

From: [Kelley Oswalt](#)
To: [Camilla Widenhofer](#)
Cc: [Jesse Lovegren](#); Claudia.Tello@shell.com
Subject: RE: Technical Review - O1668 Shell Chemical LP (Reopening, 38526)
Date: Thursday, November 20, 2025 11:47:45 AM

Hi Camilla,

The STEERS application was just submitted.

Thanks!

Kelley Oswalt
Senior Consultant
Trinity Consultants
512-693-4191 (office)

From: Camilla Widenhofer <camilla.widenhofer@tceq.texas.gov>
Sent: Wednesday, November 19, 2025 10:11 AM
To: Kelley Oswalt <kelley.oswalt@trinityconsultants.com>
Cc: Jesse Lovegren <Jesse.Lovegren@trinityconsultants.com>; Claudia.Tello@shell.com
Subject: RE: Technical Review - O1668 Shell Chemical LP (Reopening, 38526)

Thank you Kelley

-Camilla

Camilla Widenhofer
TCEQ Air Permits Division
P.O. Box 13087, MC 163
Austin, TX 78753
Phone: (512)239-1028
Fax: (512)239-1300
camilla.widenhofer@tceq.texas.gov

How are we doing? Fill out our online customer satisfaction survey
at www.tceq.texas.gov/customersurvey

From: Kelley Oswalt <kelley.oswalt@trinityconsultants.com>
Sent: Wednesday, November 19, 2025 10:08 AM
To: Camilla Widenhofer <camilla.widenhofer@tceq.texas.gov>
Cc: Jesse Lovegren <Jesse.Lovegren@trinityconsultants.com>; Claudia.Tello@shell.com
Subject: RE: Technical Review - O1668 Shell Chemical LP (Reopening, 38526)

Hi Camilla,

We approve of the draft permit.

We have prepared the attached forms and are working on certifying them through STEERS. This should establish Claudia as the new technical contact and as a DAR for this permit. The OP-REQ1 identifies the new issuance dates for NSR permits 3179 and 3219.

We will let you know once it's been submitted through STEERS.

Please let us know if there is anything else you need.

Thanks!

Kelley Oswalt
Senior Consultant
Trinity Consultants
512-693-4191 (office)

From: Camilla Widenhofer <camilla.widenhofer@tceq.texas.gov>
Sent: Monday, November 10, 2025 9:12 AM
To: Nicole.Roper@shell.com; Kelley Oswalt <kelley.oswalt@trinityconsultants.com>
Cc: Jesse Lovegren <Jesse.Lovegren@trinityconsultants.com>; Claudia.Tello@shell.com
Subject: RE: Technical Review - O1668 Shell Chemical LP (Reopening, 38526)

Thank you for the heads up. Please send form OP-1 to make any contact changes.

Best wishes to you.

-Camilla

Camilla Widenhofer
TCEQ Air Permits Division
P.O. Box 13087, MC 163
Austin, TX 78753
Phone: (512)239-1028
Fax: (512)239-1300
camilla.widenhofer@tceq.texas.gov

How are we doing? Fill out our online customer satisfaction survey at www.tceq.texas.gov/customersurvey

From: Nicole.Roper@shell.com <Nicole.Roper@shell.com>
Sent: Monday, November 10, 2025 9:10 AM
To: Camilla Widenhofer <camilla.widenhofer@tceq.texas.gov>;

kelly.oswalt@trinityconsultants.com

Cc: Jesse.Lovegren@trinityconsultants.com; Claudia.Tello@shell.com

Subject: RE: Technical Review - O1668 Shell Chemical LP (Reopening, 38526)

Camilla,

I am leaving Shell on 11/14/2025. Claudia Tello is the HSSE manager for the site. Please include her on all correspondence.

From: Camilla Widenhofer <camilla.widenhofer@tceq.texas.gov>

Sent: Thursday, November 6, 2025 8:11 AM

To: Kelley Oswalt <kelly.oswalt@trinityconsultants.com>

Cc: Roper, Nicole L SDPR-DRC/D/D4 <Nicole.Roper@shell.com>; Jackson, Lesli C SDPR-DRC/D/D4 <Lesli.Caulfield@shell.com>; Fahrenkrog, Joe SDPR-DRC/D/D42 <Joseph.Fahrenkrog@shell.com>; Jesse.Lovegren@trinityconsultants.com

Subject: RE: Technical Review - O1668 Shell Chemical LP (Reopening, 38526)

Think Secure. This email is from an external source.

Hi Kelley,

The PNAP package for this project has been approved by management and is ready to be sent out upon your approval of the reopened permit. Please send your response at your earliest convenience. Also please include form OP-CRO1 to certify the reopening permit since the NSR issuance dates were changed.

Thank you

-Camilla

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TCEQ Air Permits Division
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Austin, TX 78753
Phone: (512)239-1028
Fax: (512)239-1300
camilla.widenhofer@tceq.texas.gov

How are we doing? Fill out our online customer satisfaction survey at www.tceq.texas.gov/customerstudies

From: Camilla Widenhofer

Sent: Wednesday, November 5, 2025 9:46 AM

To: Kelley Oswalt <kelly.oswalt@trinityconsultants.com>

Cc: Nicole.Roper@shell.com; 'Lesli.Caulfield@shell.com' <Lesli.Caulfield@shell.com>;
'Joseph.Fahrenkrog@shell.com' <Joseph.Fahrenkrog@shell.com>;
Jesse.Lovegren@trinityconsultants.com

Subject: Technical Review - O1668 Shell Chemical LP (Reopening, 38526)

Hi Kelley,

Revised NSR Permits 3179 and 3219 were recently issued. Attached is the updated reopened draft Title V permit for your review. The only changes are the issuance date for those permits and the issuance date was changed in the Major NSR Summary Table for 3219 and PSDTX974. Please let me know whether any other changes are needed by November 19, 2025.

-Camilla

Camilla Widenhofer
TCEQ Air Permits Division
P.O. Box 13087, MC 163
Austin, TX 78753
Phone: (512)239-1028
Fax: (512)239-1300
camilla.widenhofer@tceq.texas.gov

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at www.tceq.texas.gov/customersurvey

Form OP-DEL
Delegation of Responsible Official Information
Federal Operating Permit Program
Texas Commission on Environmental Quality

I. Identifying Information
Account Number: HG0659W
Regulated Entity Number: RN100211879
Customer Reference Number: CN601405145
Permit Number: O1668
Area Name: Chemical Plant
Company Name: Shell Chemicals LP
II. Duly Authorized Representative Information
Action Type: <input checked="" type="checkbox"/> New DAR Identification <input type="checkbox"/> Administrative Information Change
Conventional Title: <input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input checked="" type="checkbox"/> Ms. <input type="checkbox"/> Dr.
Name (Driver License/STEERS): Claudia Tello
Title: HSSE Manager
Delegation Effective Date: 11/12/2025
Telephone Number: 346-518-6115
Fax Number:
Company Name: Shell Chemical LP
Mailing Address: PO Box 1915
City: Deer Park
State: TX
ZIP Code: 77536
Email Address: Claudia.Tello@shell.com

Form OP-DEL
Delegation of Responsible Official Information
Federal Operating Permit Program
Texas Commission on Environmental Quality

III. Certification of Truth, Accuracy, and Completeness

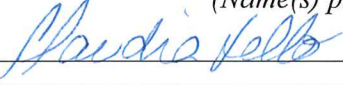
I, William Watson

(Name printed or typed: RO for New DAR Identification; RO or DAR for Administrative Information Change)

Certify that, based on information and belief formed after reasonable inquiry, the statements, and information stated above are true, accurate, and complete. *(RO signature required for New DAR Identification only; DAR signature required for any Action Type)*

Responsible Official Signature: 

Date: 11/19/2025

Duly Authorized Representative Signature: 

Claudia Tello

(Name(s) printed or typed)

Date: 11/19/2025

IV. Removal of Duly Authorized Representative(s)

The following should be removed as Duly Authorized Representative(s):

Nicole Roper, Soy Tir

(Name(s) printed or typed)

Effective Date: 11/12/2025

Responsible Official Signature: 

Date: 11/19/2025

Application Area-Wide Applicability Determinations and General Information
Form OP-REQ1 (Page 88)
Federal Operating Permit Program
Texas Commission on Environmental Quality

Date	Permit No.	Regulated Entity No.
11/19/2025	O1668	RN100211879

For SOP applications, answer ALL questions unless otherwise directed.

◆ For GOP applications, answer ONLY these questions unless otherwise directed.

XII. NSR Authorizations (Attach additional sheets if necessary for sections XII.E-J.)

E. PSD Permits and PSD Major Pollutants

Permit No.	Issuance Date	Pollutant(s):	Permit No.	Issuance Date	Pollutant(s):
PSDTX974	10/15/2025				
PSDTX896	02/14/2020				

If PSD Permits are held for the application area, please complete the Major NSR Summary Table located under the Technical Forms heading at: www.tceq.texas.gov/permitting/air/titlev/site/site_experts.html.

F. Nonattainment (NA) Permits and NA Major Pollutants

Permit No.	Issuance Date	Pollutant(s):	Permit No.	Issuance Date	Pollutant(s):

If NA Permits are held for the application area, please complete the Major NSR Summary Table located under the Technical Forms heading at: www.tceq.texas.gov/permitting/air/titlev/site/site_experts.html.

G. NSR Authorizations with FCAA § 112(g) Requirements

NSR Permit No.	Issuance Date	NSR Permit No.	Issuance Date	NSR Permit No	Issuance Date

Application Area-Wide Applicability Determinations and General Information
Form OP-REQ1 (Page 89)
Federal Operating Permit Program
Texas Commission on Environmental Quality

Date	Permit No.	Regulated Entity No.
11/19/2025	O1668	RN100211879

For SOP applications, answer ALL questions unless otherwise directed.

- ◆ For GOP applications, answer ONLY these questions unless otherwise directed.

XII. NSR Authorizations (continued) - (Attach additional sheets if necessary for sections XII.E-J.)

- ◆ **H. Title 30 TAC Chapter 116 Permits, Special Permits, Standard Permits, Other Authorizations (Other Than Permits By Rule, PSD Permits, NA Permits) for the Application Area**

Authorization No.	Issuance Date	Authorization No.	Issuance Date	Authorization No.	Issuance Date
2597	12/30/2020	3217	02/16/2018	37206	02/14/2020
3179	10/09/2025	3218	03/27/2017	48912	02/05/2016
3214	03/12/2021	3219	10/15/2025	56496	09/16/2016
3215	10/20/2015	3985A	08/02/2016	167364	12/15/2021
3216	07/19/2016	18576	03/12/2021		

- ◆ **I. Permits by Rule (30 TAC Chapter 106) for the Application Area**

A list of selected Permits by Rule (previously referred to as standard exemptions) that are required to be listed in the FOP application is available in the instructions.

PBR No.	Version No./Date	PBR No.	Version No./Date	PBR No.	Version No./Date
106.102	09/04/2000	106.263	11/01/2001		
106.122	09/04/2000	106.266	09/04/2000		
106.141	09/04/2000	106.451	09/04/2000		
106.242	09/04/2000	106.472	09/04/2000		
106.244	09/04/2000	106.473	09/04/2000		
106.261	11/01/2003	106.476	09/04/2000		
106.262	09/04/2000	106.478	09/04/2000		
106.262	11/01/2003				

- ◆ **J. Municipal Solid Waste and Industrial Hazardous Waste Permits with an Air Addendum**

Permit No.	Issuance Date	Permit No.	Issuance Date	Permit No.	Issuance Date
HW50099001					

**Federal Operating Permit Program
Site Information Summary
Form OP-1 (Page 1)
Texas Commission on Environmental Quality**

Please print or type all information. Direct any questions regarding this application form to the Air Permits Division at (512) 239-1250 or to the Texas Commission on Environmental Quality, Office of Air, Air-Permits Division (MC 163), P.O. Box 13087, Austin, Texas 78711-3087.

I. Company Identifying Information
A. Company Name: Shell Chemical LP
B. Customer Reference Number (CN): CN601405145
C. Submittal Date (mm/dd/yyyy): 11/19/2025
II. Site Information
A. Site Name: Shell Deer Park Chemicals
B. Regulated Entity Reference Number (RN): RN100211879
C. Indicate affected state(s) required to review permit application: <i>(Check the appropriate box[es].)</i>
<input type="checkbox"/> AR <input type="checkbox"/> CO <input type="checkbox"/> KS <input type="checkbox"/> LA <input type="checkbox"/> NM <input type="checkbox"/> OK <input type="checkbox"/> N/A
D. Indicate all pollutants for which the site is a major source based on the site's potential to emit: <i>(Check the appropriate box[es].)</i>
<input type="checkbox"/> VOC <input type="checkbox"/> NO _x <input type="checkbox"/> SO ₂ <input type="checkbox"/> PM ₁₀ <input type="checkbox"/> CO <input type="checkbox"/> Pb <input type="checkbox"/> HAPS
Other:
E. Is the site a non-major source subject to the Federal Operating Permit Program? <input type="checkbox"/> Yes <input type="checkbox"/> No
F. Is the site within a local program area jurisdiction? <input type="checkbox"/> Yes <input type="checkbox"/> No
G. Will emissions averaging be used to comply with any Subpart of 40 CFR Part 63? <input type="checkbox"/> Yes <input type="checkbox"/> No
H. Indicate the 40 CFR Part 63 Subpart(s) that will use emissions averaging:
III. Permit Type
A. Type of Permit Requested: <i>(Select only one response)</i>
<input checked="" type="checkbox"/> Site Operating Permit (SOP) <input type="checkbox"/> Temporary Operating Permit (TOP) <input type="checkbox"/> General Operating Permit (GOP)

**Federal Operating Permit Program
Site Information Summary
Form OP-1 (Page 2)
Texas Commission on Environmental Quality**

IV. Initial Application Information <i>(Complete for Initial Issuance Applications Only.)</i>
A. Is this submittal an abbreviated or a full application? <input type="checkbox"/> Abbreviated <input type="checkbox"/> Full
B. If this is a full application, is the submittal a follow-up to an abbreviated application? <input type="checkbox"/> Yes <input type="checkbox"/> No
C. If this is an abbreviated application, is this an early submittal for a combined SOP and Acid Rain permit? <input type="checkbox"/> Yes <input type="checkbox"/> No
D. Has an electronic copy of this application been submitted (or is being submitted) to EPA? (Refer to the form instructions for additional information.) <input type="checkbox"/> Yes <input type="checkbox"/> No
E. Has the required Public Involvement Plan been included with this application? <input type="checkbox"/> Yes <input type="checkbox"/> No
V. Confidential Information
A. Is confidential information submitted in conjunction with this application? <input type="checkbox"/> Yes <input type="checkbox"/> No
VI. Responsible Official (RO) Identifying Information
RO Name Prefix: (<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Dr.)
RO Full Name:
RO Title:
Employer Name:
Mailing Address:
City:
State:
ZIP Code:
Territory:
Country:
Foreign Postal Code:
Internal Mail Code:
Telephone No.:
Fax No.:
Email:

**Federal Operating Permit Program
Site Information Summary
Form OP-1 (Page 3)
Texas Commission on Environmental Quality**

VII. Technical Contact Identifying Information <i>(Complete if different from RO.)</i>
Technical Contact Name Prefix: (<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input checked="" type="checkbox"/> Ms. <input type="checkbox"/> Dr.)
Technical Contact Full Name: Claudia Tello
Technical Contact Title: HSSE Manager
Employer Name: Shell Chemical LP
Mailing Address: PO Box 1915
City: Deer Park
State: TX
ZIP Code: 77536
Territory:
Country:
Foreign Postal Code:
Internal Mail Code:
Telephone No.: 346-518-6115
Fax No.:
Email: Claudia.Tello@shell.com
VIII. Reference Only Requirements <i>(For reference only.)</i>
A. State Senator:
B. State Representative:
C. Has the applicant paid emissions fees for the most recent agency fiscal year (Sept. 1 - August 31)? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
D. Is the site subject to bilingual notice requirements pursuant to 30 TAC § 122.322? <input type="checkbox"/> Yes <input type="checkbox"/> No
E. Indicate the alternate language(s) in which public notice is required:

**Federal Operating Permit Program
Site Information Summary
Form OP-1 (Page 4)
Texas Commission on Environmental Quality**

IX. Off-Site Permit Request <i>(Optional for applicants requesting to hold the FOP and records at an off-site location.)</i>
A. Office/Facility Name:
B. Physical Address:
City:
State:
ZIP Code:
Territory:
Country:
Foreign Postal Code:
C. Physical Location:
D. Contact Name Prefix: (<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Dr.)
Contact Full Name:
E. Telephone No.:
X. Application Area Information
A. Area Name:
B. Physical Address:
City:
State:
ZIP Code:
C. Physical Location:
D. Nearest City:
E. State:
F. ZIP Code:

**Federal Operating Permit Program
Site Information Summary
Form OP-1 (Page 5)
Texas Commission on Environmental Quality**

X. Application Area Information <i>(continued)</i>
G. Latitude (nearest second):
H. Longitude (nearest second):
I. Are there any emission units that were not in compliance with the applicable requirements identified in the application at the time of application submittal? <input type="checkbox"/> Yes <input type="checkbox"/> No
J. Indicate the estimated number of emission units in the application area:
K. Are there any emission units in the application area subject to the Acid Rain Program? <input type="checkbox"/> Yes <input type="checkbox"/> No
L. Affected Source Plant Code (or ORIS/Facility Code):
XI. Public Notice <i>(Complete this section for SOP Applications and Acid Rain Permit Applications only.)</i>
A. Name of a public place to view application and draft permit:
B. Physical Address:
City:
ZIP Code:
C. Contact Person (Someone who will answer questions from the public during the public notice period):
Contact Name Prefix: (<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Dr.):
Contact Person Full Name:
Contact Mailing Address:
City:
State:
ZIP Code:
Territory:
Country:
Foreign Postal Code:
Internal Mail Code:
Telephone No.:

**Federal Operating Permit Program
Site Information Summary
Form OP-1 (Page 6)
Texas Commission on Environmental Quality**

XII. Delinquent Fees and Penalties
Notice: This form will not be processed until all delinquent fees and/or penalties owed to TCEQ or the Office of Attorney General on behalf of TCEQ are paid in accordance with the "Delinquent Fee and Penalty Protocol."
Complete Sections XIII and XIV for Acid Rain Permit and CSAPR applications only. Please include a copy of the Certificate of Representation submitted to EPA.
XIII. Designated Representative (DR) Identifying Information
DR Name Prefix: (<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Dr.)
DR Full Name:
DR Title:
Employer Name:
Mailing Address:
City:
State:
ZIP Code:
Territory:
Country:
Foreign Postal Code:
Internal Mail Code:
Telephone No.:
Fax No.:
Email:

**Federal Operating Permit Program
Site Information Summary
Form OP-1 (Page 7)
Texas Commission on Environmental Quality**

Complete Sections XIII and XIV for Acid Rain Permit and CSAPR applications only. Please include a copy of the Certificate of Representation submitted to EPA.

XIV. Alternate Designated Representative (ADR) Identifying Information

ADR Name Prefix: (☐ Mr. ☐ Mrs. ☐ Ms. ☐ Dr.)

ADR Full Name:

ADR Title:

Employer Name:

Mailing Address:

City:

State:

ZIP Code:

Territory:

Country:

Foreign Postal Code:

Internal Mail Code:

Telephone No.:

Fax No.:

Email:

From: Nicole.Roper@shell.com
To: [Camilla Widenhofer](mailto:Camilla.Widenhofer@tceq.texas.gov); [kelley.oswalt@trinityconsultants.com](mailto:kelly.oswalt@trinityconsultants.com)
Cc: Jesse.Lovegren@trinityconsultants.com; Claudia.Tello@shell.com
Subject: RE: Technical Review - O1668 Shell Chemical LP (Reopening, 38526)
Date: Monday, November 10, 2025 9:09:58 AM

Camilla,

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To: Kelley Oswalt <kelly.oswalt@trinityconsultants.com>
Cc: Roper, Nicole L SDPR-DRC/D/D4 <Nicole.Roper@shell.com>; Jackson, Lesli C SDPR-DRC/D/D4 <Lesli.Caulfield@shell.com>; Fahrenkrog, Joe SDPR-DRC/D/D42 <Joseph.Fahrenkrog@shell.com>; Jesse.Lovegren@trinityconsultants.com
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Thank you

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TCEQ Air Permits Division
P.O. Box 13087, MC 163
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Phone: (512)239-1028
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-Camilla

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camilla.widenhofer@tceq.texas.gov

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Texas Commission on Environmental Quality

Title V Existing

1668

Site Information (Regulated Entity)

What is the name of the permit area to be authorized?	CHEMICAL PLANT
Does the site have a physical address?	Yes
Physical Address	
Number and Street	5900 HIGHWAY 225
City	DEER PARK
State	TX
ZIP	77536
County	HARRIS
Latitude (N) (##.#####)	29.711666
Longitude (W) (-###.#####)	95.119444
Primary SIC Code	2911
Secondary SIC Code	
Primary NAICS Code	32511
Secondary NAICS Code	
Regulated Entity Site Information	
What is the Regulated Entity's Number (RN)?	RN100211879
What is the name of the Regulated Entity (RE)?	SHELL DEER PARK CHEMICALS
Does the RE site have a physical address?	Yes
Physical Address	
Number and Street	5900 HIGHWAY 225
City	DEER PARK
State	TX
ZIP	77536
County	HARRIS
Latitude (N) (##.#####)	29.715277
Longitude (W) (-###.#####)	-95.126111
Facility NAICS Code	
What is the primary business of this entity?	CHEMICAL MANUFACTURING

Customer (Applicant) Information

How is this applicant associated with this site?	Owner Operator
What is the applicant's Customer Number (CN)?	CN601405145
Type of Customer	Partnership
Full legal name of the applicant:	
Legal Name	Shell Chemical LP
Texas SOS Filing Number	13664511
Federal Tax ID	760641749
State Franchise Tax ID	17606417495
State Sales Tax ID	

Local Tax ID	
DUNS Number	618143986
Number of Employees	501+
Independently Owned and Operated?	Yes

Responsible Official Contact

Person TCEQ should contact for questions about this application:

Organization Name	SHELL CHEMICAL LP
Prefix	MR
First	WILLIAM
Middle	
Last	WATSON
Suffix	
Credentials	
Title	GENERAL MANAGER

Enter new address or copy one from list:

Mailing Address	
Address Type	Domestic
Mailing Address (include Suite or Bldg. here, if applicable)	PO BOX 100
Routing (such as Mail Code, Dept., or Attn:)	
City	DEER PARK
State	TX
ZIP	77536
Phone (###-###-####)	3465186306
Extension	
Alternate Phone (###-###-####)	
Fax (###-###-####)	
E-mail	william.watson@shell.com

Duly Authorized Representative Contact

Person TCEQ should contact for questions about this application

Select existing DAR contact or enter a new contact.	New Contact
Organization Name	Shell Chemical LP
Prefix	MS
First	Claudia
Middle	
Last	Tello
Suffix	
Credentials	
Title	HSSE Manager
Enter new address or copy one from list	
Mailing Address	
Address Type	Domestic
Mailing Address (include Suite or Bldg. here, if applicable)	PO BOX 1915

Routing (such as Mail Code, Dept., or Attn:)	
City	DEER PARK
State	TX
Zip	77536
Phone (###-###-####)	3465186115
Extension	
Alternate Phone (###-###-####)	
Fax (###-###-####)	
E-mail	Claudia.Tello@shell.com

Technical Contact

Person TCEQ should contact for questions about this application:

Select existing TC contact or enter a new contact.

New Contact

Organization Name

Shell Chemical LP

Prefix

MS

First

Claudia

Middle

Last

Tello

Suffix

Credentials

Title

HSSE Manager

Enter new address or copy one from list:

Duly Authorized Representative Contact Address

Mailing Address

Address Type

Domestic

Mailing Address (include Suite or Bldg. here, if applicable)

PO BOX 1915

Routing (such as Mail Code, Dept., or Attn:)

City

DEER PARK

State

TX

ZIP

77536

Phone (###-###-####)

3465186115

Extension

Alternate Phone (###-###-####)

Fax (###-###-####)

E-mail

Claudia.Tello@shell.com

Title V General Information - Existing

1) Permit Type:	SOP
2) Permit Latitude Coordinate:	29 Deg 42 Min 42 Sec
3) Permit Longitude Coordinate:	95 Deg 7 Min 10 Sec
4) Is this submittal a new application or an update to an existing application?	Update
4.1. Select the permit/project number for which this update should be applied.	1668-38526
5) Who will electronically sign this Title V application?	Duly Authorized Representative

6) Does this application include Acid Rain Program or Cross-State Air Pollution Rule requirements?

No

Title V Attachments Existing

Attach OP-1 (Site Information Summary)

[File Properties]

File Name

OP_1_O1668 OP-1.pdf

Hash

1D9AEF4DA5B36F58A3A1CCB41DC6EDEAACA599951A305FDFF97759D054DAE12F

MIME-Type

application/pdf

Attach OP-2 (Application for Permit Revision/Renewal)

Attach OP-ACPS (Application Compliance Plan and Schedule)

Attach OP-REQ1 (Application Area-Wide Applicability Determinations and General Information)

[File Properties]

File Name

OP_REQ1_O1668 OP-REQ1 PCA.pdf

Hash

C0A584A5C3A593A7580FD04BA109FBBD54599A258A015DA265AB6D144091C1CB

MIME-Type

application/pdf

Attach OP-REQ2 (Negative Applicable Requirement Determinations)

Attach OP-REQ3 (Applicable Requirements Summary)

Attach OP-PBRSUP (Permits by Rule Supplemental Table)

Attach OP-SUMR (Individual Unit Summary for Revisions)

Attach OP-MON (Monitoring Requirements)

Attach OP-UA (Unit Attribute) Forms

If applicable, attach OP-AR1 (Acid Rain Permit Application)

Attach OP-CRO2 (Change of Responsible Official Information)

Attach OP-DEL (Delegation of Responsible Official)

[File Properties]

File Name

OP-DEL Form 11-19-2025 Signed.pdf

Hash

C44327EABB309FF3B94289430E4E23159FD8E20437159F0CBC8226C93CBC7A19

MIME-Type

application/pdf

Attach Void Request Form

Attach any other necessary information needed to complete the permit.

An additional space to attach any other necessary information needed to complete the permit.

Certification

I certify that I am the Duly Authorized Representative for this application and that, based on information and belief formed after reasonable inquiry, the statements and information on this form are true, accurate, and complete.

1. I am Claudia Tello, the owner of the STEERS account ER117599.
2. I have the authority to sign this data on behalf of the applicant named above.
3. I have personally examined the foregoing and am familiar with its content and the content of any attachments, and based upon my personal knowledge and/or inquiry of any individual responsible for information contained herein, that this information is true, accurate, and complete.
4. I further certify that I have not violated any term in my TCEQ STEERS participation agreement and that I have no reason to believe that the confidentiality or use of my password has been compromised at any time.
5. I understand that use of my password constitutes an electronic signature legally equivalent to my written signature.
6. I also understand that the attestations of fact contained herein pertain to the implementation, oversight and enforcement of a state and/or federal environmental program and must be true and complete to the best of my knowledge.
7. I am aware that criminal penalties may be imposed for statements or omissions that I know or have reason to believe are untrue or misleading.
8. I am knowingly and intentionally signing Title V Existing 1668.
9. My signature indicates that I am in agreement with the information on this form, and authorize its submittal to the TCEC

OWNER OPERATOR Signature: Claudia Tello OWNER OPERATOR

Account Number:	ER117599
Signature IP Address:	170.85.101.83
Signature Date:	2025-11-20
Signature Hash:	3EB77B015D011A08FA203D11DCB286C6633874E5073A31ADA52C4BF473F7C8D6
Form Hash Code at time of Signature:	641888FD693048237BAB5E9EB5BB4C8A397BD2D434969DC41CA4D864E0D5CA42

Submission

Reference Number:	The application reference number is 837929
Submitted by:	The application was submitted by ER117599/Claudia Tello
Submitted Timestamp:	The application was submitted on 2025-11-20 at 11:44:34 CST
Submitted From:	The application was submitted from IP address 170.85.101.83
Confirmation Number:	The confirmation number is 697107
Steers Version:	The STEERS version is 6.93
Permit Number:	The permit number is 1668

Additional Information

Application Creator: This account was created by Kelley Oswalt



Submitted via STEERS

Mr. Johnny Bowers
TCEQ
MC 161
Air Permits Initial Review Team
P.O. Box 13087
Austin, TX 78711-3087

Shell Chemical LP – Deer Park
5900 Highway 225 East
Deer Park, TX 77536
Tel +1 346 518 6498
Email: Nicole.roper@shell.com

July 14, 2025

Re: Shell Chemical LP (CN601405145)
Shell Oil Deer Park (RN100211879)
Permits 3179 and 3219
Revisions to Flare Monitoring Conditions

Dear Mr. Bowers:

Shell Chemical LP ("Shell") requests the TCEQ Executive Director's approval for alteration of the referenced permits pursuant to 30 TAC § 116.116(c)(2)(B). Specifically, Shell requests that the following changes be made to the Special Conditions of the permits.

Permit 3219

Add new paragraph 9.F as follows:

For purposes of determining compliance with MAERT VOC emission limits, measured flow rates and measured VOC content shall be used. If not otherwise specified in this permit, such measurements shall be made in accordance with applicable flare monitoring requirements specified under 40 CFR Part 63 or 30 TAC Chapter 115, Subchapter H. Flare factors specified in Table 4 of TCEQ Publication RG-109, "Air Permit Technical Guidance for Chemical Sources: Flares and Vapor Oxidizers" shall be used to determine VOC emissions to the atmosphere:

- (1) 98 percent (generic); and*
- (2) 99 percent for compounds containing no more than 3 carbons that contain no elements other than carbon and hydrogen in addition to the following compounds: methanol, ethanol, propanol, ethylene oxide and propylene oxide.*

Permit 3179

Add new paragraph Special Condition 13.G as follows:

For purposes of determining compliance with MAERT VOC emission limits, measured flow rates and measured VOC content shall be used. If not otherwise specified in this permit, such measurements shall be made in accordance with applicable flare monitoring requirements specified under 40 CFR Part 63 or 30 TAC Chapter 115, Subchapter H. Flare factors specified in Table 4 of TCEQ Publication RG-109, "Air Permit Technical Guidance for Chemical Sources: Flares and Vapor Oxidizers" shall be used to determine VOC emissions to the atmosphere:

- (1) 98 percent (generic); and
- (2) 99 percent for compounds containing no more than 3 carbons that contain no elements other than carbon and hydrogen in addition to the following compounds: methanol, ethanol, propanol, ethylene oxide and propylene oxide.

Justification

By letter dated June 13, 2025, TCEQ indicated that it had reopened Title V permit O1668 pursuant to an order by the Environmental Protection Agency (EPA). The letter requires that Shell submit appropriate application information within 30 days of the letter. In the underlying order EPA took the position that the Permit lacked adequate monitoring necessary to assure compliance with the numeric VOC limits for the OP-2 Elevated Flare (EPN OP2ELFLA), OP-3 Elevated Flare (EPN OP3ELFLA), and OP-3 Ground Flare (EPN OP3GRFLA) under NSR Permit 3219; and for the HIPA Flare (EPN A1333) under NSR Permit 3179. EPA's order also asserts that the permit record lacks an explanation of how the permit's monitoring regime assures that Shell is achieving a specified or presumed DRE, for example, 99 percent DRE.

Shell disagrees with the asserted basis for EPA's Order. However, in response to EPA's request that sufficient monitoring, recordkeeping, and reporting requirements be identified to ensure compliance with the numeric VOC limits, Shell responds as follows:

1. Permit 3219 currently requires continuous flow and composition monitoring. It additionally requires that "Hourly mass emission rates shall be determined and recorded using the above readings and the emission factors used in the permit application..." (emphasis added) The proposed insertion makes clear what emission factors are used by referencing emission factors currently used for permitting.
2. Permit 3179 does not contain a continuous flow and composition monitoring requirement for the HIPA flare, but it does require compliance with Hazardous Organic NESHA (HON) requirements which contain relevant monitoring requirements. The HIPA flare is additionally subject to continuous monitoring under HRVOC monitoring regulations under 30 TAC Chapter 115, Subchapter H. Shell is proposing to add the same clarifying statement indicating that emission factors from TCEQ's published guidance be used in calculating hourly and annual VOC emissions for purposes of demonstrating compliance with the MAERT limits.

Concerning EPA's request that TCEQ explain how the permit monitoring regime assures that Shell is achieving the specified or presumed DRE, Shell recommends that TCEQ reply to EPA consistent with its position in recent permitting actions involving other sites, along the following lines.

The authorized flares at this site include the OP-2 flare, the OP-3 flare, the OP-3 ground flare, and the HIPA flare.

Flares are used to control routine emissions, planned maintenance, startup, and shutdown (MSS), and process upsets. BACT for VOCs is compliance with 40 CFR § 60.18 specifications for maximum tip velocity and minimum net heating value. A waste gas flow monitor, and a gas composition analyzer or calorimeter are required. The flares are required to be equipped with a thermocouple or infrared monitor to ensure the presence of a pilot flame. Visible emissions are prohibited except for periods not to exceed a total of five minutes during any two consecutive hours.

Additionally, the flares at this site will comply with the design and operating requirements of 40 CFR Part 63 Subparts YY and/or F, which directly apply the requirements of 40 CFR Part 63 Subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.

Permit Number	Special Condition Number
3219	9
3179	13

TCEQ's practice regarding VOC DRE for flares is based on longstanding guidance that, when a flare is properly operated in accordance with permit requirements and the provisions of 40 CFR § 60.18, 99 percent DRE should be attained for compounds up to three carbons, and 98 percent DRE for compounds with four or more carbons. TCEQ flare guidance and assumed DRE values are based in part on historical EPA research and publications.

TCEQ relied upon the EPA flare studies conducted in the 1980s to support the development of appropriate flare destruction efficiencies. The 1980s study shows destruction efficiencies well above 99 percent for the properly operated flares.

TCEQ will continue to evaluate new data and new federal requirements for flares and will revise BACT and monitoring requirements for these sources at such time sufficient data or applicable federal regulations become available. In the meantime, we believe compliance with the monitoring requirements in draft permit special conditions (regarding the pilot flame, flow rate, and stream composition or heating value), in conjunction with compliance with the federal provisions of 40 CFR § 60.670, will ensure that the authorized emission limits are not exceeded.

The DRE has not been included in the Special Conditions because a DRE of 99% DRE for compounds up to three carbons, and 98% DRE for compounds with four or more carbons, will be achieved as a result of the proper operation of the flares. The Special Conditions contain the operating and monitoring requirements necessary to achieve the DRE, therefore specifying the DRE is not needed to make the flare emission limit enforceable.

Should any information be required in the course of processing the request, please contact Nicole Roper at (346) 518-6498 or by email at nicole.roper@shell.com or Jesse Lovegren at (512) 961-4471 or by email at jesse.lovegren@trinityconsultants.com.

Sincerely,

Nicole Roper

Environmental Team Lead

Shell Deer Park Chemical

From: [Jesse Lovegren](#)
To: [Rosa Mora-Nichols](#)
Cc: nicole.roper@shell.com
Subject: RE: Additional Information Needed for Project 38526, Permit 1668, Shell Chemical , LP
Date: Tuesday, July 15, 2025 11:55:47 AM
Attachments: [image001.png](#)
[28179 EPA Review 7761559.docx](#)
[Shell Deer Park Title V Petition Order 12.19.24.pdf](#)

Hi Rosa,

Attached please find the two documents.

Best,

Jesse Lovegren, Ph.D., P.E.
Managing Consultant
Trinity Consultants
512-961-4471 (o)
512-999-3556 (m)

From: Rosa Mora-Nichols <rosa.mora-nichols@tceq.texas.gov>
Sent: Tuesday, July 15, 2025 11:52 AM
To: Jesse Lovegren <jesse.lovegren@trinityconsultants.com>
Cc: nicole.roper@shell.com
Subject: Additional Information Needed for Project 38526, Permit 1668, Shell Chemical , LP
Importance: High

Good day, Jesse,

TCEQ is in receipt of the application for Project 38526, Permit 1668, Shell Chemical , LP; I did not find a copy of TCEQ's letter dated, 06/13/2025, nor the EPA's signed order, (that was referenced in the cover letter), enclosed with the application. Please email me that information, by **COB, today**, so, this application may be declared administratively complete.

Please email the information directly to me, as I am the License Permit Specialist initial reviewer for this application.

I hope all is going well with you Jesse.

Best Regards.

Rosa Mora-Nichols

License and Permit Specialist
Texas Commission on Environmental Quality

Office of Air - Air Permits Division

(512) 239-2071



How are we doing? www.tceq.texas.gov/customersurvey

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 13, 2025

MR WILLIAM WATSON
GENERAL MANAGER
SHELL CHEMICAL LP
PO BOX 100
DEER PARK TX 77536-0100

Re: Reopening
Order on Petition No. VI-2024-8
Permit Number: O1668
Shell Chemical LP
Chemical Plant
Deer Park, Harris County
Regulated Entity Number: RN100211879
Customer Reference Number: CN601405145

Dear Mr. Watson:

The executive director of Texas Commission on Environmental Quality (TCEQ) is in receipt of the referenced Order on Petition signed by United States Environmental Protection Agency (EPA) on December 19, 2024. The signed Order finds cause to reopen the referenced permit under Clean Air Act (CAA) § 505(e) and 40 Code of Federal Regulations (CFR) § 70.7(g). In accordance with Title 30 Texas Administrative Code (TAC) § 122.231 (30 TAC § 122.231), the executive director is reopening the above-referenced permit. The scope of the reopening is limited to the issue described in the Order for which EPA found cause to reopen. The federal operating permit (FOP) for Shell Chemical LP, Chemical Plant remains effective until replaced by the effective permit resulting from the reopening procedures.

Consistent with 30 TAC Chapter 122, Subchapter C, the permit holder shall submit appropriate application information within 30 days of this letter to the Air Permits Division (APD) to facilitate the reopening.

Thank you again for your cooperation in this matter. If you have questions concerning the review or this notice, please contact Mr. Rhyen Stone at (512) 239-1293.

Mr. William Watson
Page 2
June 13, 2025

This action is taken under authority delegated by the Executive Director of the TCEQ.

Sincerely,

A handwritten signature in black ink, appearing to read 'Samuel Short', followed by a long horizontal line extending to the right.

Samuel Short, Deputy Director
Air Permits Division
Office of Air
Texas Commission on Environmental Quality

cc: Ms. Nicole Roper, Environmental Team Lead, Shell Chemical LP, Deer Park
Director, Harris County, Pollution Control Services, Pasadena
Air Section Manager, Region 12 - Houston
Air Permit Section Chief, U.S. Environmental Protection Agency, Region 6, Dallas

From: [TVAPPS](#)
To: [Rosa Mora-Nichols](#)
Cc: [APIRT](#); [Adena Whitton](#)
Subject: FW: STEERS/TV 38526 / 1668 - **REOPENING** - Shell Chemical
Date: Monday, July 14, 2025 7:48:04 PM
Attachments: [20250714 Letter Shell Deer Park Chem Title V Response to Reopening.pdf](#)
[OP_2_O1668 OP-2.pdf](#)
[OP_REQ1_O1668 OP-REQ1 PCA.pdf](#)

Rosa,

I'm not familiar with a Reopening project, but it looks like you will need ask them to send you the TCEQ letter from 6/13/25 that they refer to as well as the EPA signed Order. We may need to have Adena ask Rhyan about this as well. Let me know what you need.

We will both be in training for the next few days, so our response time may be longer than usual--but we will respond.

-Nancy

-----Original Message-----

From: steers@tceq.texas.gov <steers@tceq.texas.gov>
Sent: Monday, July 14, 2025 7:19 PM
To: RFCAIR12 <RFCAIR12@tceq.texas.gov>; air_permits@pcs.hctx.net; TVAPPS <tvapps@tceq.texas.gov>
Subject: STEERS Title V Application Submittal (New Application)

The TV-E application has been successfully submitted by WILLIAM WATSON. The submittal was received at 07/14/2025 07:18 PM.

The Reference number for this submittal is 798194

The confirmation number for this submittal is 664629.

The Area ID for this submittal is 1668.

The Project ID for this submittal is 38526.

The hash code for this submittal is

6D0DF975011EB501D319FCD684ECF50F099BD0A726D79332F7562F93C6111893.

You may access the original application submittal and the notice of final action documents from the COR Viewer which is available at <https://ida.tceq.texas.gov/steersstaff/index.cfm?fuseaction=openadmin.submitlog&newsearch=yes>.

If you have any questions, please contact the STEERS Help Line at 512-239-6925 or by e-mail at steers@tceq.texas.gov.

**BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Petition No. VI-2024-8

In the Matter of

Shell Chemical LP, Deer Park Chemical Plant

Permit No. O1668

Issued by the Texas Commission on Environmental Quality

ORDER DENYING A PETITION FOR OBJECTION TO A TITLE V OPERATING PERMIT

I. INTRODUCTION

The U.S. Environmental Protection Agency (EPA) received a petition dated June 11, 2024 (the Petition) from Air Alliance Houston (the Petitioner), pursuant to section 505(b)(2) of the Clean Air Act (CAA or Act), 42 United States Code (U.S.C.) § 7661d(b)(2). The Petition requests that the EPA Administrator object to operating permit No. O-1668 (the Permit) issued by the Texas Commission on Environmental Quality (TCEQ) to the Shell Chemical LP, Deer Park Chemical Plant (the Facility) in Harris County, Texas. The operating permit was issued pursuant to title V of the CAA, 42 U.S.C. §§ 7661–7661f, and Texas Clean Air Act (TCAA), Chapter 382 of the Texas Health and Safety Code and Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122), Federal Operating Permits. *See also* 40 Code of Federal Regulations (C.F.R.) part 70 (title V implementing regulations). This type of operating permit is also known as a title V permit or part 70 permit.

Based on a review of the Petition and other relevant materials, including the Permit, the permit record, and relevant statutory and regulatory authorities, and as explained in Section IV of this Order, the EPA denies the Petition requesting that the EPA Administrator object to the Permit. The EPA also finds that cause exists to reopen and revise the Shell Deer Park Chemical Plant permit.

II. STATUTORY AND REGULATORY FRAMEWORK

A. Title V Permits

Section 502(d)(1) of the CAA, 42 U.S.C. § 7661a(d)(1), requires each state to develop and submit to the EPA an operating permit program to meet the requirements of title V of the CAA and the EPA's implementing regulations at 40 C.F.R. part 70. The state of Texas submitted a title V program governing the issuance of operating permits on September 17, 1993. The EPA granted interim approval of Texas's title V operating permit program in 1996 and granted full approval in 2001. *See* 61 Fed. Reg. 32693

(June 25, 1996) (interim approval effective July 25, 1996); 66 Fed. Reg. 63318 (Dec. 6, 2001). This program, which became effective on November 30, 2001, is codified in 30 TAC Chapter 122.

All major stationary sources of air pollution and certain other sources are required to apply for and operate in accordance with title V operating permits that include emission limitations and other conditions as necessary to assure compliance with applicable requirements of the CAA, including the requirements of the applicable implementation plan. 42 U.S.C. §§ 7661a(a), 7661b, 7661c(a). The title V operating permit program generally does not impose new substantive air quality control requirements, but does require permits to contain adequate monitoring, recordkeeping, reporting, and other requirements to assure compliance with applicable requirements. 40 C.F.R. § 70.1(b); 42 U.S.C. § 7661c(c). One purpose of the title V program is to “enable the source, States, EPA, and the public to understand better the requirements to which the source is subject, and whether the source is meeting those requirements.” 57 Fed. Reg. 32250, 32251 (July 21, 1992). Thus, the title V operating permit program is a vehicle for compiling the air quality control requirements as they apply to the source’s emission units and for providing adequate monitoring, recordkeeping, and reporting to assure compliance with such requirements.

B. Review of Issues in a Petition

State and local permitting authorities issue title V permits pursuant to their EPA-approved title V programs. Under CAA § 505(a) and the relevant implementing regulations found at 40 C.F.R. § 70.8(a), states are required to submit each proposed title V operating permit to the EPA for review. 42 U.S.C. § 7661d(a). Upon receipt of a proposed permit, the EPA has 45 days to object to final issuance of the proposed permit if the EPA determines that the proposed permit is not in compliance with applicable requirements under the Act. 42 U.S.C. § 7661d(b)(1); *see also* 40 C.F.R. § 70.8(c). If the EPA does not object to a permit on its own initiative, any person may, within 60 days of the expiration of the EPA’s 45-day review period, petition the Administrator to object to the permit. 42 U.S.C. § 7661d(b)(2); 40 C.F.R. § 70.8(d).

Each petition must identify the proposed permit on which the petition is based and identify the petition claims. 40 C.F.R. § 70.12(a). Any issue raised in the petition as grounds for an objection must be based on a claim that the permit, permit record, or permit process is not in compliance with applicable requirements or requirements under part 70. 40 C.F.R. § 70.12(a)(2). Any arguments or claims the petitioner wishes the EPA to consider in support of each issue raised must generally be contained within the body of the petition.¹ *Id.*

The petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the permitting authority (unless the petitioner demonstrates in the petition to the Administrator that it was impracticable to raise such objections within such period or unless the grounds for such objection arose after such period). 42 U.S.C. § 7661d(b)(2); 40 C.F.R. § 70.8(d); *see also* 40 C.F.R. § 70.12(a)(2)(v).

¹ If reference is made to an attached document, the body of the petition must provide a specific citation to the referenced information, along with a description of how that information supports the claim. In determining whether to object, the Administrator will not consider arguments, assertions, claims, or other information incorporated into the petition by reference. *Id.*

In response to such a petition, the Act requires the Administrator to issue an objection if a petitioner demonstrates that a permit is not in compliance with the requirements of the Act. 42 U.S.C. § 7661d(b)(2); 40 C.F.R. § 70.8(c)(1).² Under section 505(b)(2) of the Act, the burden is on the petitioner to make the required demonstration to the EPA.³ The petitioner's demonstration burden is a critical component of CAA § 505(b)(2). As courts have recognized, CAA § 505(b)(2) contains both a "discretionary component," under which the Administrator determines whether a petition demonstrates that a permit is not in compliance with the requirements of the Act, and a nondiscretionary duty on the Administrator's part to object where such a demonstration is made. *Sierra Club v. Johnson*, 541 F.3d at 1265–66 ("[I]t is undeniable [that CAA § 505(b)(2)] also contains a discretionary component: it requires the Administrator to make a judgment of whether a petition demonstrates a permit does not comply with clean air requirements."); *NYPIRG*, 321 F.3d at 333. Courts have also made clear that the Administrator is only obligated to grant a petition to object under CAA § 505(b)(2) if the Administrator determines that the petitioner has demonstrated that the permit is not in compliance with requirements of the Act. *Citizens Against Ruining the Environment*, 535 F.3d at 677 (stating that § 505(b)(2) "clearly obligates the Administrator to (1) determine whether the petition demonstrates noncompliance and (2) object *if* such a demonstration is made" (emphasis added)).⁴ When courts have reviewed the EPA's interpretation of the ambiguous term "demonstrates" and its determination as to whether the demonstration has been made, they have applied a deferential standard of review. *See, e.g., MacClarence*, 596 F.3d at 1130–31.⁵ Certain aspects of the petitioner's demonstration burden are discussed in the following paragraph. A more detailed discussion can be found in the preamble to the EPA's proposed petitions rule. *See* 81 Fed. Reg. 57822, 57829–31 (Aug. 24, 2016); *see also In the Matter of Consolidated Environmental Management, Inc., Nucor Steel Louisiana*, Order on Petition Nos. VI-2011-06 and VI-2012-07 at 4–7 (June 19, 2013) (*Nucor II Order*).

The EPA considers a number of criteria in determining whether a petitioner has demonstrated noncompliance with the Act. *See generally Nucor II Order* at 7. For example, one such criterion is whether a petitioner has provided the relevant analyses and citations to support its claims. For each claim, the petitioner must identify (1) the specific grounds for an objection, citing to a specific permit term or condition where applicable; (2) the applicable requirement as defined in 40 C.F.R. § 70.2, or requirement under part 70, that is not met; and (3) an explanation of how the term or condition in the permit, or relevant portion of the permit record or permit process, is not adequate to comply with the corresponding applicable requirement or requirement under part 70. 40 C.F.R. § 70.12(a)(2)(i)–(iii). If a petitioner does not identify these elements, the EPA is left to work out the basis for the petitioner's objection, contrary to Congress's express allocation of the burden of demonstration to the petitioner in CAA § 505(b)(2). *See MacClarence*, 596 F.3d at 1131 ("[T]he Administrator's requirement that [a title V petitioner] support his allegations with legal reasoning, evidence, and references is reasonable and

² *See also New York Public Interest Research Group, Inc. v. Whitman*, 321 F.3d 316, 333 n.11 (2d Cir. 2003) (*NYPIRG*).

³ *WildEarth Guardians v. EPA*, 728 F.3d 1075, 1081–82 (10th Cir. 2013); *MacClarence v. EPA*, 596 F.3d 1123, 1130–33 (9th Cir. 2010); *Sierra Club v. EPA*, 557 F.3d 401, 405–07 (6th Cir. 2009); *Sierra Club v. Johnson*, 541 F.3d 1257, 1266–67 (11th Cir. 2008); *Citizens Against Ruining the Environment v. EPA*, 535 F.3d 670, 677–78 (7th Cir. 2008); *cf. NYPIRG*, 321 F.3d at 333 n.11.

⁴ *See also Sierra Club v. Johnson*, 541 F.3d at 1265 ("Congress's use of the word 'shall' . . . plainly mandates an objection whenever a petitioner demonstrates noncompliance." (emphasis added)).

⁵ *See also Sierra Club v. Johnson*, 541 F.3d at 1265–66; *Citizens Against Ruining the Environment*, 535 F.3d at 678.

persuasive.”).⁶ Relatedly, the EPA has pointed out in numerous previous orders that general assertions or allegations did not meet the demonstration standard. *See, e.g., In the Matter of Luminant Generation Co., Sandow 5 Generating Plant*, Order on Petition Number VI-2011-05 at 9 (Jan. 15, 2013).⁷ Also, the failure to address a key element of a particular issue presents further grounds for the EPA to determine that a petitioner has not demonstrated a flaw in the permit. *See, e.g., In the Matter of EME Homer City Generation LP and First Energy Generation Corp.*, Order on Petition Nos. III-2012-06, III-2012-07, and III-2013-02 at 48 (July 30, 2014).⁸

Another factor the EPA examines is whether the petitioner has addressed the state or local permitting authority’s decision and reasoning contained in the permit record. 81 Fed. Reg. at 57832; *see Voigt v. EPA*, 46 F.4th 895, 901–02 (8th Cir. 2022); *MacClarence*, 596 F.3d at 1132–33.⁹ This includes a requirement that petitioners address the permitting authority’s final decision and final reasoning (including the state’s response to comments) where these documents were available during the timeframe for filing the petition. 40 C.F.R. § 70.12(a)(2)(vi). Specifically, the petition must identify where the permitting authority responded to the public comment and explain how the permitting authority’s response is inadequate to address (or does not address) the issue raised in the public comment. *Id.*

The information that the EPA considers in determining whether to grant or deny a petition submitted under 40 C.F.R. § 70.8(d) generally includes, but is not limited to, the administrative record for the proposed permit and the petition, including attachments to the petition. 40 C.F.R. § 70.13. The administrative record for a particular proposed permit includes the draft and proposed permits; any permit applications that relate to the draft or proposed permits; the statement required by § 70.7(a)(5) (sometimes referred to as the “statement of basis”); any comments the permitting authority received during the public participation process on the draft permit; the permitting authority’s written responses to comments, including responses to all significant comments raised during the public participation process on the draft permit; and all materials available to the permitting authority that are relevant to the permitting decision and that the permitting authority made available to the public according to § 70.7(h)(2). *Id.* If a final permit and a statement of basis for the final permit are available

⁶ *See also In the Matter of Murphy Oil USA, Inc.*, Order on Petition No. VI-2011-02 at 12 (September 21, 2011) (denying a title V petition claim where petitioners did not cite any specific applicable requirement that lacked required monitoring); *In the Matter of Portland Generating Station*, Order on Petition at 7 (June 20, 2007) (*Portland Generating Station Order*).

⁷ *See also Portland Generating Station Order* at 7 (“[C]onclusory statements alone are insufficient to establish the applicability of [an applicable requirement].”); *In the Matter of BP Exploration (Alaska) Inc., Gathering Center #1*, Order on Petition Number VII-2004-02 at 8 (April 20, 2007); *In the Matter of Georgia Power Company*, Order on Petitions at 9–13 (January 8, 2007) (*Georgia Power Plants Order*); *In the Matter of Chevron Products Co., Richmond, Calif. Facility*, Order on Petition No. IX-2004–10 at 12, 24 (March 15, 2005).

⁸ *See also In the Matter of Hu Honua Bioenergy*, Order on Petition No. IX-2011-1 at 19–20 (February 7, 2014); *Georgia Power Plants Order* at 10.

⁹ *See also, e.g., Finger Lakes Zero Waste Coalition v. EPA*, 734 Fed. App’x *11, *15 (2d Cir. 2018) (summary order); *In the Matter of Noranda Alumina, LLC*, Order on Petition No. VI-2011-04 at 20–21 (Dec. 14, 2012) (denying a title V petition issue where petitioners did not respond to the state’s explanation in response to comments or explain why the state erred or why the permit was deficient); *In the Matter of Kentucky Syngas, LLC*, Order on Petition No. IV-2010-9 at 41 (June 22, 2012) (denying a title V petition issue where petitioners did not acknowledge or reply to the state’s response to comments or provide a particularized rationale for why the state erred or the permit was deficient); *Georgia Power Plants Order* at 9–13 (denying a title V petition issue where petitioners did not address a potential defense that the state had pointed out in the response to comments).

during the agency's review of a petition on a proposed permit, those documents may also be considered when determining whether to grant or deny the petition. *Id.*

D. Reopening for Cause

"If the Administrator finds that cause exists," he may order the permitting authority to "reopen" a title V permit. 42 U.S.C. § 7661d(e); 40 C.F.R. § 70.7(g). The Administrator can find cause to reopen a title V permit, *inter alia*, if reopening is necessary to "assure compliance with applicable requirements." 40 C.F.R. § 70.7(f)(1)(iv). If the Administrator orders the reopening of a title V permit, the permitting authority must respond within 90 days, but the Administrator can, under certain circumstances, extend the time for a response by an additional 90 days. 42 U.S.C. § 7661d(e); 40 C.F.R. § 70.7(g)(2). In responding, the permitting authority must follow the same procedures as for the initial permit issuance, but only those parts of the permit that cause the Administrator to reopen the permit shall be affected. 40 C.F.R. § 70.7(f)(2).

III. BACKGROUND

A. The Shell Deer Park Facility

Located at 5900 Highway 225 in Harris County, Texas, Shell Chemical LP's Deer Park Chemical Plant is primarily engaged in the production of olefins, heavy olefins, aromatics, phenol, and acetone. These base chemicals or raw material chemicals are typically sold to other chemical companies that transform them into thousands of consumer products ranging from plastics to building materials. These products are transferred via pipeline, marine loading, and rail and tank truck loading. The Facility is a major source for volatile organic compounds (VOC), sulfur dioxide, particulate matter, nitrogen oxides, hazardous air pollutants (HAPs), and carbon monoxide.

B. Permitting History

Shell Chemical LP first obtained a title V permit for the Facility on November 22, 2004. On October 1, 2018, Shell Chemical LP applied to the TCEQ for a renewal of the title V permit for the Deer Park Chemical Plant. TCEQ published notice of a draft permit on June 20, 2021, subject to a public comment period that ended on July 20, 2021. Public comments were received by TCEQ on July 21, 2021. TCEQ submitted a response to comments and an Initial Proposed Permit to the EPA for its 45-day review on September 20, 2022. The EPA's 45-day review period ended on November 4, 2022, during which time the EPA objected to the Proposed Permit on November 2, 2022 ("*Objection Order*").¹⁰

In response to the EPA's objection, a Revised Proposed Permit and response to objections were submitted to the EPA on February 26, 2024, for its 45-day review. The EPA's 45-day review period ended on April 12, 2024, during which time the EPA did not object to the Revised Proposed Permit. TCEQ issued the final Permit for the Facility on April 24, 2024.

¹⁰ See EPA Objection to Title V Permit No. O1668, Shell Chemical LP, Deer Park Chemical Plant, Harris County, TX (November 2, 2022), available at https://www.epa.gov/system/files/documents/2024-08/2022.11.02_shell.objection.letter.o1668.pdf.

C. Timeliness of Petition

Pursuant to the CAA, if the EPA does not object to a proposed permit during its 45-day review period, any person may petition the Administrator within 60 days after the expiration of the 45-day review period to object. 42 U.S.C § 7661d(b)(2). Because the EPA objected to the Initial Proposed Permit, there was no opportunity for the public to petition the EPA to object to that particular version of the permit. *See id*; 40 C.F.R. § 70.8(d). Instead, the public petition opportunity was delayed until after the state transmitted the Revised Proposed Permit to the EPA in order to resolve the EPA’s objection. *See, e.g.*, 40 C.F.R. § 70.8(c)(4). Specifically, the EPA’s 45-day review period of the Revised Proposed Permit expired on April 12, 2024. Thus, any petition seeking the EPA’s objection to the Revised Proposed Permit was due on or before June 11, 2024. The Petition was received June 11, 2024, and, therefore, the EPA finds that the Petitioner timely filed the Petition. The petition opportunity associated with the Revised Proposed Permit includes all issues that could have been raised on the Initial Proposed Permit (including issues to which EPA did not object), as well as changes reflected in the Revised Proposed Permit.

D. Environmental Justice

The EPA conducted an analysis using EPA’s EJScreen¹¹ to assess key demographic and environmental indicators within a five-kilometer radius of the Shell Deer Park facility. This analysis showed a total population of approximately 44,013 residents within a five-kilometer radius of the facility, of which approximately 56 percent are people of color and 24 percent are low income. In addition, EPA reviewed the EJScreen Environmental Justice Indexes, which combine certain demographic indicators with 13 environmental indicators. The following table identifies the Environmental Justice Indexes for the five-kilometer radius surrounding the facility and their associated percentiles when compared to the rest of the State of Texas.

EJ Index	Percentile in State
Particulate Matter 2.5	71
Ozone	54
Nitrogen Dioxide	63
Diesel Particulate Matter	69
Toxic Releases to Air	80
Traffic Proximity	56
Lead Paint	57
Superfund Proximity	82
RMP Facility Proximity	74
Hazardous Waste Proximity	76
Underground Storage Tanks	61
Wastewater Discharge	77
Drinking Water Non-Compliance	0

¹¹ EJScreen is an environmental justice mapping and screening tool that provides EPA with a nationally consistent dataset and approach for combining environmental and demographic indicators. *See* <https://www.epa.gov/ejscreen/what-ejscreen>. The information herein is based on a November 21, 2024, report using EJScreen Version 2.3.

IV. EPA DETERMINATION ON PETITION CLAIM

The Petitioner Claims That “Flare Monitoring Fails to Assure Compliance With Tier I BACT [Best Available Control Technology] Requirements and Represented Destruction and Removal Efficiency.”

Petition Claim:

The Petitioner cites the EPA’s *Objection Order*, explaining that “Shell’s Title V permit was deficient because it failed to include monitoring requirements that assured compliance with represented levels of flare DRE [destruction and removal efficiency] and emission limits using the represented DRE for assisted flares authorized by NSR Permit Nos. 3219 and 3179, which are incorporated by reference as applicable requirements into Shell’s Title V permit.” *Id.* at 3 (citing *Objection Order* at 4). The Petitioner states that “this failure rendered Shell’s Title V permit deficient, because it did not include monitoring, testing, and recordkeeping requirements that assured compliance with all applicable requirements.” *Id.* (citing 42 U.S.C. § 7661c(a), (c)).

The Petitioner also cites to TCEQ’s Tier 1 BACT Guidance in support of its claim that the Permit is deficient. The Petitioner contends that TCEQ’s Tier I BACT guidance requires that flares achieve 99 percent DRE for VOC compounds with up to three carbon atoms and 98 percent for all other VOC compounds. *Id.* (citing TCEQ’s *Current BACT for all Chemical Unit Types Guidance*).¹² The Petitioner claims that the 2017 renewal application¹³ for NSR Permit No. 3219 specifically identifies “the DRE requirement as applicable for ground flare and the limits calculated for other permits and flares included in Shell’s Title V permit apply a 98%/99% DRE.” *Id.* Additionally, the Petitioner claims that “a subsequent application¹⁴ identifies this DRE representation as applicable to all Shell’s olefins plant flares” and claims that this information shows the 98%/99% DRE “is an enforceable application representation and an applicable requirement for purposes of Title V.” *Id.* at 3–4. (citing 30 TAC § 116.116(a)).

The Petitioner then explains why it considers the TCEQ’s response to the EPA’s *Objection Order* and the Revised Proposed Permit to be deficient. The Petitioner states that “In response to the [EPA’s November 22, 2022] *Objection Order*, the TCEQ altered Permit Nos. 3219 and 3179 to include Special Conditions requiring Shell to comply with flare requirements in EPA’s updated Part 63, Subpart F and Subpart YY regulations.” Petition at 4 (citing the EPA’s *Objection Order* and the alteration of NSR Permit

¹² See Current Tier I BACT Requirements: Chemical Sources (specifying that the presumptive VOC control requirements for flares: “Meets 40 CFR § 60.18. Destruction Efficiency: 99% for certain compounds up to three carbons, 98% otherwise. No flaring of halogenated compounds is allowed. Flow monitor required. Composition or BTU analyzer may be required.”), available at https://www.tceq.texas.gov/permitting/air/nav/air_bact_chemsource.html.

¹³ See Permit No. 3219 (Project 278537), Project File Folder, WCC Content ID 4343575 at 34–83 (September 9, 2019), available at

https://records.tceq.texas.gov/cs/idcplg?IdcService=TCEQ_EXTERNAL_SEARCH_GET_FILE&dID=4656896&Rendition=Web; see also Permit No. 3219 (Project 278537), Project File Folder, WCC Content ID 4857596 at 8–9 (Sept. 9, 2019), available at https://records.tceq.texas.gov/cs/idcplg?IdcService=TCEQ_EXTERNAL_SEARCH_GET_FILE&dID=5244364&Rendition=Web.

¹⁴ See Permit No. 3179 (Project 160508), Project File Folder, WCC Content ID 4343575 at 4 (Mar. 07, 2011), available at https://records.tceq.texas.gov/cs/idcplg?IdcService=TCEQ_EXTERNAL_SEARCH_GET_FILE&dID=5440692&Rendition=Web.

Nos. 3219 and 3179).¹⁵ The Petitioner also references TCEQ’s February 23, 2024, letter in response to the EPA’s *Objection Order* (“*Response to Objection*”),¹⁶ in which TCEQ amended Permit Nos. 3219 and 3179 to include Special Conditions requiring Shell to comply with flare requirements in EPA’s updated Part 63, Subpart F and Subpart YY regulations. *Id.* at 5 (citing *Response to Objection* at 3; *Permit Alteration Source Analysis & Technical Review*, Permit No. 3219, Project No. 365078; *Permit Alteration Source Analysis & Technical Review*, Permit No. 3179, Project No. 365077).¹⁷ The Petitioner asserts that TCEQ “did not explain how these changes assure compliance with the applicable DRE and emission limits” and that “These revisions may be sufficient to assure that Shell’s flares achieve a 98% DRE, but they are not sufficient to ensure that they continuously comply with the represented 99% DRE for compounds with three or fewer carbon atoms.” *Id.* at 5.

The Petitioner suggests that “because much of the gas flared at Shell’s Deer Park Chemical Plant consists of compounds with three or fewer carbon atoms, continuous performance at 98% DRE may result in nearly twice as much pollution as Shell presumes.” *Id.* The Petitioner asserts that the precise types and amounts of compounds that are sent to Shell’s flares are not known because “the company improperly marks its speciated flare emissions submitted to the TCEQ confidential,” but claims that “off-specification flaring at olefins plants often includes the following compounds with three or fewer carbon atoms: ethylene, propylene, methane, ethane, and propane.” *Id.* at 5–6.

To support its position that the EPA’s updated Part 63, Subpart F and Subpart YY regulations do not ensure 99 percent DRE for flares, but rather only requires 98 percent DRE, the Petitioner also references a memorandum including an analysis of comments EPA received on its proposed revisions to the NESHAP for petroleum refineries (“*RTI Memorandum*”),¹⁸ stating that it “includes test data indicating that flares at sources that vent large amounts of olefins, like propylene, have difficulty continuously achieving the 98 percent destruction efficiency required by Part 63, Subparts CC, YY, and F.” *Id.* at 6. The Petitioner asserts the RTI Memorandum and the study it relies on “suggest that it is unreasonable to presume that compliance with the 270 BTU/scf NHVcz requirement in Permit Nos. 3219 and 3179 assures compliance with the 99 percent destruction efficiency for compounds with three or fewer carbon atoms.” *Id.* The Petitioner asserts that TCEQ should provide the basis for its determination “that the revisions to Permit Nos. 3219 and 3179 are sufficient to assure at least 98% DRE for all compounds vented to Shell’s flares.” *Id.*

The Petitioner claims that “neither Shell’s Title V permit nor Permit Nos. 3219 and 3179 explain how Shell must calculate VOC emissions from its flares to determine compliance with applicable representations and emission limits.” Petition at 7. The Petitioner contends that this “failure” constitutes an additional deficiency and states that the title V permit “must include or incorporate a

¹⁵ See Permit No. 3219 (Project 365078), Technical Review, WCC Content ID 6912098 (February 7, 2024), available at https://records.tceq.texas.gov/cs/idcplg?idcservice=tceq_external_search_get_file&did=7702138&rendition=web; Permit No. 3179 (Project 365077), Technical Review, WCC Content ID 6912122 (February 7, 2024), available at https://records.tceq.texas.gov/cs/idcplg?idcservice=tceq_external_search_get_file&did=7704795&rendition=web.

¹⁶ See Executive Director’s Response to EPA Objection, Shell Deer Park Chemical Plant (February 23, 2024), available at <https://www.epa.gov/system/files/documents/2024-02/o1668-shell-chemical-lp-ltr.022624.docx>.

¹⁷ See supra notes 15 and 16.

¹⁸ See Memorandum from Jeff Coburn, RTI International to Andrew Bouchard and Brenda Shine, Office of Air Quality and Standards, Sector Policies and Programs Division, EPA, Flare Control Option Impact for Final Refinery Sector Rule, EPA-HQ-OAR-2010-0682-0748 (July 31, 2015), available at <https://www.regulations.gov/document/EPA-HQ-OAR-2010-0682-0748>.

method for accurately determining compliance with applicable requirements using monitoring, testing, and/or recordkeeping methods in the permit.” *Id.*

Finally, the Petitioner asserts that the EPA should not remand the deficient permit back to TCEQ for further work. The Petitioner states that, “Because the TCEQ failed to correct the deficiencies identified by EPA’s Objection Order within 90 days, as required by the Clean Air Act, it is now EPA’s duty to revise and issue or deny Shell’s Title V permit.” *Id.* at 2 (citing 42 U.S.C. § 7661d(c); 40 C.F.R. § 70.8(c)(4)). The Petitioner argues that the EPA should not reassert its objection and remand the permit back to the TCEQ “for further work and additional delay,” instead noting that “the Clean Air Act requires EPA to expeditiously correct the problem it identified, given Texas’s failure to do so.” *Id.* at 2–3.

EPA Response: For the following reasons, the EPA denies the Petitioner’s request for an objection on this claim.

The Petitioner’s concerns with flare monitoring and represented destruction and removal efficiency were not raised during the public comment period, and the Petitioner has not demonstrated that it was impracticable to do so or that the grounds for doing so arose after the public comment period.

Pursuant to Section 505(b)(2) of the CAA, a “petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the permitting agency.” 42 U.S.C. § 7661d(b)(2), *see also* 40 C.F.R. § 70.8(d). The Act does provide for an exception to this threshold requirement if the petitioner “demonstrates in the petition to the Administrator that it was impracticable to raise such objections within such period or unless the grounds for such objection arose after such period.” 42 U.S.C. § 7661d(b)(2); *see* 40 C.F.R. §§ 70.8(d), 70.12(a)(2)(v). The key to this inquiry is whether the grounds for objection were readily ascertainable during the public comment period and could have been raised at that time, regardless of whether a petitioner was aware of the grounds at that time. *See, e.g., In the Matter of Appleton Coated, LLC*, Order on Petition Nos. V-2013-12 & V-2013- 15 at 17–18 (October 14, 2016) (“Whether or not the . . . Petitioners were . . . aware of the grounds does not change the fact that the grounds were reasonably ascertainable.”).

The Petition includes a single sentence on this issue: “Changes to Shell’s NSR permits to address EPA’s Objection Order are properly raised by Air Alliance Houston for the first time in this petition, because they arose after the public comment period on Shell’s Title V permit had closed.” Petition at 2 (citing 42 U.S.C. § 7661d(b)(2)). This statement misses the point. It is true that the facility’s NSR permits (and more importantly, its title V permit) were revised following the EPA’s objection to the Initial Proposed Permit, in an attempt to resolve the EPA’s objection. But the fact that the Permit was revised after the public comment period does not necessarily mean the grounds for objection to the Permit arose after the public comment period.

Here, the Petitioner’s alleged “grounds for objection” is that the Permit lacks sufficient monitoring or other requirements to assure compliance with VOC limits on the flare, in large part due to issues concerning VOC destruction efficiency assumptions. This underlying issue—the absence of sufficient permit terms—was readily ascertainable in the Draft Permit that was subject to review during the public comment period. This is evidenced by the fact that the EPA objected to essentially this same issue when reviewing the Initial Proposed Permit (which was not materially different from the Draft

Permit, in relevant part). This is also evidenced by the Petitioner's own arguments. Throughout the Petition, the Petitioner argues that the changes that TCEQ made were insufficient to resolve the EPA's objection. Petition at 2, 5, 7. In other words, the central thrust of the Petitioner's claim is that the Permit *still suffers the same flaw* that the EPA identified in its prior objection.¹⁹

Because that underlying flaw could have been raised in public comments on the Draft Permit, but was not, this claim cannot now be raised by the Petitioner in a title V petition, and the EPA denies the Petition. 42 U.S.C. § 7661d(b)(2); 40 C.F.R. §§ 70.8(d), 70.12(a)(2)(v).

V. REOPENING FOR CAUSE

Although the Petitioner's request for an EPA objection is barred for the reasons described above, based on the EPA's discretionary review of the information presented by the Petitioner, the EPA finds and hereby provides TCEQ notice that cause exists to reopen and revise the Shell Deer Park Permit to assure compliance with all applicable requirements. 42 U.S.C. § 7661d(e); 40 C.F.R. § 70.7(g)(1), (f)(1)(iv). Specifically, the EPA has determined that the Permit lacks adequate monitoring necessary to assure compliance with emission limitations, such as those that rely on 99 percent DRE, and the permit record does not explain or justify the DRE assumptions for flaring.

Section 504(c) of the CAA requires all title V permits to contain monitoring requirements to assure compliance with permit terms and conditions. EPA's Part 70 monitoring rules (40 C.F.R. § 70.6(a)(3)(i)(A) and (B) and 70.6(c)(1)) must be interpreted consistent with section 504(c) of the Act's directive.²⁰ As a general matter, permitting authorities must take steps to satisfy the monitoring requirements in EPA's Part 70 regulations; this includes permitting authorities requiring supplemental monitoring to ensure such compliance, even if there is some periodic monitoring in the applicable requirement, but that monitoring is not sufficient to assure compliance with permit terms and conditions. 40 C.F.R. § 70.6(c)(1). *In the Matter of CITGO Refining & Chemicals Co., Petition No. VI-2007-01* (Order on Petition) at 6–7 (May 28, 2009) (*CITGO Order*). Additionally, 40 C.F.R. § 70.7(a)(5) provides that the rationale for the monitoring requirements selected by a permitting authority must be clear and documented in the permit record (e.g., in the Statement of Basis). *CITGO Order* at 7.

The title V permit, as revised by TCEQ in response to the EPA's *Objection Order*, incorporates by reference the February 7, 2024, version of NSR Permit Nos. 3179 and 3219/PSDTX974. Permit at 476. These NSR permits, in turn, include applicable lb/hr and ton per year (TPY) limits on VOC emissions from several flares during routine operations and during maintenance, startup, and shutdown. Specifically, NSR Permit No. 3219/PSDTX974 prescribes numeric VOC limits for various flares including

¹⁹ Among other things, the EPA's objection noted problems with the Permit's apparent reliance on both a 98 percent and 99 percent VOC destruction efficiency. See *Objection Order* at 4. The Petition now questions the sufficiency of permit terms that were added to the Permit following the EPA's objection, including certain requirements from the EPA's updated NESHAP rules. The Petitioner concedes that these new requirements may assure a 98 percent destruction efficiency, but the Petitioner argues that they remain insufficient to assure a 99 percent destruction efficiency. Petition at 5–6. As the Petitioner's arguments show, these new permit terms did not *give rise to* new grounds for objection after the public comment period. Instead, the new permit terms arguably *removed* one of the grounds for objection that had previously existed during the public comment period.

²⁰ See *Sierra Club v. EPA*, 536 F.3d 673 (D.C. Cir. 2008).

the OP-2 Elevated Flare (EPN OP2ELFLA), OP-3 Elevated Flare (EPN OP3ELFLA), and OP-3 Ground Flare (EPN OP3GRFLA).²¹ NSR Permit No. 3179 includes numeric VOC limits for the HIPA Flare (EPN A1333).²²

With respect to flare-related changes made to the Permit, TCEQ's *Response to Objection* states:

NSR permit 3219 (project 365078) issued 02/07/2024 and NSR permit 3179 (project 365077) issued 02/07/2024, contain revised special conditions 9 and 14 respectively to include *sufficient monitoring requirements for flare units to demonstrate compliance with the applicable requirements, including compliance with the specified destruction efficiency*. NSR permits 3219 and 3179 are incorporated by reference in the proposed permit (New Source Review Authorization References table at page 475).

Response to Objection at 3 (emphasis added).²³ These changes represent the only flare-related modifications made to the Permit.

Revised Special Condition 9.E of NSR Permit No. 3219/PSDTX974 states:

The permit holder shall comply with the work practice standards, emission limitations, and monitoring/sampling, recordkeeping, and reporting requirements applicable to each flare that is an affected source under 40 CFR Part 63, including, without limitation, Subpart YY. (02/24)

Revised Special Condition 13.F of NSR Permit No. 3179 states:

The permit holder shall comply with the work practice standards, emission limitations, and monitoring/sampling, recordkeeping, and reporting requirements applicable to each flare that is an affected source under 40 CFR Part 63, including, without limitation, Subpart F. (02/24)

While these revised permit terms incorporate additional requirements for the plant's flares, neither the Permit nor the incorporated NSR permit terms specify the monitoring, recordkeeping, or reporting requirements that are specifically designed to assure compliance with the lb/hr and TPY VOC emission limits established in the Maximum Allowable Emission Rate Tables ("MAERT") of NSR permits 3179 and 3219. Moreover, TCEQ's response offers no technical support for the state's conclusion that the amended Permit terms are sufficient to assure compliance with all applicable requirements. Instead of explaining *how* the revised terms assure compliance, TCEQ's response simply concludes that they do.

Neither the title V permit nor the NSR permit expressly state the means by which the facility will demonstrate compliance with the VOC limits at issue. It seems likely that TCEQ intends to require the

²¹ See Permit No. 3219 (Project 278537), MAERT, WCC Content ID Number 4857597 (September 9, 2019), available at https://records.tceq.texas.gov/cs/idcplg?idcservice=tceq_external_search_get_file&did=5244365&rendition=web.

²² See Permit No. 3179 (Project 334136), MAERT, WCC Content ID Number 5900242 (Jan. 26, 2022) available at https://records.tceq.texas.gov/cs/idcplg?idcservice=tceq_external_search_get_file&did=6484336&rendition=web.

²³ TCEQ's *Response to Objection* letter incorrectly cites revised Special Condition 14 of NSR Permit No. 3179. The revision at issue was made to Special Condition 13 – specifically, 13.F – of NSR Permit No. 3179. See Permit No. 3179 (Project 365077), Conditions, WCC Content ID 6912127 (Feb. 7, 2024) available at https://records.tceq.texas.gov/cs/idcplg?idcservice=tceq_external_search_get_file&did=7700729&rendition=web.

facility to demonstrate compliance by calculating emissions using a formula that includes consideration of destruction and removal efficiency, among other variables. TCEQ may also consider the relevant destruction and removal efficiencies to be binding, enforceable requirements, since TCEQ's response references, in part, a "specified destruction efficiency" for which the revised permit terms are to assure compliance with. However, neither this emissions calculation methodology nor this destruction and removal efficiency ("DRE") appear to be specified anywhere in the Permit (nor on the face of the NSR permits that are incorporated into the Permit). This information might be included in applications associated with the NSR permits. If TCEQ wishes to rely on a source's application representations (or some other representation) to satisfy the monitoring and compliance assurance requirements of title V, such representations must be specifically identified in, or incorporated by reference into, the title V Permit.

The EPA understands that TCEQ's EPA-approved regulations provide that sources in Texas are bound by representations made in their application for NSR permits, such that these application representations become legally enforceable.²⁴ However, the fact that an application representation may be legally enforceable in Texas is not relevant to whether these representations are properly "set forth," "included," or "contained" in a title V permit, as required by the Act, the EPA's part 70 regulations and TCEQ's EPA-approved title V program regulations. *See* 42 U.S.C. § 7661c(c), 30 TAC § 122.140. That is, a source's obligation to independently comply with a requirement to which it is subject—whether it be contained in a NSPS, NESHAP, SIP, court-approved Consent Decree, NSR permit, or NSR permit application representation—does not inherently or automatically result in that requirement being included in a title V permit. For a requirement to be included in a title V permit, the permit must include it in the text of the permit itself. A permit may "set forth," "include," or "contain," requirements, in certain circumstances, by incorporating requirements like application representations into the title V permit by reference (or even by incorporating them into an NSR permit that is then incorporated by reference into the title V permit).²⁵ However, the current title V permit does not appear to do this with respect to any calculation methodologies or DRE values used in assuring compliance with the VOC emission limits.

The permit record also does not explain how the Permit's monitoring regime assures that Shell is achieving the "specified" or presumed DRE; nor does it explain how the Permit assures compliance with the hourly and annual VOC emission limits for its flares that may depend, in part, on any "specified" DRE. Thus, it does not appear that the Permit assures compliance with all applicable requirements. The EPA has previously communicated technical concerns related to TCEQ's flare DRE assumptions and the lack of adequate monitoring and operating requirements necessary to assure continuous compliance with emission limitations, such as those that rely on 99 percent DRE.²⁶ TCEQ

²⁴ *See* 30 TAC § 116.116(a) ("The following are the conditions upon which a permit, special permit, or special exemption are issued: (1) representations with regard to construction plans and operation procedures in an application for a permit, special permit, or special exemption; and (2) any general and special conditions attached to the permit, special permit, or special exemption itself.").

²⁵ *See generally* White Paper Number 2 for Improved Implementation of The Part 70 Operating Permits Program, 36–41 (Mar. 5, 1996) (White Paper Number 2) (explaining how incorporation by reference can satisfy the requirements of CAA § 504).

²⁶ *See* Letter from David Garcia, Director, Air and Radiation Division, Region 6, U.S. EPA to Corey Chism, Director, Office of Air, TCEQ, *Texas Commission on Environmental Quality Flare Operating and Monitoring Requirements as Specified in Clean Air Act New Source Review and Title V Operating Permits* (July 15, 2024), available at <https://www.epa.gov/system/files/documents/2024-07/2024.07.15.epa-comments-on-tceq-flare-assumptions.pdf>.

routinely permits flares under the assumption that they will reliably reduce the concentration of VOCs (containing three carbon atoms or less) by 99 percent. The 99 percent DRE assumption is used to set hourly and annual permit limits for VOCs from flares and is also used when sources are demonstrating that they are complying with these limits.²⁷ Without adequate monitoring and recordkeeping to assure a specific DRE is maintained, there is potential for underestimating actual emissions when sources do not achieve the presumptive 99 percent DRE in practice.

For the foregoing reasons, the EPA finds that cause exists to reopen the Permit. 40 C.F.R. § 70.7(g), 70.7(f)(1)(iv). This Order serves as written notice to TCEQ and Shell Chemical LP pursuant to 40 C.F.R. § 70.7(g)(1).

Direction to TCEQ: TCEQ must modify the Permit to ensure that the Permit contains sufficient monitoring and recordkeeping requirements to assure compliance with the lb/hr and TPY VOC emission limitations for the plant's flares. TCEQ must also revise the permit record to fully explain how the Permit's monitoring, recordkeeping, and/or operational requirements (including 40 C.F.R. Part 63, Subpart F, and Subpart YY) are sufficient to assure compliance with the lb/hr and TPY VOC emission limitations for the OP-2 Elevated Flare (EPN OP2ELFLA), OP-3 Elevated Flare (EPN OP3ELFLA), OP-3 Ground Flare (EPN OP3GRFLA), and HIPA Flare (EPN A1333). This explanation should also identify the specific monitoring, recordkeeping, and/or operational limitations in the Permit that TCEQ has determined will ensure Shell will achieve the specific DRE's utilized in any VOC-limit compliance demonstrations.

TCEQ should also revise the Permit to include a term that specifies Shell's VOC-limit compliance demonstration methodology for each flare. TCEQ may be able to accomplish this in various ways. For example, TCEQ could detail a material balance calculation procedure that explicitly identifies *what* parameters are used (e.g., VOC mass flow, DRE, etc.) and *how* these parameters are used to calculate actual VOC emissions for comparison against the applicable MAERT limitations for each flare.²⁸ In addition to the flare inlet VOC concentration of the Vent Gas, EPA anticipates that another critical input parameter required to calculate actual flare emissions is the VOC DRE of each flare. However, the Permit does not currently require Shell to periodically monitor or determine the actual DRE of any flare. As such, to ensure the material balance calculation yields reliable VOC emission estimates, Shell could determine flare DRE (as a function of Combustion Zone Net Heating Value)²⁹ at a frequency that

²⁷ See TCEQ Air Permits Division, APD-ID 6v1, New Source Review (NSR) Emission Calculations (Revised March 2021), available at https://www.tceq.texas.gov/assets/public/permitting/air/Guidance/NewSourceReview/emiss_calc_flares.pdf.

²⁸ As the EPA has explained, to the extent TCEQ intends to rely on information in a permit application to explain why such a calculation methodology/recordkeeping term is unnecessary, it must identify what part of the application contains the relevant information and explain why that information is relevant. Additionally, if TCEQ intends for a calculation methodology contained in a permit application to be an enforceable component of the facility's compliance demonstration obligations, the Permit itself must either include or properly incorporate by reference the relevant portions of the permit application. See, e.g., *In the Matter of BP Amoco Chemical Company, Texas City Chemical Plant*, Order on Petition No. VI-2017-6 at 18, 30–32 (July 20, 2021).

²⁹ For the steam-assisted elevated flares, Shell could estimate DRE as a function of NHVcz using the PFTIR data-derived correlation equations contained the federal rulemaking docket for 40 C.F.R. part 63, subpart CC. EPA anticipates that Shell will need to develop and utilize an alternative empirical correlation equation for the steam-assisted olefins enclosed ground flare. See Memorandum from Jeff Coburn, RTI International to Andrew Bouchard and Brenda Shine, Office of Air Quality and Standards, Sector Policies and Programs Division, EPA, Flare Control Option Impact for Final Refinery Sector Rule, EPA-HQ-OAR-2010-0682-0748 at 13-15 (July 31, 2015), available at <https://www.regulations.gov/document/EPA-HQ-OAR-2010-0682-0748>.

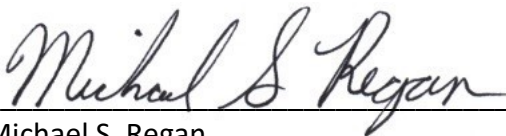
is commensurate with the relevant applicable compliance periods established for flares at 40 C.F.R. Part 63, Subpart F, and Subpart YY (e.g., hourly average, rolled every 15 minutes).³⁰ Together, such Permit revisions would identify what monitoring and calculation methodology-related information is collected and how it is used for the purpose of determining and assuring compliance with the hourly and annual VOC limits for Shell's ground and elevated flares.

TCEQ could either add such monitoring and recordkeeping requirements directly to Shell's title V permit, or it could add these requirements to Permit Nos. 3219 and 3179 and then promptly revise the title V permit to incorporate the updated version of these permits. In either case, TCEQ, as the title V permitting authority, should ensure that the Permit clearly identifies, or incorporates by reference, any emission calculation procedures, parameters, and variables (e.g., calculation methodologies, emission factors, DRE assumptions, etc) that are relevant to Shell's compliance demonstration obligations. These provisions should be sufficient to assure compliance with any existing VOC emissions limitations that rely on any such calculation procedures, parameters, or variables. *See, e.g.*, 42 U.S.C. § 7661c(c); 40 C.F.R. § 70.6(c)(1); 30 TAC 122.142(c).

VI. CONCLUSION

For the reasons set forth in this Order and I hereby deny the Petition requesting an objection pursuant to CAA § 505(b)(2) and 40 C.F.R. § 70.8(d), but I find cause to reopen the Permit under CAA § 505(e) and 40 C.F.R. § 70.7(g), as described in this Order.

Dated: December 19, 2024



Michael S. Regan
Administrator

³⁰ EPA notes that the time period associated with monitoring or other compliance assurance provisions must bear a relationship to the limits with which the monitoring assures compliance. *See* 40 C.F.R. § 70.6(a)(3)(i)(B)).

Application Area-Wide Applicability Determinations and General Information
Form OP-REQ1 (Page 88)
Federal Operating Permit Program
Texas Commission on Environmental Quality

Date	Permit No.	Regulated Entity No.
7/14/2025	O1668	RN100211879

For SOP applications, answer ALL questions unless otherwise directed.

◆ For GOP applications, answer ONLY these questions unless otherwise directed.

XII. NSR Authorizations (Attach additional sheets if necessary for sections XII.E-J.)

E. PSD Permits and PSD Major Pollutants

Permit No.	Issuance Date	Pollutant(s):	Permit No.	Issuance Date	Pollutant(s):
PSDTX974	pending				
PSDTX896	02/14/2020				

If PSD Permits are held for the application area, please complete the Major NSR Summary Table located under the Technical Forms heading at: www.tceq.texas.gov/permitting/air/titlev/site/site_experts.html.

F. Nonattainment (NA) Permits and NA Major Pollutants

Permit No.	Issuance Date	Pollutant(s):	Permit No.	Issuance Date	Pollutant(s):

If NA Permits are held for the application area, please complete the Major NSR Summary Table located under the Technical Forms heading at: www.tceq.texas.gov/permitting/air/titlev/site/site_experts.html.

G. NSR Authorizations with FCAA § 112(g) Requirements

NSR Permit No.	Issuance Date	NSR Permit No.	Issuance Date	NSR Permit No	Issuance Date

Application Area-Wide Applicability Determinations and General Information
Form OP-REQ1 (Page 89)
Federal Operating Permit Program
Texas Commission on Environmental Quality

Date	Permit No.	Regulated Entity No.
7/14/2025	O1668	RN100211879

For SOP applications, answer ALL questions unless otherwise directed.

- ◆ For GOP applications, answer ONLY these questions unless otherwise directed.

XII. NSR Authorizations (continued) - (Attach additional sheets if necessary for sections XII.E-J.)

- ◆ **H. Title 30 TAC Chapter 116 Permits, Special Permits, Standard Permits, Other Authorizations (Other Than Permits By Rule, PSD Permits, NA Permits) for the Application Area**

Authorization No.	Issuance Date	Authorization No.	Issuance Date	Authorization No.	Issuance Date
2597	12/30/2020	3217	02/16/2018	37206	02/14/2020
3179	pending	3218	03/27/2017	48912	02/05/2016
3214	03/12/2021	3219	pending	56496	09/16/2016
3215	10/20/2015	3985A	08/02/2016	167364	12/15/2021
3216	07/19/2016	18576	03/12/2021		

- ◆ **I. Permits by Rule (30 TAC Chapter 106) for the Application Area**

A list of selected Permits by Rule (previously referred to as standard exemptions) that are required to be listed in the FOP application is available in the instructions.

PBR No.	Version No./Date	PBR No.	Version No./Date	PBR No.	Version No./Date
106.102	09/04/2000	106.263	11/01/2001		
106.122	09/04/2000	106.266	09/04/2000		
106.141	09/04/2000	106.451	09/04/2000		
106.242	09/04/2000	106.472	09/04/2000		
106.244	09/04/2000	106.473	09/04/2000		
106.261	11/01/2003	106.476	09/04/2000		
106.262	09/04/2000	106.478	09/04/2000		
106.262	11/01/2003				

- ◆ **J. Municipal Solid Waste and Industrial Hazardous Waste Permits with an Air Addendum**

Permit No.	Issuance Date	Permit No.	Issuance Date	Permit No.	Issuance Date
HW50099001					

**Federal Operating Permit Program
Application for Permit Revision/Renewal
Form OP-2-Table 1
Texas Commission on Environmental Quality**

Date: 7/14/2025	
Permit No.: O1668	
Regulated Entity No.: RN100211879	
Company Name: Shell Chemical LP	
For Submissions to EPA	
Has an electronic copy of this application been submitted (or is being submitted) to EPA? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
I. Application Type	
Indicate the type of application:	
<input type="checkbox"/> Renewal	
<input type="checkbox"/> Streamlined Revision (Must include provisional terms and conditions as explained in the instructions.)	
<input type="checkbox"/> Significant Revision	
<input type="checkbox"/> Revision Requesting Prior Approval	
<input type="checkbox"/> Administrative Revision	
<input checked="" type="checkbox"/> Response to Reopening	
II. Qualification Statement	
For SOP Revisions Only	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
For GOP Revisions Only	<input type="checkbox"/> YES <input type="checkbox"/> NO

**Federal Operating Permit Program
Application for Permit Revision/Renewal
Form OP-2-Table 1 (continued)
Texas Commission on Environmental Quality**

III. Major Source Pollutants (Complete this section if the permit revision is due to a change at the site or change in regulations.)

Indicate all pollutants for which the site is a major source based on the site's potential to emit:
(Check the appropriate box[es].)

☒ VOC ☒ NO_x ☒ SO₂ ☒ PM₁₀ ☒ CO ☐ Pb ☒ HAP

Other:

IV. Reference Only Requirements (For reference only)

Has the applicant paid emissions fees for the most recent agency fiscal year (September 1 - August 31)? ☒ YES ☐ NO ☐ N/A

V. Delinquent Fees and Penalties

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and penalty protocol.

**Federal Operating Permit Program
Application for Permit Revision/Renewal
Form OP-2-Table 2
Texas Commission on Environmental Quality**

Date: 7/14/2025
Permit No.: O1668
Regulated Entity No.: RN100211879
Company Name: Shell Chemical LP

Using the table below, provide a description of the revision.

Revision No.	Revision Code		Unit/Group	Process	NSR Authorization	Description of Change and Provisional Terms and Conditions
		New Unit	ID No.	Applicable Form		
1	REO	NO	N/A	OP-REQ1	3219, PSDTX974	Incorporate the pending alteration of the NSR permit into the Title V permit.
2	REO	NO	N/A	OP-REQ1	3179	Incorporate the pending alteration of the NSR permit into the Title V permit.

Texas Commission on Environmental Quality

Title V Existing

1668

Site Information (Regulated Entity)

What is the name of the permit area to be authorized?	CHEMICAL PLANT
Does the site have a physical address?	Yes
Physical Address	
Number and Street	5900 HIGHWAY 225
City	DEER PARK
State	TX
ZIP	77536
County	HARRIS
Latitude (N) (##.#####)	29.711666
Longitude (W) (-###.#####)	95.119444
Primary SIC Code	2911
Secondary SIC Code	
Primary NAICS Code	32511
Secondary NAICS Code	
Regulated Entity Site Information	
What is the Regulated Entity's Number (RN)?	RN100211879
What is the name of the Regulated Entity (RE)?	SHELL DEER PARK CHEMICALS
Does the RE site have a physical address?	Yes
Physical Address	
Number and Street	5900 HIGHWAY 225
City	DEER PARK
State	TX
ZIP	77536
County	HARRIS
Latitude (N) (##.#####)	29.715277
Longitude (W) (-###.#####)	-95.126111
Facility NAICS Code	
What is the primary business of this entity?	CHEMICAL MANUFACTURING

Customer (Applicant) Information

How is this applicant associated with this site?	Owner Operator
What is the applicant's Customer Number (CN)?	CN601405145
Type of Customer	Partnership
Full legal name of the applicant:	
Legal Name	Shell Chemical LP
Texas SOS Filing Number	13664511
Federal Tax ID	760641749
State Franchise Tax ID	17606417495
State Sales Tax ID	

Local Tax ID	
DUNS Number	618143986
Number of Employees	501+
Independently Owned and Operated?	Yes

Responsible Official Contact

Person TCEQ should contact for questions about this application:

Organization Name	SHELL CHEMICAL LP
Prefix	MR
First	WILLIAM
Middle	
Last	WATSON
Suffix	
Credentials	
Title	GENERAL MANAGER

Enter new address or copy one from list:

Mailing Address	
Address Type	Domestic
Mailing Address (include Suite or Bldg. here, if applicable)	PO BOX 100
Routing (such as Mail Code, Dept., or Attn:)	
City	DEER PARK
State	TX
ZIP	77536
Phone (###-###-####)	3465186306
Extension	
Alternate Phone (###-###-####)	
Fax (###-###-####)	
E-mail	william.watson@shell.com

Duly Authorized Representative Contact

Person TCEQ should contact for questions about this application

Select existing DAR contact or enter a new contact.	NICOLE ROPER(SHELL CHEMICAL ...)
Organization Name	SHELL CHEMICAL LP
Prefix	MS
First	NICOLE
Middle	
Last	ROPER
Suffix	
Credentials	
Title	ENVIRONMENTAL TEAM LEAD
Enter new address or copy one from list	
Mailing Address	
Address Type	Domestic
Mailing Address (include Suite or Bldg. here, if applicable)	PO BOX 1915

Routing (such as Mail Code, Dept., or Attn:)

City

DEER PARK

State

TX

Zip

77536

Phone (###-###-####)

7132467278

Extension

Alternate Phone (###-###-####)

Fax (###-###-####)

E-mail

Nicole.Roper@shell.com

Technical Contact

Person TCEQ should contact for questions about this application:

Select existing TC contact or enter a new contact.

NICOLE ROPER(SHELL CHEMICAL ...)

Organization Name

SHELL CHEMICAL LP

Prefix

MS

First

NICOLE

Middle

Last

ROPER

Suffix

Credentials

Title

ENVIRONMENTAL TEAM LEAD

Enter new address or copy one from list:

Mailing Address

Address Type

Domestic

Mailing Address (include Suite or Bldg. here, if applicable)

PO BOX 1915

Routing (such as Mail Code, Dept., or Attn:)

City

DEER PARK

State

TX

ZIP

77536

Phone (###-###-####)

7132467278

Extension

Alternate Phone (###-###-####)

Fax (###-###-####)

E-mail

Nicole.Roper@shell.com

Title V General Information - Existing

1) Permit Type:

SOP

2) Permit Latitude Coordinate:

29 Deg 42 Min 42 Sec

3) Permit Longitude Coordinate:

95 Deg 7 Min 10 Sec

4) Is this submittal a new application or an update to an existing application?

New Application

4.1. What type of permitting action are you applying for?

Response to Reopening

4.1.1. Are there any permits that should be voided upon issuance of this permit application through permit conversion?

No

4.1.2. Are there any permits that should be voided upon issuance of this permit application through permit consolidation?

No

5) Who will electronically sign this Title V application?

Duly Authorized Representative

6) Does this application include Acid Rain Program or Cross-State Air Pollution Rule requirements?

No

Title V Attachments Existing

Attach OP-1 (Site Information Summary)

Attach OP-2 (Application for Permit Revision/Renewal)

[File Properties]

File Name

OP_2_O1668 OP-2.pdf

Hash

4862728CDD53970DFA8884FEF71BA14507B9796BE24B84B674585ADF86C1991

MIME-Type

application/pdf

Attach OP-REQ1 (Application Area-Wide Applicability Determinations and General Information)

[File Properties]

File Name

OP_REQ1_O1668 OP-REQ1 PCA.pdf

Hash

9EF1C03D24BF7E1FE54F87EB3A8A613D01208122BACB6942BE7F5619EB0680D4

MIME-Type

application/pdf

Attach OP-REQ2 (Negative Applicable Requirement Determinations)

Attach OP-REQ3 (Applicable Requirements Summary)

Attach OP-PBRSUP (Permits by Rule Supplemental Table)

Attach OP-SUMR (Individual Unit Summary for Revisions)

Attach OP-MON (Monitoring Requirements)

Attach OP-UA (Unit Attribute) Forms

If applicable, attach OP-AR1 (Acid Rain Permit Application)

Attach OP-CRO2 (Change of Responsible Official Information)

Attach OP-DEL (Delegation of Responsible Official)

Attach any other necessary information needed to complete the permit.

[File Properties]

File Name

20250714_Letter Shell Deer Park Chem Title V Response to Reopening.pdf

Hash

4D2FC4A312614A0BDCF3C4032BB3E6C753BC4647BF59A9E348CB84456D5D2187

MIME-Type

application/pdf

An additional space to attach any other necessary information needed to complete the permit.

Expedite Title V

1) Per Texas Health and Safety Code, Section 382.05155, does the applicant want to expedite the processing of this application?

No

Certification

I certify that I am the Duly Authorized Representative for this application and that, based on information and belief formed after reasonable inquiry, the statements and information on this form are true, accurate, and complete.

1. I am Nicole L Roper, the owner of the STEERS account ER084110.
2. I have the authority to sign this data on behalf of the applicant named above.
3. I have personally examined the foregoing and am familiar with its content and the content of any attachments, and based upon my personal knowledge and/or inquiry of any individual responsible for information contained herein, that this information is true, accurate, and complete.
4. I further certify that I have not violated any term in my TCEQ STEERS participation agreement and that I have no reason to believe that the confidentiality or use of my password has been compromised at any time.
5. I understand that use of my password constitutes an electronic signature legally equivalent to my written signature.
6. I also understand that the attestations of fact contained herein pertain to the implementation, oversight and enforcement of a state and/or federal environmental program and must be true and complete to the best of my knowledge.
7. I am aware that criminal penalties may be imposed for statements or omissions that I know or have reason to believe are untrue or misleading.
8. I am knowingly and intentionally signing Title V Existing 1668.
9. My signature indicates that I am in agreement with the information on this form, and authorize its submittal to the TCEQ

OWNER OPERATOR Signature: Nicole L Roper OWNER OPERATOR

Account Number:	ER084110
Signature IP Address:	170.85.101.109
Signature Date:	2025-07-14
Signature Hash:	3C22D94BE2450D968EE05D9A0A77F6674FAC23ECBF8E3C56C640981DA36B826D
Form Hash Code at time of Signature:	6D0DF975011EB501D319FCD684ECF50F099BD0A726D79332F7562F93C6111893

Submission

Reference Number:	The application reference number is 798194
Submitted by:	The application was submitted by ER084110/Nicole L Roper
Submitted Timestamp:	The application was submitted on 2025-07-14 at 19:18:52 CDT
Submitted From:	The application was submitted from IP address 170.85.101.109
Confirmation Number:	The confirmation number is 664629
Steers Version:	The STEERS version is 6.92
Permit Number:	The permit number is 1668

Additional Information

Application Creator: This account was created by Kelley Oswalt



Submitted via STEERS

Air Permits Initial Review Team (APIRT),
MC 161
Texas Commission on Environmental
Quality
P.O. Box 13087
Austin, TX 78711-3087

Shell Chemical LP – Deer Park
5900 Highway 225 East
Deer Park, TX 77536
Tel +1 346 518 6498
Email: Nicole.roper@shell.com

July 14, 2025

Re: Shell Chemical LP – Deer Park Chemical Plant
Response to Reopening Application – Title V Permit No. O1668
Deer Park, Harris County
TCEQ Customer Reference No. (CN): CN601405145
TCEQ Regulated Entity No. (RN): RN100211879

Attn: APIRT

On behalf of Shell Chemical LP (Shell), I am submitting the enclosed response to reopening for Title V Permit No. O1668 in response to TCEQ's letter dated June 13, 2025 concerning Order on Petition No. VI-2024-8 and the reopening of the Title V permit. The letter specifies that Shell is required to submit appropriate application information within 30 days of the letter to facilitate the reopening, which is in accordance with 30 TAC Chapter 122, Subchapter C.

On December 19, 2024, the Environmental Protection Agency (EPA) signed Order on Petition No. VI-2024-8. The signed Order purports to find cause to reopen Title V Permit No. O1668 basis EPA concern that the Permit lacks adequate monitoring necessary to assure compliance with emission limitations, relating to the Shell Deer Park Chemical plant's flares. Shell disagrees with EPA's position on these points however submits this information as requested by TCEQ.

Shell will concurrently submit an alteration request for NSR permits 3179 and 3219. This response to reopening consists of the applicable forms to incorporate the NSR alterations into the Title V permit.

Should you have any questions regarding this submittal, please contact Nicole Roper at (346) 518-6498 or by email at nicole.roper@shell.com or Jesse Lovegren at (512) 961-4471 or by email at jesse.lovegren@trinityconsultants.com.

Sincerely,
Nicole Roper
Environmental Team Lead

cc: TCEQ, Region 12, Houston, w/attachments
U.S. Environmental Protection Agency, Region 6, Dallas, w/attachments (R6AirPermitsTX@EPA.gov)