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INDEPTH

## 'It's barely lunch money': Shell Deer Park Chemical plant has thousands of violations before recent fire, paid less than \$5 million in fines

Residents, lawyers, and environmental groups point to aging facilities and reluctant state regulators as reasons for the continuing string of industrial fires.

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**Katie Watkins** (<https://www.houstonpublicmedia.org/articles/author/katie-watkins/>) | June 14, 2023, 10:39 AM (Last Updated: June 14, 2023, 3:38 PM)



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The fire at Shell's Deer Park Chemicals facility took place shortly before 3 p.m. in the 5900 block of State Highway 225 in Deer Park. Taken May 5, 2023.

## Listen



04:00

The air quality in Houston was already bad on Friday, May 5. Carolyn Stone, who lives in Channelview, along the Houston Ship Channel, said it was her a headache.

"That particular day I was downing the Tylenol," she said.

Then [a fire broke out](https://www.houstonpublicmedia.org/articles/news/local/2023/05/05/450995/deer-park-industrial-plant-catches-fire-after-explosion/) at Shell's chemical plant in Deer Park. Stone got a call from a friend telling her to look outside.

"Within a few minutes, I could see the column of black smoke coming up over the tree line, heading this way," she said.

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Farther west, Deer Park resident Joe Robles IV was driving home from work to his house near the Shell facility when he started getting texts from and family.

The first thing he did was pick up his son and bring him to stay with family, further away from the fire.

"I just wanted to get my son out of here, off of the street where it's happening," he said.

The fire was briefly put out on Saturday before [reigniting hours later](https://www.houstonpublicmedia.org/articles/news/energy-environment/2023/05/08/451122/reignited-fire-at-shells-deer-park-chemicals-facility-extinguished-sunday-night-officials-say/). It wasn't extinguished Sunday.

Having lived in southeast Houston for 25 years, Robles said he wasn't surprised there was another fire.

"But it doesn't make it any less scary because my family works in the refineries," he said. "It's always concerning, no matter how kind of constant i

There have been six chemical fires this year in the Houston area, according to an analysis by the law firm Arnold & Itkin. Residents, lawyers, and environmental groups point to aging facilities and reluctant state regulators as reasons for the continued incidents. The Shell facility itself had a h violations from both state and federal agencies.

As a result of the fire at Shell's Deer Park facility, 15 contract workers were taken to the hospital for neck, spine and foot injuries, according to the lawyers.

Shell has yet to report how much pollution the fire emitted and is still investigating the cause.

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The Harris County, the Marshall Office, the Occupational Safety and Health Administration (OSHA), and lawyers representing the injured workers are investigating the fire.

Attorney Benny Agosto Jr said so far the initial evidence indicates that workers were trying to fix a valve that wasn't working properly. In trying to fix the valve got stuck open.

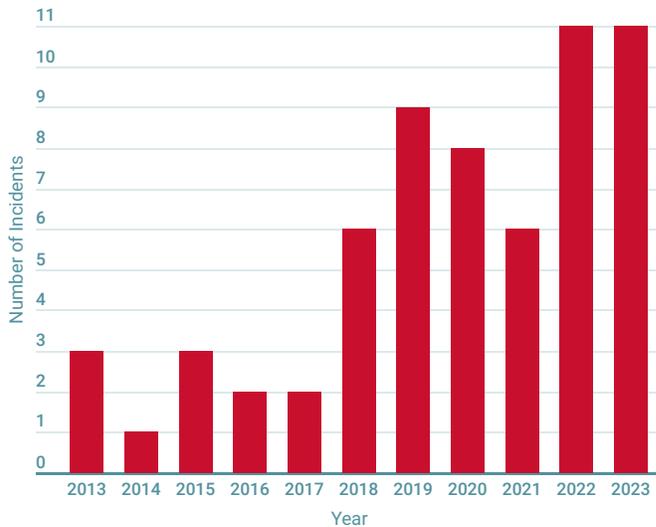
"Because the valve was stuck open, it was in uncontrolled release or loss of containment of a mixture of chemicals and hydrocarbons," Agosto said. "Eventually the release found that ignition source and then there was a fire."

On top of representing contract workers, Agosto said he also represents dozens of residents who live close to the plant and were affected by the fire.

"Some people had breathing problems. They had nausea and burning eyes, symptoms that come with being in contact with these chemicals or so," Agosto said.

The number of chemical fires in Texas and Louisiana has more than tripled in the past 10 years, according to the analysis by the law firm Arnold & Itkin which represents injured workers. So far, the first half of 2023 has had as many incidents as all of 2022. About a week after the Shell Deer Park fire broke out (<https://www.houstonpublicmedia.org/articles/news/energy-environment/2023/05/15/451734/texas-city-marathon-refinery-fire-official-monitoring-air-quality/>) at the Marathon Refinery in Texas City, killing one worker.

Houston Public Media - Chemical Fires In Texas & Louisiana



\*\* Data from an analysis by law firm Arnold & Itkin

"Accidents are almost treated like changes in the weather," said Eric Schaeffer, the director of D.C.-based advocacy group the Environmental Integrity Project. He previously worked at the EPA for a decade.

An analysis by the Environmental Integrity Project found Shell received nearly 2,000 violations from the state environmental agency, the TCEQ, in 10 years. These ranged from failing to operate equipment correctly to excess pollution.

About 80 of those were the most severe types of violations given by TCEQ.

Though fires get more attention, Schaeffer said "invisible accidents" where plants emit a lot more pollution than they're permitted for are just as concerning.

"For example, in 2015, in less than an hour, Shell released more than 300,000 pounds of butadiene, which is a very deadly carcinogen," he said. "lot of butadiene."

"We take seriously our responsibility to comply with federal and state regulations, including reporting unexpected emissions," said Gunnell the Spokesperson.

Schaeffer said for all those violations, Shell paid roughly \$700,000.

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...passed during the recent legislative session will increase the daily fine companies can receive to \$40,000 in certain circumstances, though environmental groups say they don't think the increase is enough to any significant change.

"I don't think anything we've done this session will have a significant impact on the prevalence of these kinds of incidents, said Adrian Shelley with advocacy group Public Citizen. "I don't think we will see a significant change in the state's approach to addressing them."

**Enforcement and Compliance Summary**

Statute	Compliance Monitoring Activities (5 years)	Date of Last Compliance Monitoring Activity	Compliance Status	Qtrs with NC (of 12)	Qtrs with Significant Violation	Informal Enforcement Actions (5 years)	Formal Enforcement Actions (5 years)	Penalties from Formal Enforcement Actions (5 years)	EPA Cases (5 years)	Penalties from EPA Cases (5 years)
CAA	5 ⓘ	06/18/2021	High Priority Violation	12	12	15	10	\$356,065	--	--
CWA	3	08/14/2018	Significant/Category I Noncompliance	10	2	1	1	\$18,500	--	--
EPCRA	2	09/01/2022	--	--	--	--	--	--	1	\$27,411
RCRA	2	06/16/2022	Significant Noncomplier	12	12	3	--	--	--	--

*From the EPA's Enforcement and Compliance History Onli*

The EPA lists Shell's Deer Park facility as in violation of the Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery Act

In addition to state violations, Shell's Deer Park facility has also been fined by both OSHA ([https://www.osha.gov/ords/imis/establishment\\_search?p\\_logger=1&establishment=Shell&State=TX&officetype=all&Office=all&sitezip=&p\\_case=all&p\\_violations\\_exist=all&startmonth=06&startday=12&startyear=2015](https://www.osha.gov/ords/imis/establishment_search?p_logger=1&establishment=Shell&State=TX&officetype=all&Office=all&sitezip=&p_case=all&p_violations_exist=all&startmonth=06&startday=12&startyear=2015)) and the EPA ([https://echo.epa.gov/detailed-facility-report?fid=110031267064&ej\\_type=EJ](https://echo.epa.gov/detailed-facility-report?fid=110031267064&ej_type=EJ)) for federal workplace and environmental violations.

As the Shell fire burned overnight, Joe Robles of Deer Park said they could hear sounds from the plant through the night.

"It was like an airplane like passing overhead, but it never faded out," he said.



Not found

fire still burning [pic.twitter.com/eSs8z6ddSb](https://t.co/eSs8z6ddSb) (<https://t.co/eSs8z6ddSb>)  
 — joe robles iv (@joeroblesiv) May 5, 2023 ([https://twitter.com/joeroblesiv/status/1654625168680009728?ref\\_src=twsrc%5Etfw](https://twitter.com/joeroblesiv/status/1654625168680009728?ref_src=twsrc%5Etfw))

A photographer, Robles captured the fire to show its impact on the community. He wants accountability and safer facilities.

"The job being safe makes a difference between us having you know, 40 years with somebody versus, 80 or 90 or however long they might live," f

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(<https://www.houstonpublicmedia.org/articles/news/energy-environment/2023/07/07/456381/2019-fire-at-itcs-deer-park-facility-could-have-been-prevented-by-company-federal-agency-finds/>)

[Fires that release chemicals are not among the factors under consideration for renewing chemical plant permits](https://www.houstonpublicmedia.org/articles/shows/matters/2023/05/15/451668/fires-that-release-chemicals-not-among-the-factors-under-consideration-for-renewing-chemical-plant-permits/)

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[Chemical plant safety concerns \(May 15, 2023\)](https://www.houstonpublicmedia.org/articles/shows/matters/2023/05/15/451616/chemical-plant-safety-concerns-may-15-2023/)

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['Should slavery be legal in Texas?' Houston ISD seventh graders asked in lesson about 1836 Constitutional Convention](https://www.houstonpublicmedia.org/articles/news/education-news/hisd/2024/01/26/475724/should-slavery-be-legal-in-texas-houston-isd-seventh-graders-asked-in-lesson-about-1836-constitutional-convention/)

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