

From: [Jonathan Walling](#)
To: [REDACTED]
Cc: [OCE](#); [REDACTED]
Subject: Enforcement Discretion Request - Shell Chemical Deer Park & Shell Deer Park Refinery
Date: Thursday, April 30, 2020 5:54:20 PM
Attachments: [image001.png](#)
[WETHoldTime20200424.pdf](#)

Good afternoon, Mr. McGinnis:

The TCEQ has reviewed your request for enforcement discretion relating to Whole Effluent Toxicity testing. It has been determined that enforcement discretion from TCEQ's Office of Compliance & Enforcement is not warranted, at this time. Since there are existing provisions for this situation that allow the TCEQ to accept the results as valid and passing, this may be coordinated with the TCEQ's Office of Water. Please contact Michael Pfeil, Water Quality Assessment Section, at 512-239-4592 or michael.pfeil@tceq.texas.gov for further direction or questions concerning this matter.

Regards,

Jonathan Walling, Area Director
Coastal & East Texas Area
Texas Commission on Environmental Quality

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, April 29, 2020 12:22 PM
To: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Cc: [REDACTED]
Subject: Enforcement Discretion Request - Shell Chemical Deer Park & Shell Deer Park Refinery

To Whom It May Concern:

Shell Chemical LP and Shell Oil Company Deer Park facilities (collectively "Shell") located at 5900 Highway 225 East, Deer Park, Texas 77536 is requesting enforcement discretion on the Chronic Whole Effluent Testing ("WET") sample analysis hold time requirement for a compliance sample collected on April 24, 2020 from its Outfalls 004 ("C004" Chemical – TPDES WQ0000402000/TX0004863) and 007 ("R007" Refinery – TPDES WQ0000403000/TX0004871).

These Outfalls are required to be sampled semi-annually per the [Chronic Biomonitoring Requirements: Marine](#) of each TPDES Permit (site has received authorization for reduced testing to semi-annually). Condition 2(d)(1) indicates that the permittee collect a minimum of three composite samples from the Outfalls, with the second and third sample only being used to renew the dilution concentrations. The initial sample has a holding time of 36 hours from collection, while the second and third samples have a holding time of 72 hours from collection (Condition 2(d)(3)).

As explained in the attached letter from the contract laboratory, normally the laboratory will pick up

the samples and return them to their laboratory in Louisiana to ensure that hold times are not exceeded; however, due to the restrictions that the State of Texas has placed on traffic crossing the Texas/Louisiana state lines due to the current COVID-19 situation, this was deemed to be problematic. Instead, the laboratory retained the services of Federal Express, a third-party common carrier, to pick-up and deliver the samples. The first two samples, including the critical first sample, were delivered within the hold time requirements; however, the third sample was not delivered until approximately 6.5 hours past the 72-hour hold time requirement.

With the removal of the state line restrictions on Friday and no new WET testing required for these outfalls until the July-December monitoring period, Shell currently expects to request the enforcement discretion for only these two samples.

If you have any questions concerning this request, please feel free to contact me.

Jerry L. McGinnis, CHMM | Environmental Engineer
Shell Oil Products Company LLC | Deer Park Refinery & Chemical Plant
5900 Highway 225 East | Deer Park, TX 77536
Telephone: 281.817.2421
e-mail: [REDACTED]



Please consider the environment before printing this e-mail.

April 28, 2020

Shell Oil Products, LLC
Deer Park Refinery
5900 Highway 225
Deer Park, Texas 77536
Attn: Mr. Jerry McGinnis

Ref: Whole Effluent Toxicity Tests and Sample Interruption

Dear Mr. McGinnis:

On April 21st, effluent samples of your facility's outfalls 004 and 007 were submitted to Element Materials Technology Lafayette for WET testing. These tests were to fulfill your semi-annual testing requirement for the first-half of 2020. These samples as well as the second sample of the week on April 23rd were delivered on time and in compliance with sample handling. However, the final of the three samples, sampled at 0300 on Friday April 24th and expected to be delivered on Saturday, April 25th was not delivered until Monday, April 27th at 0930. Upon receipt, the final sample was beyond the 72-hour holding time specified in your permit.

The normal mode of operations for WET test sample handling between your facility and our lab is for Element to send a driver to Deer Park and hand-carry each of the samples back to our lab in Lafayette. However, as you are aware, COVID-19 has created many restrictions that have disrupted most, if not all, once normal operations. One of those was the stopping of vehicles from Louisiana travelling in to Texas at the Louisiana-Texas border. Because the lines were reported to be quite long, a plan was developed to ship the samples via a common courier and avoid that border issue. Unfortunately, the common courier failed on the Saturday delivery. We communicated with Pat Follett at your facility on Saturday, and told him we would do whatever we could to complete the tests. On Monday, we performed the final renewal for the 004 test with the sample received Monday morning. The 007 sample received Monday had exceeded the temperature requirement, so we performed the final renewal on that test using the remaining effluent from the sample received on April 23rd, which was properly stored.

While not ideal, these tests are as representative as we could make them. I feel they are similar to what would happen should an outfall cease during the sampling event of a WET test.

While we have had great success with samples delivered by this common courier and others, this type of setback is not unheard of. It is precisely why, over the years, you have paid for the lab to do the door-to-door handling of these WET samples.

I hope we can all get back to "normal operations" soon.

Sincerely,



Kevin S. Dischler
Operations Manager, Bioassay Services
Element Lafayette