1A and 25 PERMIT

Description: Late fugitive leak repair for the relief valve (RV36264)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST & C 1A PERMIT

Description: Late HRVOC grab sampling for the Coker Flare (EPNFLARECOKE) and the East

Property Flare (EPFLARE)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST & C 1A PERMIT
 Description: Tank roof vents open due to tank roof landings

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 42C(ii) PERMIT
 ST & C 25 PERMIT
 Description: Failure to conduct daily calibrations of monitoring instruments and failure to maintain calibration records

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.340(c)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST & C 1A PERMIT
 Description: Excessive downtime of NOx analyzer for the Catalytic Reformer SCR (EPN H53NN)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST & C 1A PERMIT
 Description: CO exceedances from the Process Heaters (EPNs H1000, H5103, and H31003)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 3B PERMIT
 ST & C 25 PERMIT
 Description: CO exceedances from the Duct Burner 1 (EPN CDUCT1)

6 Date: 08/12/2013 (1073212) CN601405145
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1063(d)(3)(iii)
 5C THSC Chapter 382 382.085(b)
 Special Terms & Conditions 1.A OP
 Description: Failure to prevent a secondary tank seal gap in excess of regulatory limits. (Category B19g1)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Conditions (ST&C) 1A OP
 Description: Failure to Limit Carbon Monoxide Emissions from EPN FP3-1110 and FP3-1120 to 400 parts per million by volume (ppmv). (Category B19g1)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition (SC) 1 PERMIT
 Special Terms and Conditions (ST&C) 15 OP
 Description: Failure to Limit Nitrogen Oxide (NOx) Emissions from EPN FOL-700 and FOL-710 to 18.37 pounds per hour (lb/hr). (Category B19g1)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 8A PERMIT
 Special Terms and Conditions (ST&C) 15 OP
 Special Terms and Conditions (ST&C) 1A OP
 Description: Failure to Maintain Flare Net Heating Value and Exit Velocity Within Permitted Limits. (Category B19g1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition (SC) 6E PERMIT

Special Terms and Conditions (ST&C) 15 OP
 Special Terms and Conditions (ST&C) 1A OP

Description: Failure to Seal an Open Ended Line (OEL). (Category C10)
 Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition (SC) 8C PERMIT
 Special Terms and Conditions (ST&C) 1A OP

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

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

Self Report? NO Classification: Moderate

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

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

F. Environmental audits:

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

Disclosure Date: 08/02/2010

Viol. Classification: Major

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

Rqmt Prov: PERMIT NSR permit no. 3179 MAERT

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

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

Disclosure Date: 07/12/2010

Viol. Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Notice of Intent Date: 01/12/2010 (789407)
No DOV Associated

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

No DOV Associated

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

Disclosure Date: 07/21/2011

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

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

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

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

No DOV Associated

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

Disclosure Date: 10/27/2011

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

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

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

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

No DOV Associated

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

Disclosure Date: 09/26/2012

Viol. Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT SC 1

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

11/23/2

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201

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

Notice of Intent Date: 09/12/2012 (1043261)

No DOV Associated

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

Disclosure Date: 06/19/2013

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112

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

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

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

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112

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

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

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

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112

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

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

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

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112

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

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

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

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112

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

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

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

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112

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

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

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

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.112

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

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

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

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

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§
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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2014-0375-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 from January 11, 2013 through February 13, 2013, TCEQ staff documented that the Respondent released 31,352 pounds ("lbs") of 1,3-butadiene, which is a Highly Reactive Volatile Organic Compound ("HRVOC"), from the atmospheric vents and relief valve on the Olefins Plant 3 ("OP3") Boiler Feed Water ("BFW") deaerator drum, and 33 lbs of 1,3-butadiene and 50 lbs of acetylene from the Butadiene 3 Unit Drips Tank, Emission Point No. ("EPN") T-B3-301, during an emissions event (Incident No. 177975) that began on January 10, 2013 and lasted 23 hours and 45 minutes. The emissions event occurred when material containing 1,3-butadiene entered the BFW system through a process line that included a partially stuck open check valve and backflow preventer that failed to operate properly. TCEQ staff determined that this event was an excessive emissions event.
4. During an investigation conducted from January 12, 2013 through January 27, 2013, TCEQ staff documented that the Respondent released 1,673 lbs of carbon monoxide, 39,144 lbs of benzene, 41,821 lbs of 1,3-butadiene (which is a HRVOC), 1,563,422 lbs of ethylene (which is a HRVOC), 41,821 lbs of propylene (which is a HRVOC), and 75,613 lbs of other volatile organic compounds from the Decoke Pot Vent, EPN VP31142, during an emissions event (Incident No. 178612) that began on January 12, 2013 and lasted 360 hours. The emissions event occurred when two Motor Operated Valves remained partially open following a decoking cycle on an OP3 furnace, allowing loss of process gases during the next phase of furnace operations. TCEQ staff determined that this event was an excessive emissions event.
5. The Respondent received notices of the violations on February 12, 2014.
6. The Executive Director recognizes that on April 10, 2014, the Respondent submitted corrective action plans ("CAPs") to address the excessive emissions events that began on January 10, 2013 and January 12, 2013 (Incident Nos. 177975 and 178612).

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and 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 §§ 101.20(3), 115.722(c)(1), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1946, Special Terms and Conditions ("STC") No. 21, New Source Review ("NSR") Permit Nos. 3219 and PSDTX974, Special Conditions ("SC") No. 1, and NSR Permit No. 3217, SC No. 1.

3. As evidenced by Findings of Fact No. 4, 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), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1669, STC No. 22, and NSR Permit No. 3214, SC No. 1.
4. 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.
5. An administrative penalty in the amount of Four Hundred Thousand Dollars (\$400,000) 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 Two Hundred Thousand Dollars (\$200,000) of the administrative penalty. Two Hundred Thousand Dollars (\$200,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Four Hundred Thousand Dollars (\$400,000) as set forth in Section II, Paragraph 5 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. 2014-0375-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 5 above, Two Hundred Thousand Dollars (\$200,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally

offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The Respondent shall undertake the following technical requirements:
- a. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAPs submitted on April 10, 2014 in connection with the January 10, 2013 and January 12, 2013 excessive emissions events within 15 days after the date of such requests, or by any other deadline specified in writing;
 - b. Upon Commission approval, implement the CAPs in accordance with the approved schedule; and
 - c. Within 15 days upon completion of the CAP implementation, submit written certification to demonstrate compliance with Ordering Provision No. 3.b., as described below, and include detailed supporting documentation including photographs, receipts, and/or other records. 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 Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

8/26/14
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.


Signature

May 12, 2014
Date

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

GENERAL MANAGER - SHELL DEER PARK SITE
Title

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

Attachment A
Docket Number: 2014-0375-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Shell Chemical LP
Penalty Amount:	Four Hundred Thousand Dollars (\$400,000)
SEP Offset Amount:	Two Hundred Thousand Dollars (\$200,000)
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.

Shell Chemical LP
Agreed Order - Attachment A

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. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP 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.