

TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel

Thru: *MBC* Melissa Cordell, Assistant Deputy Director
Enforcement Division

From: *MP* Michael Parrish, Team Leader
Special Functions Team

Date: July 25, 2023

Subject: **Backup Revision**
August 2, 2023 Commission Agenda
Draft Item No. 6 – Shell USA, Inc. f/k/a Shell Oil Company
Docket No. 2021-0294-AIR-E

Enclosed please find the following:

Executive Summary:

- Page 1, Other Significant Matters – Switched information regarding “Additional Pending Enforcement Actions” and “Past-Due Penalties.”

Please do not hesitate to call Michael Parrish at (512) 239-2548 if you have any questions regarding this matter.

cc: Garrett Arthur, Public Interest Counsel
Melissa Schmidt, Public Interest Counsel
Gill Valls, Office of General Counsel
Katherine McKenzie, Agenda Coordinator, Litigation Division
Amy Settemeyer, Deputy Director, Enforcement Division
Melissa Cordell, Assistant Deputy Director, Enforcement Division
Rebecca Margain-Nunez, Executive Assistant, Enforcement Division
Michael De La Cruz, Manager, Air Section, Enforcement Division
Johnnie Wu, Enforcement Coordinator, Air Section, Enforcement Division

Executive Summary – Enforcement Matter – Case No. 60408
Shell USA, Inc. f/k/a Shell Oil Company
RN100211879
Docket No. 2021-0294-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

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

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2021-0555-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 9, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$25,000

Total Paid to General Revenue: \$12,500

Total Due to General Revenue: \$0

Payment Plan: N/A

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

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

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: \$18,750

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 14, 2020 through January 22, 2021

Date(s) of NOE(s): January 27, 2021

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**Executive Summary – Enforcement Matter – Case No. 60408
Shell USA, Inc. f/k/a Shell Oil Company
RN100211879
Docket No. 2021-0294-AIR-E**

Violation Information

Failed to prevent unauthorized emissions. Since the emissions event was not caused by a sudden, unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928, Special Conditions No. 1, Federal Operating Permit No. O1669, General Terms and Conditions and Special Terms and Conditions Nos. 24 and 30.A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By August 15, 2018, the Respondent replaced all the pilot operated relief valves on the propane bank with conventional relief valves in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 276688.

Technical Requirements:

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

SEP Third-Party Administrator: Houston Regional Monitoring Corporation, Amandes Amandes PLLC, 1800 Post Oak Boulevard, Suite 400, Houston, Texas 77056

Respondent: Nathan Levin, General Manager, Shell USA, Inc. f/k/a Shell Oil Company, 5900 Highway 225, Deer Park, Texas 77536

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	9-Feb-2021	Screening	11-Feb-2021	EPA Due	
	PCW	7-May-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Shell USA, Inc. f/k/a Shell Oil Company
Reg. Ent. Ref. No.	RN100211879
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60408	No. of Violations	1
Docket No.	2021-0294-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$25,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0%	Adjustment	Subtotals 2, 3, & 7	\$25,000
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Notes: Enhancement for two NOVs with same/similar violations, nine NOVs with dissimilar violations, four orders containing a denial of liability, five orders without a denial of liability, and two final judgments containing a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$6,250
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$573
 Estimated Cost of Compliance: \$20,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$43,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$43,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$25,000
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$25,000
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Screening Date 11-Feb-2021

Docket No. 2021-0294-AIR-E

PCW

Respondent Shell USA, Inc. f/k/a Shell Oil Company

Policy Revision 4 (April 2014)

Case ID No. 60408

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211879

Media Air

Enf. Coordinator Johnnie Wu

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	5	125%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	2	60%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 287%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, nine NOVs with dissimilar violations, four orders containing a denial of liability, five orders without a denial of liability, and two final judgments containing a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 287%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 11-Feb-2021 **Docket No.** 2021-0294-AIR-E **PCW**
Respondent Shell USA, Inc. f/k/a Shell Oil Company *Policy Revision 4 (April 2014)*
Case ID No. 60408 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN100211879
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928, Special Conditions No. 1, Federal Operating Permit No. O1669, General Terms and Conditions and Special Terms and Conditions Nos. 24 and 30.A, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 61,708 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 276688) that occurred on January 18, 2018 and lasted four hours and 47 minutes. The emissions event occurred due to a leak in one of the pilot valve fittings that caused a cooling effect of the auto-refrigeration and the cold ambient temperature that froze the water in the propane and blocked the pilot line, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	x			100.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

One daily event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$6,250

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures by August 15, 2018, prior to the Notice of Enforcement dated January 27, 2021.

Violation Subtotal \$18,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$573

Violation Final Penalty Total \$43,750

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

Economic Benefit Worksheet

Respondent Shell USA, Inc. f/k/a Shell Oil Company
Case ID No. 60408
Reg. Ent. Reference No. RN100211879
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$20,000	18-Jan-2018	15-Aug-2018	0.57	\$573	n/a	\$573

Notes for DELAYED costs

Estimated cost to replace all the pilot operated relief valves on the propane bank with conventional relief valves in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 276688. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$573



Compliance History Report

Compliance History Report for CN601542012, RN100211879, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN601542012, Shell USA, Inc. f/k/a Shell Oil Company	Classification:	SATISFACTORY	Rating:	14.87
Regulated Entity:	RN100211879, Shell Deer Park Chemicals	Classification:	SATISFACTORY	Rating:	26.32
Complexity Points:	52	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	5900 Highway 225, Deer Park, Harris County, Texas 77536-2434				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0659W	AIR OPERATING PERMITS PERMIT 1668
AIR OPERATING PERMITS PERMIT 1945	AIR OPERATING PERMITS PERMIT 1946
AIR OPERATING PERMITS PERMIT 1947	AIR OPERATING PERMITS PERMIT 1948
AIR NEW SOURCE PERMITS REGISTRATION 11177	AIR NEW SOURCE PERMITS REGISTRATION 13373
AIR NEW SOURCE PERMITS PERMIT 3179	AIR NEW SOURCE PERMITS PERMIT 3216
AIR NEW SOURCE PERMITS REGISTRATION 10888	AIR NEW SOURCE PERMITS PERMIT 18576
AIR NEW SOURCE PERMITS PERMIT 37206	AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0659W
AIR NEW SOURCE PERMITS AFS NUM 4820100039	AIR NEW SOURCE PERMITS PERMIT 2597
AIR NEW SOURCE PERMITS PERMIT 3214	AIR NEW SOURCE PERMITS PERMIT 3215
AIR NEW SOURCE PERMITS PERMIT 3217	AIR NEW SOURCE PERMITS PERMIT 3218
AIR NEW SOURCE PERMITS PERMIT 3219	AIR NEW SOURCE PERMITS PERMIT 3985A
AIR NEW SOURCE PERMITS PERMIT 4256	AIR NEW SOURCE PERMITS REGISTRATION 45654
AIR NEW SOURCE PERMITS PERMIT 48912	AIR NEW SOURCE PERMITS PERMIT 56496
AIR NEW SOURCE PERMITS REGISTRATION 50423	AIR NEW SOURCE PERMITS EPA PERMIT PSDTX896
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX974	AIR NEW SOURCE PERMITS EPA PERMIT PSDTX974M1
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1474	AIR NEW SOURCE PERMITS REGISTRATION 105056
AIR NEW SOURCE PERMITS REGISTRATION 113881	AIR NEW SOURCE PERMITS REGISTRATION 105055
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1476	AIR NEW SOURCE PERMITS REGISTRATION 112344
AIR NEW SOURCE PERMITS REGISTRATION 133665	AIR NEW SOURCE PERMITS REGISTRATION 155050
AIR NEW SOURCE PERMITS REGISTRATION 152159	AIR NEW SOURCE PERMITS REGISTRATION 152387
AIR NEW SOURCE PERMITS REGISTRATION 168056	AIR NEW SOURCE PERMITS REGISTRATION 167085
AIR NEW SOURCE PERMITS REGISTRATION 167075	AIR NEW SOURCE PERMITS REGISTRATION 169083
AIR NEW SOURCE PERMITS REGISTRATION 169401	AIR NEW SOURCE PERMITS REGISTRATION 164009
AIR NEW SOURCE PERMITS REGISTRATION 168727	AIR NEW SOURCE PERMITS REGISTRATION 168460
AIR NEW SOURCE PERMITS REGISTRATION 167364	AIR NEW SOURCE PERMITS REGISTRATION 164517
AIR NEW SOURCE PERMITS PERMIT AMOC38	AIR NEW SOURCE PERMITS REGISTRATION 141452
AIR NEW SOURCE PERMITS REGISTRATION 154738	AIR NEW SOURCE PERMITS REGISTRATION 164630
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30007	WASTEWATER PERMIT WQ0000402000
WASTEWATER EPA ID TX0004863	WASTEWATER PERMIT TXG670438
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0659W	POLLUTION PREVENTION PLANNING ID NUMBER P00619
POLLUTION PREVENTION PLANNING ID NUMBER P07403	INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50099
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD067285973	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30007
TAX RELIEF ID NUMBER 18127	TAX RELIEF ID NUMBER 23198

Compliance History Period:	September 01, 2017 to August 31, 2022	Rating Year:	2022	Rating Date:	09/01/2022
Date Compliance History Report Prepared:	February 23, 2023				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	February 23, 2018 to February 23, 2023				

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

Name: Johnnie Wu

Phone: (512) 239-2524

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 06/26/2018 ADMINORDER 2016-1439-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Term and Condition 1A OP
Description: Failure to limit hydrogen sulfide (H2S) concentration limit of 162 ppmv at EPN FLAREWP from January 2, 2015 through October 5, 2015 for 38 hours by an average of 1,650.92 ppmv; at EPN FLARECOKE from January 22, 2015 through January 23, 2015 for 18 hours by an average of 24,855 ppmv; at EPN FLAREEP on May 23, 2015 and November 11, 2015 for 10 hours by an average of 702.75 ppmv; and at EPN FLARENP on October 22, 2016 for six hours by an average of 455.3 ppmv.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 22 PERMIT
Special Term and Condition 23 OP
Description: Failure to limit the nitrogen oxide (NOx) concentration to not more than 40 ppmvd on a 3-hour (hr) rolling basis for boiler, H-600. (Category B13)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Description: Failure to report all deviations for the reporting periods January 1, 2014 through June 30, 2014, July 1, 2014 through December 31, 2014, and January 1, 2015 through June 30, 2015. (Category B3)
- 2 Effective Date: 08/15/2018 ADMINORDER 2017-0658-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Failure to prevent the malfunction of the instrument air pressure regulator for the anti-surge valve on the Wet Gas Compressor (Category A12i(6)).
- 3 Effective Date: 05/23/2019 ADMINORDER 2017-1450-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: STC 1A OP
Description: Failed to comply with the concentration limit.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(B)
30 TAC Chapter 122, SubChapter C 122.210(a)
5C THSC Chapter 382 382.085(b)
Description: Failed to include the correct detailed applicability determinations in the FOP.

- 4 Effective Date: 06/13/2019 COURTORDER (Final Judgement-Agreed Order With Denial)
Classification: Moderate
Citation: 2A TWC Chapter 7, SubChapter A 7.101
30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event (Category A12(i)(6)). Specifically, the emissions event occurred at the Southeast Propane Bank in the East Tank Farm at the Refinery due to a malfunction of the pilot-operated valve on the Pressure Vessel V-5082 resulting in a release of 928 lbs of butane; 126 lbs of ethane; and 142,202 lbs of propane.
Classification: Moderate
Citation: 2A TWC Chapter 7, SubChapter A 7.101
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Shell failed to prevent the floating roof on Tank G-317 from becoming submerged (Category A8) resulting in a release of a total of 80,683 lbs of VOCs from Tank G-317, specifically, 70,278 lbs of 2,2,4-trimethylpentane; 1,597 lbs of butane; 3,993 lbs of hexane; 3,993 lbs of pentane; and 822 lbs of unspciated VOCs.
Classification: Moderate
Citation: 2A TWC Chapter 7, SubChapter A 7.101
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition No. 6 PERMIT
Description: Failure to prevent unauthorized emissions. A leak on vapor space inlet valve on Vessel V-901 located in the Heavy Olefins and Aromatics Unit resulted in the release of unauthorized emissions. [Catagory A12i6]. Specifically, the following VOCs were released: 149.73 lbs of 2-methylpentane; 23.21 lbs of 2,3 dimethylbutane; 59.38 lbs. of 3-methylpentane; 122.97 lbs. of butane; 321.31 lbs. of cyclopentane; 203.02 lbs. of hexane; 194.76 lbs. of isopentane; 104.60 lbs of isoprene; 1.06 lbs of methylc
Classification: Major
Citation: 2A TWC Chapter 7, SubChapter A 7.101
30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Description: Failure to prevent unauthorized emissions. Specifically, a trip on the Ethylene Refrigeration Compressor at the Olefins Plant 3 Unit, caused by operator error resulted in flaring and causing a release of 8,128 lbs of VOCs; 1,782 lbs of NOx; and 13,122 lbs of CO and an upset event resulted in the release of 1,226.8 lbs of HRVOCs from a flare in the tenth hour of the emissions event.
Classification: Major
Citation: 2A TWC Chapter 7, SubChapter A 7.101
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions. Specifically, the emissions event occurred at the Phenol 2 Unit at the Plant and was caused by a failed gasket resulting in a release of 114.76 lbs of benzene.
Classification: Major
Citation: 2A TWC Chapter 7, SubChapter A 7.101
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event (Category A12.i.(6)). The emissions event occurred at the Coker Unit due to a failure of the 5/6 drum pinch valve resulting in a relase of 215.50 lbs of VOCs; 188.15 lbs of CO; 26.86 lbs of NOx; 85.38 of H2S; and 7,874.83 lbs of sulfur dioxide (SO2).
- 5 Effective Date: 09/28/2020 ADMINORDER 2019-1309-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: NSR Special Condition 6 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event (Category A12.i.(9)).
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with the reporting and recordkeeping requirements (Category C3).

- 6 Effective Date: 02/21/2021 ADMINORDER 2020-0092-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTC and STC No. 22 OP
Special Condition No. 6 PERMIT
Description: Failure to prevent unauthorized emissions (Category A12.i.(6)).
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTC and STC No. 22 OP
Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on January 3, 2018, TCEQ/STEERS Incident No. 275586 (Category A12.i.(9)).
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTC and STC No. 2.F OP
Description: Failure to identify all of the required information on the final record for a reportable emissions event (Category C3).
- 7 Effective Date: 04/06/2021 ADMINORDER 2020-0306-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
- 8 Effective Date: 05/26/2021 ADMINORDER 2020-0906-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTC and STC Nos. 1.A, 26, and 30.A OP
NSR 21262 and PSDTX928 SC No. 25 PERMIT
Special Condition (SC) 25 PERMIT
Special Term & Condition (ST&C) 1A OP
Special Term & Condition (ST&C) 23 OP
Description: Failure to comply with the concentration limit for the fuel gas.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Flex. Nos. 21262 and PSDTX928 SC No. 25 PERMIT
GTC and STC Nos. 1.A, 26, and 30.A OP
Special Condition (SC) 25 PERMIT

Special Term & Condition (ST&C) 1A OP

Special Term & Condition (ST&C) 23 OP

Description: Failure to comply with the concentration limit for the fuel gas. Specifically, the Respondent exceeded the H2S concentration limit of 162 ppmv by a range of 96.55 to 116.7 ppmv for three hours that occurred on May 20, 2018, by a range of 554.427 to 32,343.85 ppmv for 11 hours on May 25, 2018, by a range of 150.842 to 223.97 ppmv for three hours on July 4, 2018, and by a range of 196.589 to 1,303.45 ppmv for five hours from September 29, 2018 to September 30, 2018 for EPN FLAREWP

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Flex. Nos. 21262 and PSDTX928, SC No. 25 PERMIT

GTC and STC Nos. 1.A, 26, and 30.A OP

Special Condition (SC) 25 PERMIT

Special Term & Condition (ST&C) 1A OP

Special Term & Condition (ST&C) 23 OP

Description: Failure to comply with the concentration limit for the fuel gas. Specifically, the Respondent exceeded the H2S concentration limit of 162 ppmv by a range of 4.414 to 19,398.5 ppmv for 12 hours that occurred on August 16, 2018, by a range of 386.952 to 1,663.058 ppmv for four hours on August 23, 2018, by a range of 129.1303 to 516.537 ppmv for five hours on September 18, 2018, by a range of 22.91 to 140.172 ppmv for five hours on November 13, 2018, and by a range of 138.64 to 3,931.35 ppmv

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(iii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Flex. Nos 21262 and PSDTX928, SC No. 2.B PERMIT

GTC and STC Nos. 1.A, 26, and 30.A OP

Special Condition (SC) 2B PERMIT

Special Term & Condition (ST&C) 1A OP

Special Term & Condition (ST&C) 23 OP

Description: Failure to comply with the concentration limit. Specifically, the Respondent exceeded the sulfur dioxide ("SO2") concentration limit of 250 ppmv (dry base, zero percent excess air) by a range of 6.1 to 2,354.5 ppmv for 51 hours that occurred on six days from May 19, 2018 to June 4, 2018, by a range of 293 to 366 ppmv for 12 hours on August 8, 2018, and by a range of 15 to 19 ppmv for 11 hours on November 30, 2018 for the Sulfur Recovery Unit 5, EPN SR5.

9 Effective Date: 07/26/2021 COURTORDER (Final Judgement-Agreed Order With Denial)

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter A 7.101
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 21262 PERMIT

GC No. 15 and SC No. 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 5.39 lbs of hydrogen sulfide; 2.15 lbs of methane; 3.90 lbs of ethane; 19 lbs of benzene, 42.50 lbs of butane, N-; 98.80 lbs of C6 paraffins; 30.90 lbs of cyclohexane; 6.40 lbs of cyclopentane; 162.40 lbs of hexane, n; 9.10 lbs of isobutane; 37.10 lbs of isopentane; 38.90 lbs of methylcyclopentane; 77.70 lbs of pentane, N-; 22.50 lbs of propane; and 122.20 lbs of toluene

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 21262 PERMIT

GC No. 15 and SC No. 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,968.80 lbs of benzene; 1,272.40 lbs of ethylbenzene, 424.12 lbs of ethyltoluene; 5,937.60 lbs of heptane, n; 9,754.70 lbs of hexane, n; 1,696.50 lbs of octane, n; 11,451.10 lbs of toluene; 1,272.40 lbs of trimethylbenzene; and 7,634.10 lbs of xylene (mixed isomers).

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 21262 PERMIT
GC No. 15 and SC No. 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 604.85 lbs of benzene; 11,812.19 lbs of butane, N-; 4,911.87 lbs of butene; 100.93 lbs of C7 naphthenes; 220.45 lbs of C8 aromatics, 15.60 lbs of C8 naphthenes; 76.79 lbs of C9 aromatics; 2.68 lbs of C9 naphthene; 531.97 lbs of cyclohexane; 181.47 lbs of cyclopentane; 68.56 lbs of decanes/C10 hydrocarbons; 39.98 lbs of ethylbenzene; 754.25 lbs of heptanes/C7 hydrocarbons; 164.23 lbs of heptene; 843.09 lbs of hexane;

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter A 7.101
30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 101, SubChapter F 101.201(g)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. During the October 9, 2017 to February 7, 2018 file review, the TCEQ determined that based on information provided by Shell Oil, the emissions event was discovered on August 28, 2017, however, Shell Oil submitted its initial STEERS notification for this event on September 6, 2017; nine days after it was due.

10 Effective Date: 08/24/2021 ADMINORDER 2020-0991-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
FOP O1668 GTC and STC 22 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on April 3, 2018, TCEQ/STEERS Incident No.281483 (Category A12.i.(6)).

11 Effective Date: 11/29/2021 ADMINORDER 2021-0112-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: FOP O1668 GTC and STC 22 OP
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on August 17, 2018, TCEQ/STEERS Incident No. 290502 (Category A.12.i.(6)).

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	March 21, 2018	(1478071)
Item 2	May 09, 2018	(1478601)
Item 3	May 17, 2018	(1500568)
Item 4	June 19, 2018	(1507685)
Item 5	July 18, 2018	(1514002)
Item 6	August 02, 2018	(1506164)
Item 7	August 20, 2018	(1520063)
Item 8	August 22, 2018	(1510742)
Item 9	August 31, 2018	(1504803)
Item 10	September 11, 2018	(1511082)
Item 11	September 19, 2018	(1517802)
Item 12	September 20, 2018	(1527229)
Item 13	September 27, 2018	(1496784)
Item 14	October 04, 2018	(1511086)
Item 15	October 05, 2018	(1472720)
Item 16	October 16, 2018	(1517582)

Item 17	October 18, 2018	(1533586)
Item 18	November 13, 2018	(1541421)
Item 19	November 29, 2018	(1467486)
Item 20	December 07, 2018	(1415488)
Item 21	December 17, 2018	(1478531)
Item 22	December 18, 2018	(1545205)
Item 23	January 11, 2019	(1559590)
Item 24	February 19, 2019	(1559588)
Item 25	March 15, 2019	(1552172)
Item 26	April 11, 2019	(1571802)
Item 27	May 20, 2019	(1583213)
Item 28	June 13, 2019	(1583216)
Item 29	July 16, 2019	(1593115)
Item 30	July 29, 2019	(1579685)
Item 31	August 02, 2019	(1582062)
Item 32	August 16, 2019	(1530925)
Item 33	August 19, 2019	(1599461)
Item 34	September 17, 2019	(1606366)
Item 35	October 17, 2019	(1613213)
Item 36	October 21, 2019	(1592463)
Item 37	November 18, 2019	(1619026)
Item 38	December 19, 2019	(1439433)
Item 39	January 15, 2020	(1634019)
Item 40	January 24, 2020	(1604187)
Item 41	February 14, 2020	(1624782)
Item 42	February 19, 2020	(1640638)
Item 43	February 24, 2020	(1630340)
Item 44	February 25, 2020	(1603440)
Item 45	February 26, 2020	(1624884)
Item 46	March 18, 2020	(1647158)
Item 47	March 19, 2020	(1610133)
Item 48	April 02, 2020	(1294135)
Item 49	April 14, 2020	(1639704)
Item 50	April 16, 2020	(1653494)
Item 51	April 30, 2020	(1632288)
Item 52	May 14, 2020	(1646422)
Item 53	May 20, 2020	(1660080)
Item 54	June 03, 2020	(1633251)
Item 55	June 17, 2020	(1666585)
Item 56	July 13, 2020	(1639256)
Item 57	July 16, 2020	(1673542)
Item 58	August 11, 2020	(1592237)
Item 59	August 17, 2020	(1663576)
Item 60	August 19, 2020	(1680317)
Item 61	September 16, 2020	(1686886)
Item 62	October 19, 2020	(1693232)
Item 63	October 23, 2020	(1666363)
Item 64	November 15, 2020	(1690675)
Item 65	November 16, 2020	(1686423)
Item 66	November 19, 2020	(1712389)
Item 67	November 25, 2020	(1466915)
Item 68	December 15, 2020	(1684800)
Item 69	December 17, 2020	(1712393)
Item 70	January 20, 2021	(1712391)
Item 71	February 12, 2021	(1673047)
Item 72	February 18, 2021	(1725444)
Item 73	March 02, 2021	(1692593)
Item 74	March 26, 2021	(1701403)
Item 75	April 06, 2021	(1707497)
Item 76	April 15, 2021	(1725446)
Item 77	May 10, 2021	(1711349)
Item 78	May 19, 2021	(1740033)

Item 79	June 03, 2021	(1711811)
Item 80	June 09, 2021	(1430888)
Item 81	June 14, 2021	(1710704)
Item 82	June 18, 2021	(1747563)
Item 83	July 06, 2021	(1736959)
Item 84	August 03, 2021	(1684036)
Item 85	August 05, 2021	(1739912)
Item 86	August 06, 2021	(1690460)
Item 87	September 16, 2021	(1747488)
Item 88	October 11, 2021	(1764317)
Item 89	October 19, 2021	(1776630)
Item 90	November 17, 2021	(1783598)
Item 91	November 22, 2021	(1764809)
Item 92	December 15, 2021	(1790622)
Item 93	December 17, 2021	(1771888)
Item 94	January 25, 2022	(1749833)
Item 95	February 16, 2022	(1806292)
Item 96	March 15, 2022	(1813357)
Item 97	March 16, 2022	(1788045)
Item 98	July 19, 2022	(1842265)
Item 99	August 23, 2022	(1812777)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 03/31/2022 (1819929)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 2 Date: 04/30/2022 (1828769)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 3 Date: 05/31/2022 (1835059)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 4 Date: 07/31/2022 (1848399)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 5 Date: 08/05/2022 (1812755)
Self Report? NO Classification: Moderate
Citation: 21262 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.11(d)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.642(n)
5C THSC Chapter 382 382.085(b)
O-01669 OP
Description: Failure to maintain/operate West Property Flare [EPN: FLAREWP] in conformance with design (Category C4)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01669 OP
Description: Failure to monitor relief valve within 24 hours of release from Distillation Unit 2

Fugitives [EPN: FUGDU2] (Category C1)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01669 OP

Description: Failure to monitor relief valve within 24 hours of release from Selective Hydrocracking Unit Fugitives [EPN: FUGSHCU] (Category C1)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01669 OP

Description: Failure to report correct emissions amount for Diesel Fire Water Pump [EPN: P87107] in 2019 Annual Emission Report (Category C1)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01669 OP

Description: Failure to submit State of Texas Environmental Electronic Reporting System (STEERS) report within required timeframe (Category C3)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
 5C THSC Chapter 382 382.085(b)
 NSR 21262 PERMIT
 O-01669 OP

Description: Failure to prevent emissions visible for more than 5 minutes in any 2-hour period from West Property Flare [EPN: FLAREWP] (Category C7)

Self Report? NO Classification: Moderate
 Citation: 21262 PERMIT
 30 TAC Chapter 115, SubChapter B 115.126(7)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THSC Chapter 382 382.085(b)
 O-01669 OP

Description: Failure to monitor presence of pilot flame thermocouple for West Property Flare [EPN: FLAREWP] (Category C7)

Self Report? NO Classification: Moderate
 Citation: 21262 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01669 OP

Description: Failure to sample weekly Total Dissolved Solids (TDS) samples for Cooling Towers [EPNs: CWT6, CWT7, CWT8, CWT9, CWT10, CWT11, CWT12, CWT14, CWT15, CWT16/16A, CWT17, & WSAC] (Category C1)

Self Report? NO Classification: Moderate
 Citation: 21262 PERMIT
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 O-01669 OP

Description: Failure to prevent Open Ended Lines (OELs) in VOC service (Category C10)

6 Date: 08/19/2022 (1812788)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(2)(A)
 30 TAC Chapter 115, SubChapter B 115.122(a)(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)
 5C THSC Chapter 382 382.085(b)

Description: Failure to control vent gas when the Catalytic Incinerator (EPN H9200) tripped. (Category B17 violation)

	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1066(b)(1) 5C THSC Chapter 382 382.085(b) FOP, Special Term and Condition 1A OP		
	Description:	Failure to submit the notification for the inspection of Tank TOL905. (Category B3 violation)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter H 115.766(i) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP, Special Term and Condition 1A OP		
	Description:	Failure to collect highly reactive volatile organic compound (HRVOC) sample for OP-2 Cooling Water Tower (Unit ID/ EPN OP2). (Category C1 violation)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP, Special Terms and Conditions 1A, 22 OP NSR, Special Condition 9E PERMIT		
	Description:	Failure to prevent open ended lines (OELs) in the OPIII Unit. (Category C10 violation)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP, Special Term and Condition 22 OP NSR, Special Condition 9 PERMIT		
	Description:	Failure to maintain the throughput below the maximum for Tank J-314 (EPN J-314/ Unit ID J314). (Category B18g(1) violation)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP, Special Term and Condition 22 OP NSR, Special Condition 11C(2) PERMIT		
	Description:	Failure to collect total dissolved solids (TDS) sample for OP-2 Cooling Water Tower (EPN OP2). (Category C1 violation)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP, Special Term and Condition 22 OP NSR, Special Condition 13F(2) PERMIT		
	Description:	Failure to collect total dissolved solids (TDS) sample for OP-3 Cooling Water Tower (EPN OP3CWT). (Category C1 violation)		
7	Date:	08/31/2022	(1856195)	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
8	Date:	09/30/2022	(1862553)	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
9	Date:	10/31/2022	(1869468)	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
10	Date:	11/30/2022	(1875315)	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		

11 Date: 01/13/2023 (1859948)
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Permit Conditions 2.g., page 8 PERMIT
Description: Failure to prevent the unauthorized discharge of wastewater.

F. Environmental audits:

Notice of Intent Date: 12/21/2017 (1461098)
Disclosure Date: 12/20/2018
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341
Description: Failure to identify waste streams at the Point of Generation (POG). There are waste streams in the TAB identified based on their waste accumulation point and not at the POG.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341
Description: Failure to properly route discharge. The discharge from a heat exchanger pump located in HT-2 is routed to a drain instead of the appropriate cooling water tower (CWT).
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(b)(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)(1)(i)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)(1)(v)
Description: Failure to identify phase streams on site. There were no two phase streams identified in the TAB. There was one instance (during the February 2, 2018 walkthrough of CIPX) where a two phase stream was observed in the field.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(2)
Description: Failure to consistently account for waste streams in the TAB. This includes lab wastes, spills, flare Knock Out drum wastes
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DD 63.680(a)
Description: Failure to include all waste streams and benzene contribution to waste stream. 3rd Party Contract Users (Occidental Chemical Corporation (OxyChem) and Hexion Inc.) discharge wastewater directly to the South Effluent Treater (SET). These streams are not included in the TAB. Lab sample results indicate Oxy has detectable levels of benzene. No benzene was detected in the Hexion sample.

Notice of Intent Date: 07/07/2020 (1664707)
Disclosure Date: 01/28/2021
Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.303(a)(11)
Description: Failure to maintain documentation for diesel engines (EPN: CCUEGEN1/RRGEN/SC10GEN) used exclusively in emergency situations are operated < 100 hours per year.
Viol. Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
Description: Failure to maintain documentation for diesel engines used (27845,FWP824, P87107, HSEEGEN, RRGGEN, CCGEN1, CCUEGEN2, SC10GEN, EFUELSGEN, SDPCGEN) used exclusively in emergency situations are operated < 100 hours per year.
Viol. Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.303(a)(6)(D)
Description: Failure to maintain documentation for diesel engines used (27845, CCUEGEN2, FWP824) used exclusively in emergency situations are operated < 52 hours per year.
Viol. Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(f)(2)
Description: Failure to maintain documentation for engine operation hours (27845, FWP824, RRGGEN, CCUEGEN, CCUEGEN2, SC10GEN).

Notice of Intent Date: 12/01/2022 (1869253)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
SHELL USA, INC. F/K/A SHELL OIL	§	
COMPANY	§	ENVIRONMENTAL QUALITY
RN100211879	§	

AGREED ORDER DOCKET NO. 2021-0294-AIR-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Shell USA, Inc. f/k/a Shell Oil Company (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a petroleum refinery located at 5900 Highway 225 in Deer Park, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. During a record review for the Plant conducted from October 14, 2020 through January 22, 2021, an investigator documented that the Respondent released 61,708 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 276688) that occurred on January 18, 2018 and lasted four hours and 47 minutes. The emissions event occurred due to a leak in one of the pilot valve fittings that caused a cooling effect of the auto-refrigeration and the cold ambient temperature that froze the water in the propane and blocked the pilot line, resulting in the release to the atmosphere. TCEQ staff determined that the emissions event was not caused by a sudden, unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices.

3. The Executive Director recognizes that by August 15, 2018, the Respondent replaced all the pilot operated relief valves on the propane bank with conventional relief valves in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 276688.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928, Special Conditions No. 1, Federal Operating Permit No. O1669, General Terms and Conditions and Special Terms and Conditions Nos. 24 and 30.A, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was not caused by a sudden, unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$25,000 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$12,500 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$12,500 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Shell USA, Inc. f/k/a Shell Oil Company, Docket No. 2021-0294-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section II, Paragraph No. 4. The amount of \$12,500 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

10. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

6/20/2023


Date

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

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

5/25/2023

Date

Nathan Levin

Name (Printed or typed)
Authorized Representative of
Shell USA, Inc. f/k/a Shell Oil Company

General Manager

Title

If mailing address has changed, please check this box and provide the new address below:

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

Attachment A
Docket Number: 2021-0294-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Shell USA, Inc. f/k/a Shell Oil Company
Payable Penalty Amount:	\$25,000
SEP Offset Amount:	\$12,500
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

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

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number

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

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Amandes PLLC
1800 Post Oak Boulevard, Suite 400
Houston, Texas 77056

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.