

FILED

Shell Western E&P LP
Docket No. 06-2021-3366

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REGIONAL HEARING CLERK
EPA REGION VI

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:

Shell Western E&P LP
Houston, Texas

RESPONDENT

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DOCKET NO. 06-2021-3366

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act (the "CAA"), 42 U.S.C. § 7413(d), and Sections 22.13, 22.18, and 22.34 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permit ("Consolidated Rules"), as codified at 40 C.F.R. Part 22.

2. Complainant is the United States Environmental Protection Agency, Region 6 ("EPA"). On EPA's behalf, the Director of the Enforcement and Compliance Assurance Division, EPA Region 6, has been delegated the authority to settle civil administrative penalty proceedings under Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

3. Respondent Shell Western E&P LP (“Respondent” or “SWEPI”) is a limited partnership doing business in the State of Texas. Respondent is a “person” as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this Consent Agreement along with the corresponding Final Order hereinafter known together as the “CAFO” without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this CAFO.

B. JURISDICTION

5. This CAFO is entered into under Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. Part 22. The alleged violations in this CAFO are pursuant to Section 113(a)(1)(B) of the CAA, 42 U.S.C. § 7413(a)(1)(B).

6. In satisfaction of the notice requirements of Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), on July 14, 2021, EPA issued to Respondent a Notice of Violation and Opportunity to Confer (the “NOVOC”) and provided a copy of the NOVOC to the State of Texas. In the NOVOC, EPA provided notice to both Respondent and the State of Texas that EPA found Respondent committed the alleged violations of the Texas State Implementation Plan (“SIP”) described in Section E of this CAFO and providing Respondent an opportunity to confer with EPA.

7. The Regional Judicial Officer is authorized to ratify this CAFO which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b).

8. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

C. GOVERNING LAW

9. The CAA is designed “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population.” 42 U.S.C. § 7401(b)(1).

10. EPA is authorized by Section 113 of the CAA, 42 U.S.C. § 7413, to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. These include requirements promulgated by EPA and those contained in SIPs.

11. Section 109(a) of the CAA, 42 U.S.C. § 7409(a), requires the Administrator of EPA to publish national ambient air quality standards (“NAAQS”) for certain air pollutants. Section 109(b) of the CAA, 42 U.S.C. § 7409(b), provides that the NAAQS establish primary air quality standards to protect public health and secondary standards to protect public welfare.

12. To achieve the objectives of the NAAQS and the CAA, Section 110(a) of the CAA, 42 U.S.C. § 7410(a), requires each State to adopt a SIP that provides for the implementation, maintenance, and enforcement of the NAAQS, and to submit it to the Administrator of EPA for approval.

13. The State of Texas has adopted a SIP that has been approved by EPA. *See* 40 C.F.R Part 52, Subpart SS. The Texas SIP includes authorization for Texas to establish a permit by rule (“PBR”) program, which can be found at 30 Tex. Admin. Code Chapter 106 – Permits by Rule. *See* 40 C.F.R. § 52.2270(c).

14. Subchapter O of Chapter 106 of the Texas Administrative Code regulates permitting by rule for oil and gas facilities that produce more than a de minimis level of emissions. *See* 30 Tex. Admin. Code §§ 106.4(a) and 106.351-59. Additional regulations applicable to such facilities are also located in Subchapters A and V of Chapter 106 of the Texas

Administrative Code. The permit by rule program includes the following requirements relevant to this CAFO:

a. “The emissions from the facility shall comply with all rules and regulations of the [Texas Commission on Environmental Quality] and with the intent of the Texas Clean Air Act (TCAA), including protection of health and property of the public, and all emissions control equipment shall be maintained in good condition and operated properly during operation of the facility.” 30 Tex. Admin. Code § 106.4(c).

b. “All representations with regard to construction plans, operating procedures, and maximum emission rates in any certified registration under this section become conditions upon which the facility permitted by rule shall be constructed and operated.” 30 Tex. Admin. Code § 106.6(b).

c. “It shall be unlawful for any person to vary from such representation if the change will cause a change in the method of control of emissions, the character of the emissions, or will result in an increase in the discharge of the various emissions, unless the certified registration is first revised.” 30 Tex. Admin. Code § 106.6(c).

d. 30 Tex. Admin. Code § 106.352(l) applies “to new and modified facilities” and provides that “[a]ny oil or gas production facility, carbon dioxide separation facility, or oil or gas pipeline facility consisting of one or more tanks, separators, dehydration units, free water knockouts, gunbarrels, heater treaters, natural gas liquid recovery units, or gas sweetening and other gas conditioning facilities . . . are permitted by rule” for “those facilities named which handle gases and liquids associated with the production, conditioning, processing, and pipeline transfer of fluids found in geologic formations beneath the earth’s surface.”

e. 30 Tex. Admin. Code § 106.492(l)(B) states that flares “shall be equipped with a continuously burning pilot or other automatic ignition system that assures gas ignition”

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

15. At all times relevant to this CAFO, Respondent has owned and/or operated the oil and natural gas production facilities listed in Attachment A, which are located in the Texas Permian Basin (the “Facilities”).

16. Respondent is the owner and/or operator of the Facilities within the meaning of 40 C.F.R. § 51.100(f).

17. At all times relevant to this proceeding, Respondent owned and/or operated units that emit Volatile Organic Compounds (“VOCs”) at the Facilities, which produce oil and gas.

18. The Facilities are subject to the State of Texas’s Permits by Rule program for oil and gas facilities under Subchapter O of Chapter 106 of the Texas Administrative Code.

19. The Texas Commission on Environmental Quality (“TCEQ”) issued air permits to the Respondent, listed in Attachment A, under the SIP-approved Permits by Rule program. The permits cover various emission units at the Facilities, including process equipment and/or vapor recovery systems, tanks, and flares.

20. Respondent is required to operate in compliance with certain provisions of the Texas SIP and Respondent is required by the Facilities’ permits identified in Attachment A to control the emission of waste gas streams from the Facilities.

21. During August 25, 2020, through September 12, 2020, EPA contracted for helicopter flyovers of the Permian Basin area to assess emissions from energy extraction

facilities using Optical Gas Imaging (“OGI”) technology. Flyovers of the Facilities at issue in this CAFO were conducted on August 31, and September 9 and 11, 2020.

22. On December 14, 2020, EPA sent Respondent OGI video captures showing hydrocarbon emissions from process equipment at energy extraction facilities, including the Facilities at issue in this CAFO, that EPA believed to be owned or operated by Respondent. EPA asked Respondent to verify ownership, provide current site-specific information, and take any necessary corrective action to address unauthorized hydrocarbon emissions at each facility. EPA considered information provided by Respondent to determine whether violations occurred at the facilities identified.

23. On January 14, 2021, Respondent submitted information to EPA verifying and correcting ownership of facilities provided by EPA in the December 14, 2021 notification. In addition, Respondent provided permit authorizations for all verified sites, and information on maintenance and leak detection and repair conducted by Respondent for EPA flyover identified sites.

24. On June 18, 2021, Respondent provided additional information to EPA that it had taken certain corrective action measures at the Facilities listed in Attachment A to address the compliance issues observed during the flyovers.

25. On July 14, 2021, EPA sent Respondent and TCEQ the NOVOC, notifying them of alleged violations of the Texas SIP.

26. On July 26, 2021, and on various other occasions, EPA conferred with Respondent regarding the violations alleged herein and provided an opportunity for Respondent to submit additional information or materials.

27. Respondent submitted the following additional records to EPA:

a. On August 6, 2021, Respondent submitted information to EPA that it had performed a Tankless Conversion, as described in Paragraph 36(a), at the Allen 55-2-44 Lov Unit 1H facility.

b. On August 18, 2021, Respondent submitted information to EPA that it sold the Hueso Salto State 55 2 48 LOV 1H facility, effective April 30, 2021.

E. ALLEGED VIOLATIONS

28. EPA has conducted a comprehensive review of information gathered from the, helicopter flyovers conducted August 25, 2020, through September 12, 2020, and from Respondent. Based on this review, EPA has made the following findings:

a. Respondent violated 30 Tex. Admin. Code § 106.4(c) by failing to maintain the Facilities' emissions control equipment in good condition and properly operate such equipment.

b. Respondent violated 30 Tex. Admin. Code § 106.6(b) by failing to operate equipment consistent with operating procedures in the Facilities' certified registrations.

c. Respondent violated 30 Tex. Admin. Code § 106.6(c) by varying from representations in the Facilities' certified registrations regarding emissions at the Facilities.

d. Respondent violated 30 Tex. Admin. Code § 106.352(l)(1) by failing to comply with the requirements of 30 Tex. Admin. Code § 106.492.

e. Respondent violated 30 Tex. Admin. Code § 106.492(l)(B) by failing to equip certain facilities with a continuously burning pilot or automatic ignition system that assures gas ignition.

F. CIVIL PENALTY AND TERMS AND CONDITIONS OF SETTLEMENT

a. **General**

29. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2),

Respondent:

a. admits that EPA has jurisdiction over the subject matter alleged in this

CAFO;

b. neither admits nor denies the specific factual allegations contained in the

CAFO;

c. consents to the assessment of a civil penalty, as stated below;

d. consents to the issuance of any specified compliance or corrective action

order;

e. consents to the conditions specified in this CAFO;

f. consents to any stated Permit Action¹;

g. waives any right to contest the alleged violations set forth in Section E of
this CAFO; and

h. waives its rights to appeal the Final Order included in this CAFO.

30. For the purpose of this proceeding, Respondent:

a. agrees that this CAFO states a claim upon which relief may be granted
against Respondent;

b. acknowledges that this CAFO constitutes an enforcement action for
purposes of considering Respondent's compliance history in any subsequent enforcement action;

¹ Although 40 C.F.R. § 22.18(b)(2) requires each item in this list to be stated in this CAFO, subparagraph (f) is not applicable to this particular case.

c. waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1);

d. consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the Western District of Texas;

e. waives any right it may possess at law or in equity to challenge the authority of EPA to bring a civil action in a United States District Court to compel compliance with this CAFO and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action; and

f. agrees that in any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties, or other relief relating to these Facilities, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim splitting, or other defenses based on any contention that the claims raised by the Complainant or the United States were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to this CAFO.

b. Penalty Assessment and Collection

31. Upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the size of the business, the economic impact of the penalty on the business, Respondent's full compliance history and good faith efforts to comply, the duration of the violations, payment by the violator of any penalties previously assessed for the same violation, the economic benefit of

noncompliance, the seriousness of the violation, and other factors as justice may require, EPA has assessed a civil penalty in the amount of \$304,434.17 (the "EPA Penalty"). The EPA Penalty has been determined in accordance with Section 113 of the CAA, 42, U.S.C. § 7413, and at no time exceeded EPA's statutory authority.

32. Respondent agrees to:

- a. pay the EPA Penalty within 30 calendar days of the Effective Date of this CAFO; and
- b. pay the EPA Penalty by cashier's check, certified check, or wire transfer made payable to "Treasurer, United States of America, EPA – Region 6." Payment shall be remitted in one of five (5) ways: (1) regular U.S. Postal Service mail including certified mail; (2) overnight mail; (3) wire transfer; (4) Automated Clearinghouse for receiving U.S. currency; or (5) Online Payment. For regular U.S. Postal Service mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, payment should be remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

For overnight mail (non-U.S. Postal Service, *e.g.* FedEx), payment should be remitted to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

Contact: Natalie Pearson
(314) 418-4087

For wire transfer, payment should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
“D 68010727 Environmental Protection Agency”

For Automated Clearinghouse (also known as REX or remittance express):

U.S. Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact – Jesse White (301) 887-6548

For Online Payment:

<https://www.pay.gov/paygov/>
Enter sfo 1.1 in search field
Open form and complete required fields.

PLEASE NOTE: The docket number 06-2021-3366 should be clearly typed on the check to ensure proper credit. The payment shall also be accompanied by a transmittal letter that shall reference Respondent’s name and address, the case name, and docket number 06-2021-3366. Respondent’s adherence to this request will ensure proper credit is given when penalties are received for Region 6. Respondent shall also email a simultaneous notice of such payment, including a copy of the money order, or check, and the transmittal letter to the following email addresses:

Aimee Boss
U.S. EPA Region 6
Boss.Aimee@epa.gov

And

Region 6 Hearing Clerk
U.S. EPA Region 6
Vaughn.Lorena@epa.gov

33. Respondent agrees to pay the following on any overdue EPA Penalty:

a. Interest. Pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), any unpaid portion of a civil penalty must bear interest at the rates established pursuant to 26 U.S.C. § 6621(a)(2).

b. Nonpayment of Penalty. On any portion of a civil penalty more than ninety (90) calendar days delinquent, Respondent must pay a nonpayment penalty, pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), which shall accrue from the date the penalty payment became delinquent, and which shall be in addition to the interest which accrues under subparagraph (a) of this Paragraph.

34. Respondent shall pay a charge to cover the cost of processing and handling any delinquent penalty claim, pursuant to 42 U.S.C. § 7413(d)(5), including, but not limited to, attorneys' fees incurred by the United States for collection proceedings.

35. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, EPA may:

a. refer the debt to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court (in which the validity, amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to review) to secure payment of the debt, which may include the original penalty, enforcement and collection expenses, nonpayment penalty and interest, 42 U.S.C. § 7413(d)(5) and 40 C.F.R. §§ 13.13, 13.14, and 13.33;

b. collect the above-referenced debt by administrative offset (*i.e.*, the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H; and

c. suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17.

c. Conditions of Settlement

36. Respondent shall complete a Tankless Conversion, as defined in subparagraph (a), at each of the facilities identified in Paragraph 37.

a. Tankless Conversion means the Respondent shall: (1) remove all storage vessels, flares, vapor combustion units, and heater treaters from service at each facility; (2) route produced oil, gas, and water directly to established pipelines; and (3) ensure the only emission sources remaining on site are potential fugitive equipment leaks, pressure valves emissions, and occasional maintenance emissions (MSS) from onsite separator pressure vessels.

37. Respondent shall satisfy the following requirements in accordance with Paragraph 36:

a. Within eight (8) months of the Effective Date of this CAFO, Respondent shall complete a Tankless Conversion at the Lindley 33 92 LOV 1H facility.

b. Within nine (9) months of the Effective Date of this CAFO, Respondent shall complete a Tankless Conversion at the Lindley 33-98 1H facility.

- c. Within eleven (11) months of the Effective Date of this CAFO, Respondent shall complete Tankless Conversion at the Bullhead State 55-1-44 1H facility.
- d. Within eleven (11) months of the Effective Date of this CAFO, Respondent shall complete a Tankless Conversion at the Sandbar 54 2 27 LOV 1H facility.
- e. Within thirty (30) days of completing subparagraphs (a) – (d), Respondent shall conduct Optical Gas Imaging (“OGI”) inspections for each facility.
- f. As soon as possible, but no later than thirty (30) days after the completion of the Tankless Conversions listed in Paragraph 37 (a) – (e), Respondent shall provide documentation to EPA confirming completion. For each of the facilities listed in subparagraphs (a) – (e), the documentation shall include:
- i. Completed Pre-Startup Safety Review checklist for Tankless Conversion.
 - ii. Signed management of change closeout form for the conversion.
 - iii. The OGI survey report confirming that there are no unauthorized emissions during normal operations for newly installed equipment (e.g., conduct optical gas imaging survey to detect and correct any gas leaks or fugitive emissions).
 - iv. The authorization mechanism in accordance with TCEQ regulations (e.g., revised permit applications, permit certifications, modified permit representations, surrendered permits).
 - v. Revised Process Description and Diagram.

The requested documentation shall be emailed to:

Aimee Boss
U.S. EPA Region 6
Boss.Aimee@epa.gov

d. Additional Terms of Settlement

38. Respondent agrees that the time period from the Effective Date of this CAFO until all the conditions specified in Paragraph 37 of this CAFO are completed (the “Tolling Period”) shall not be included in computing the running of any statute of limitations potentially applicable to any action brought by Complainant on any claims set forth in Section E of this CAFO (the “Tolled Claims”). Respondent shall not assert, plead, or raise in any fashion, whether by answer, motion or otherwise, any defense of laches, estoppel, or waiver, or other similar equitable defense based on the running of any statute of limitations or the passage of time during the Tolling Period in any action brought on the Tolled Claims.

39. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors and assigns. From the Effective Date of this Agreement until the end of the Tolling Period, as set out in Paragraph 38 of this CAFO, Respondent must give written notice and a copy of this CAFO to any successors in interest prior to transfer of ownership or control of any portion or interest in the Facilities. Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to EPA. In the event of any such transfer, assignment or delegation, Respondent shall continue to be bound by the obligations or liabilities of this CAFO until EPA has provided written approval.

40. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information. *See* 40 C.F.R. Part 2, Subpart B (Confidentiality of Business Information).

41. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to

execute and enter into the terms and conditions of this CAFO and has legal capacity to bind the party he or she represents to this CAFO.

42. By signing this CAFO, both parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.

43. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate, and complete for each submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

44. EPA and Respondent agree to the use of electronic signatures for this matter. EPA and Respondent further agree to electronic service of this CAFO by email to the following addresses:

To EPA:	Roland.Alexandrea@epa.gov
To Respondent:	brian.faulkner@shell.com

Respondent specifically waives its right to seek reimbursement of its costs and attorneys' fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17. Except as qualified by Paragraph 34 of this CAFO, each party shall bear its own attorneys' fees, costs, and disbursements incurred in this proceeding.

G. EFFECT OF CONSENT AGREEMENT AND FINAL ORDER

45. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.

46. If Respondent fails to timely and satisfactorily complete every condition stated in Paragraph 37 of this CAFO (including payment of any stipulated penalties owed), then Complainant may compel Respondent to perform the conditions in Paragraph 37, seek civil penalties that accrue from the Effective Date of this CAFO until compliance is achieved, and seek other relief in a civil judicial action pursuant to the Clean Air Act, pursuant to contract law, or both.

47. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

48. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

49. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

50. Any violation of the included Final Order may result in a civil judicial action for an injunction or civil penalties of up to \$102,638 per day of violation, or both, as provided in Section 113(b)(2) of the CAA, 42 U.S.C. § 7413(b)(2), as well as criminal sanctions as provided in Section 113(c) of the CAA, 42 U.S.C. § 7413(c). EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

51. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the CAA and other federal, state, or local laws or statutes, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it

be construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit.

52. Nothing herein shall be construed to limit the power of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

53. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of Paragraph 37 is restitution, remediation, or required to come into compliance with the law.

H. EFFECTIVE DATE

54. Respondent and Complainant agree to the issuance of the included Final Order. Upon filing, EPA will transmit a copy of the filed CAFO to Respondent. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer on the date of filing with the Hearing Clerk.

The foregoing Consent Agreement In the Matter of Shell Western E&P LP, Docket No. 06-2021-3366, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

Date: 08/27/2021

Digitally signed by
Kevin.Mcmahon
Date: 2021.08.27 15:17:05 -05'00'

Kevin McMahan
General Manager, US Operations
Shell Exploration & Production Company

FOR COMPLAINANT:

Digitally signed by CHERYL SEAGER
DN: cn=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=CHERYL SEAGER,
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Date: 2021.08.30 09:49:35 -05'00'



Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

Attachment A

Facilities

Site Identity	TCEQ Regulated Entity No.	Permit Number	EPA Team Observations of Flyover Video Capture
Bullhead State 55-1-44 1H	RN106175243	96956	Unlit Flare
Allen 55-2-44 Lov Unit 1H*	RN107724957	123564	Tank Hatch Leak
Heuso Salto State 55 2 48 LOV 1H PAD*	RN106676554	110474	Pressure Relief Valve Leak
Lindley 33-98 1H	RN109246371	141291	Tank Hatch Leak
Sandbar 54 2 27 LOV 1H	RN108866617	137049	Multiple Tank Hatch Leaks
Lindley 33 92 LOV 1H	RN109120824	139235	Tank Hatch Leak

*Not subject to Conditions of Settlement at Paragraph 37 of this CAFO

FILED

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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:

Shell Western E&P LP
Houston, Texas

RESPONDENT

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DOCKET NO. 06-2021-3366

FINAL ORDER

Pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

Shell Western E&P LP is ORDERED to comply with all terms of the Consent Agreement. In accordance with 40 C.F.R. §22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

THOMAS
RUCKI

Digitally signed by THOMAS RUCKI
DN: cn=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=THOMAS RUCKI,
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Date: 2021.08.30 12:57:40 -05'00'

Thomas Rucki
Regional Judicial Officer
U.S. EPA, Region 6

CERTIFICATE OF SERVICE

I hereby certify that, on the date in the electronic signature below, an electronic copy of the foregoing Consent Agreement and Final Order was electronically delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and a true and correct copy was delivered to the following individual by the method indicated below:

EMAIL - READ RECEIPT REQUESTED

Brian J. Faulkner
Senior Legal Counsel
Shell Oil Company
150 N. Dairy Ashford
WCK E-0344H
Houston, TX 77079
brian.faulkner@shell.com



Digitally signed by ALEXANDREA ROLAND
DN: cn=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=ALEXANDREA ROLAND,
0.9.2342.19200300.100.1.1=680010038820
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Date: 2021.08.30 14:24:04 -05'00'

U.S. EPA, Region 6
Dallas, Texas