

From: [Jonathan Walling](#)
To: [REDACTED]
Cc: [REDACTED] [OCE](#)
Subject: Enforcement Discretion Request- Shell Chemical Deer Park
Date: Tuesday, April 28, 2020 9:48:38 AM
Attachments: [image001.png](#)
[Shell_BOD042020.pdf](#)

Good morning, Mr. McGinnis:

Thank you for informing us of the missed 48-hour holding time for Shell Chemical's Biochemical Oxygen Demand sample 600-203562 SET004 GLIMS Number 4198707 from Outfall 004 collected on April 10, 2020. It is understood that the holding time was missed due to laboratory staffing issues created by the COVID-19 pandemic. The TCEQ will exercise enforcement discretion for this one-time occurrence. A copy of this communication should be maintained with your records.

Regards,

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

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, April 28, 2020 7:06 AM
To: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Cc: [REDACTED]
Subject: Enforcement Discretion Request

To Whom It May Concern:

Shell Chemical LP Deer Park facility ("Shell") located at 5900 Highway 225 East, Deer Park, Texas 77536 is requesting enforcement discretion on the Biochemical Oxygen Demand 5-Day ("BOD₅") sample analysis hold time requirement for a compliance sample collected on April 10, 2020 from its Outfall 004.

Outfall 004 is required to be sampled 3 times weekly per the [Effluent Limitations and Monitoring Requirements](#) of TPDES Permit No. WQ0000402000/TX0004863. Condition 2(a) of the [Monitoring and Reporting Requirements](#) of that permit require that all test procedures for the analysis of pollutants must comply with procedures specified in 30 TAC §§319.11-319.12, which references the requirements to follow test methods specified in 40 CFR Part 136 or more recent editions of Standard Methods for the Examination of Water and Wastewater.

The current hold time for BOD₅ is 48 hours. According to our contract laboratory (see attached), the hold time was missed due to procedural and staffing changes resulting from the current COVID-19 situation. The contract laboratory has indicated that it has made additional changes to assure this

does not reoccur, so Shell currently expects to request the enforcement discretion for only this one sample.

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 22, 2020

Pat Follett
Shell Oil Company.
PO Box 100
Deer Park, TX 77536

RE: Missed BOD hold time.

Dear Pat Follett:

Eurofins TestAmerica is committed to providing the critical testing services that directly impact human health during this COVID-19 crisis. Our laboratories remain open, and we are offering all services as usual. We are doing so while taking every precaution to prevent the spread of COVID-19 virus internally and externally. It is our intent that these practices do not interfere with our ability to provide high quality data, however, the safety of our employees, and ability to remain open during this time, are paramount. We value our partnership with Shell Oil Company, and will assure you we will make every effort to minimize any impact our COVID-19 response may have on your testing requirements during this time.

This letter is to inform Shell Oil Company of an error which led to a missed holding time for BOD samples received at the E-TA Houston laboratory on April 10, 2020. In this case, our holding time violation for these samples was a result of COVID-19 staffing considerations and procedural changes necessary in order to safeguard the health and well being of our employees and clients. We have implemented revised procedures to prevent further failures due to this cause. Per the EPA memo for COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program, the laboratory will provide any information to support the analyses of this noncompliance on your ongoing monitoring, as requested by your regulatory agency.

In response to the recent COVID-19 issues, E-TA Houston has modified many of its normal operating procedures in order to safeguard its employees by minimizing personal contact, enforcing social distancing, rearrangement of workstations and workflow, reduction of available staff as well as an overall change in the manner in which samples are received into the laboratory. As a result of these changes Shell Sample 600-203562 SET004 GLIMS Number 4198707 was overlooked for BOD analysis and its holding time of 48 hours from sample collection was missed.

As a corrective action, Eurofins TestAmerica's has immediately taken steps to increase staffing in this department as well as formal training to be conducted by the manager and supervisor focusing on short holds triage and updated policies during the COVID-19 crisis. This training will also include information for immediately contacting Laboratory Director, QA Manager, or other Department Managers when workload exceeds capacity.

We value our partnership with Shell Oil Products Company and we apologize for the inconvenience that has resulted from this issue. We look forward to continuing our relationship and stand by our commitment of providing high quality data and service.

If you have questions or need further information please feel free to contact me at the laboratory (713-690-4444), or your project manager.

Sincerely,

James Rorie
Laboratory Director