



February 2, 2023

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Shell Oil Company
150 North Dairy Ashford Road
Houston, TX 77079
Certified Mail # 70220410000276197675

Shell Polymers Monaca Site
William Watson, General Manager
Kimberly Kaal, Environmental Manager
Shell Chemical Appalachia LLC
300 Frankfort Road
Monaca, PA 15061
Certified Mail # 70220410000276182930

Re: Notice of Intent to Sue the Owner and Operator of the Shell Polymers Monaca Site in Beaver County, Pennsylvania, for Violations of the Clean Air Act and the Air Pollution Control Act

To the Owners and Operators of the Shell Polymers Monaca Site:

On behalf of Clean Air Council and its individual members, we are writing to provide you with notice that Clean Air Council intends to file a civil lawsuit against you for repeated violations, described below, of the federal Clean Air Act, 42 U.S.C. § 7401 et seq., and the Pennsylvania Air Pollution Control Act, 35 P.S. § 4001 et seq., which occurred and continue to occur at the Shell Polymer Monaca Site in Beaver County, Pennsylvania.

Shell Chemical Appalachia, LLC (“Shell”), a subsidiary of Shell Oil Company, owns and operates the Shell Polymers Monaca Site, located at 300 Frankfort Road, Monaca, Beaver County, Pennsylvania 15061-2210 (the “Plant”). Based on publicly available information, the Plant has repeatedly violated, and is in violation of, the federal Clean Air Act, the Pennsylvania State Implementation Plan, the Pennsylvania Air Pollution Control Act, and Shell’s Clean Air Act permit. Shell has emitted air pollutants and visible emissions in amounts in excess of, and not authorized by, the applicable permit and has failed to operate and maintain the Plant according to the application and conditions of the permit.

The citizen suit provision of the Clean Air Act (“CAA”) allows Clean Air Council to commence a civil action against Shell in a United States District Court for violations of a Clean Air Act emission standard or limitation. 42 U.S.C. § 7604(a). An emission standard or limitation is defined as any requirement under 42 U.S.C. § 7411 or § 7412, any condition or requirement applicable under a state implementation plan approved by the U.S. Environmental Protection

Agency (“EPA”), any Title V permit, or any requirement to obtain a permit as a condition of operations. 42 U.S.C. § 7604(f).

The citizen suit provision of the Pennsylvania Air Pollution Control Act (“APCA”) allows Clean Air Council to commence a civil action against Shell to compel compliance with the APCA “or any rule, regulation, order or plan approval or permit issued pursuant to [the APCA.]” 35 P.S. § 4013.6(c). Clean Air Council may bring an APCA claim in federal court as a supplemental claim to the federal Clean Air Act claim, through supplemental jurisdiction. 28 U.S.C. § 1367(a).

In accordance with 42 U.S.C. § 7604(b), 40 C.F.R. Part 54, and 35 P.S. § 4013.6(d), this letter serves to notify Shell that Clean Air Council intends to file suit for violations of the Clean Air Act and the Air Pollution Control Act in United States District Court for the Western District of Pennsylvania at any time beginning 60 days after the postmarked date of this letter. Additionally, Clean Air Council notifies Shell of its intention to sue for ongoing violations of the same type that occur after the violations outlined in this notice letter.

Clean Air Council will ask the Court to impose appropriate injunctive relief and civil penalties, and require a beneficial environmental project under 42 U.S.C. § 7604(g)(2) in the areas directly impacted by the unauthorized air pollution and emissions from the Plant. Clean Air Council will also ask the Court to award their costs of litigation and attorneys’ fees.

The name and address of the party giving notice is:

Clean Air Council
135 South 19th Street, Suite 300
Philadelphia, Pennsylvania 19103

You may contact parties through their counsel at:

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APPLICABLE CLEAN AIR ACT AND AIR POLLUTION CONTROL ACT REQUIREMENTS

The Plant is subject to applicable provisions of the Pennsylvania APCA and the Pennsylvania State Implementation Plan (“SIP”), which is a set of state regulations that are approved by EPA, pursuant to the federal Clean Air Act, 42 U.S.C. § 7410.

The Plant is a “stationary source” under the Clean Air Act. Emissions of air pollutants from the Plant are governed by, among other requirements, plan approvals PA-04-00740A, PA-04-00740B, and PA-04-00740C [hereinafter Plan Approvals], issued to Shell by the Pennsylvania Department of Environmental Protection (“DEP”) pursuant to 25 Pa. Code Chapter 127 and most recently extended on September 12, 2022. The Plan Approvals contain emission limits, including but not limited to: site-wide, 12-month rolling emission limits; source-specific hourly emission limits; and visible emission limits. Compliance with these permit limits is mandatory and a requirement of the Pennsylvania SIP. 25 Pa. Code § 127.25.

Plan Approval PA-04-00740C, Section C, Condition No. 005, imposes site-wide, 12-month rolling emission limitations of 516.2 tons of volatile organic compounds (“VOCs”). The Plant must comply with this limit at all times. In addition, Plan Approval PA-04-00740C, Section E, Group 02, Condition No. 001 imposes an hourly average NO_x emission limit on each turbine/duct burner at the Plant of two (2) parts per million volume, dry (“ppmvd”) at 15% oxygen. The limit applies at all times, excluding periods of defined startup or shutdown. For purposes of determining compliance with this NO_x limit, Plan Approval PA-04-00740C defines startup “as beginning when fuel is introduced into the turbine and ending when the SCR catalyst bed reaches its design operating temperature” and defines shutdown “as beginning when the SCR catalyst bed drops below its design operating temperature and ending upon removing all fuel from the turbine.”

Shell’s Plan Approvals and the Clean Air Act also restrict visible emissions from flares and incinerators at the Plant. Plan Approval PA-04-00740C provides that “[v]isible emissions . . . shall not exceed 0% except for a total of five minutes during any consecutive two-hour period” from the following sources: the high-pressure ground flares and emergency elevated flare (PA-04-00740C, Section D, Source 205, Condition #001); the low-pressure incinerator multipoint ground flare (PA-04-00740C, Section D, Source 204, Condition #001); or the spent caustic vent incinerator (PA-04-00740C, Section D, Source 206, Condition #002). Under the Clean Air Act, “flares shall be designed for and operated with no visible emissions . . . except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.” 40 C.F.R. § 60.18(b)(1). The Plant must comply with the visible emission limits in the Plan Approvals and Clean Air Act at all times.

Shell’s Plan Approvals and the Pennsylvania SIP require proper operation and maintenance of the Plant. Specifically, Plan Approval PA-04-00740C, Section B, Condition No. 004 and 25 Pa. Code § 127.12(a)(10) require Shell to “maintain and operate the sources and associated air cleaning devices in accordance with good engineering practices as described in the plan approval application submitted to the Department.” Further, Plan Approval PA-04-00740C, Section B, Condition No. 013 and 25 Pa. Code § 127.25 provide:

A person may not cause or permit the operation of a source subject to § 127.11 (relating to plan approval requirements), unless the source and air cleaning devices

identified in the application for the plan approval and the plan approval issued to the source, are operated and maintained in accordance with specifications in the application and conditions in the plan approval issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices.

**SHELL VIOLATIONS OF THE CLEAN AIR ACT AND
AIR POLLUTION CONTROL ACT**

The paragraphs below describe Shell’s violations of the Clean Air Act and the Pennsylvania Air Pollution Control Act. Shell is a “person” pursuant to the Clean Air Act, 42 U.S.C. § 7602(e), and the Air Pollution Control Act, 35 P.S. § 4003. Because Shell is a person and is the owner and operator of the Plant, Shell is responsible for the violations set forth below. The information presented below is sufficient to enable Shell to ascertain the nature of each alleged violation and when and where it occurred.

1. Violations of Site-Wide, 12-Month Rolling VOC Emission Limitation.

All of the information set forth above is incorporated herein in full. Shell has emitted and continues to emit VOCs from the Plant in excess of limits in Shell’s Plan Approvals. Under Plan Approval PA-04-00740C,¹ emissions from the Plant may not exceed 516.2 tons of VOCs in any consecutive 12-month period. The Plant must comply with this limit at all times. Shell emitted 522.982 tons VOCs during the 12-month period ending in September 2022; 666.296 tons VOCs for the 12-month period ending in October 2022; and 739.528 tons VOCs for the 12-month period ending in November 2022. *See Exhibit A.*

The Plant emitted 512.203 tons VOCs during the month of September 2022, alone—nearly reaching the 12-month limit during a single month. Thus, it is almost certain that Shell will continue to violate this VOC limit in each 12-month period until at least September 2023. Each day of each 12-month period with total emissions in excess of the permitted limit for each pollutant constitutes a separate violation of the Plan Approvals and the CAA, for which a penalty of up to \$117,468 can be assessed, 42 U.S.C. § 7413(b), 40 C.F.R. 19.4, and the Air Pollution Control Act, for which a penalty of up to \$25,000 can be assessed, 35 P.S. § 4009.1(a).

The following table summarizes the violations of 12-month rolling emission limits:

Month	VOC Emissions (tons/month)	VOC Emissions (tons/12-month period)
September 2022	512.203	522.982
October 2022	143.852	666.296
November 2022	74.318	739.528

¹ Plan Approval PA-04-00740A also prohibits VOC emissions that equal or exceed 522 tons in any consecutive 12-month period. Shell also must comply with this limit at all times.

2. Violations of Hourly Average NOx Emissions from the Combustion Turbine/Duct Burners.

All of the information set forth above is incorporated herein in full. Shell emitted NOx from the Plant’s combustion turbine/duct burners at rates that exceed limits in Shell’s Plan Approvals. The Plant must comply with the hourly average NOx emission limit applicable to the combustion turbine/duct burners, expressed as two (2) parts per million volume, dry (ppmvd) at 15% oxygen (O2), in Plan Approval PA-04-00740C.² The limit applies at all times except during periods of defined startup or shutdown. Shell’s written reports notifying DEP of these exceedances show that Shell emitted NOx from three combustion turbine/duct burners at rates that exceed that limit on at least four occasions in November 2022 as well as during a period in December 2022. See Exhibit B.

Each hour that Shell emitted NOx from the combustion turbine/duct burners in violation of the applicable hourly average NOx emission rate is a separate violation of the Plan Approvals and the CAA, for which a penalty of up to \$117,468 can be assessed, 42 U.S.C. § 7413(b), 40 C.F.R. 19.4, and the Air Pollution Control Act, for which a penalty of up to \$25,000 can be assessed, 35 P.S. § 4009.1(a).

The following table summarizes the violations of the hourly average NOx emission limit for the combustion turbine/duct burners during November and December 2022:

Source ID	Name	Incident First Observed	Excess Emissions Duration	Emissions Rate (ppmvd @ 15% O2)	NOx Emitted (lbs)	NOx Emitted (tons)
101	Combustion Turbine/ Duct Burner Unit #1	11/7/2022 9:30 am	1 hour	7.240	10.9	0.005
		12/21/2022 12:00 am through 12/28/2022 10:00 am	3 hours	(Not reported)	50.5	0.03
102	Combustion Turbine/ Duct Burner Unit #2	11/5/2022 10:16 pm	1 hour	4.157	16.4	0.008
		11/7/2022 9:30 am	1 hour	6.633		
		11/22/2022 2:45 pm	1 hour	2.753		
		12/21/2022 12:00 am through 12/28/2022 10:00 am	1 hour	(Not reported)	10.4	0.01

² Plan Approval PA-04-00740A also includes an hourly average NOx emission limit applicable to the combustion turbine/duct burners, expressed as two (2) parts per million volume, dry (ppmvd) at 15% oxygen (O2). Shell must comply with this limit at all times except during periods of defined startup or shutdown.

103	Combustion Turbine/ Duct Burner Unit #3	11/7/2022 9:30am	1 hour	4.688	20.1	0.024
		11/17/2022 2:57 pm	1 hour	13.987		
		12/21/2022 12:00 am through 12/28/2022 10:00 am	5 hours	(Not reported)	45.7	0.02

3. Violations of Hourly Average CO Emissions from the Combustion Turbine/Duct Burners.

All of the information set forth above is incorporated herein in full. Shell emitted CO from the Plant’s combustion turbine/duct burners at rates that exceed limits in Shell’s Plan Approvals. The Plant must comply with the hourly average CO emission limit applicable to the combustion turbine/duct burner, expressed as two (2) parts per million volume, dry (ppmvd) at 15% oxygen (O2), in Plan Approval PA-04-00740C.³ The limit applies at all times except during periods of defined startup or shutdown. Shell’s written report notifying DEP of these exceedances shows that Shell emitted CO from three combustion turbine/duct burners at rates that exceed that limit during a period in December 2022. *See Exhibit C.*

Each hour that Shell emitted CO from the combustion turbine/duct burners in violation of the applicable hourly average CO emission rate is a separate violation of the Plan Approvals and the CAA, for which a penalty of up to \$117,468 can be assessed, 42 U.S.C. § 7413(b), 40 C.F.R. 19.4, and the Air Pollution Control Act, for which a penalty of up to \$25,000 can be assessed, 35 P.S. § 4009.1(a).

The following table summarizes the violations of the hourly average CO emission limit for the combustion turbine/duct burners between December 21st and 28th, 2022:

Source ID	Name	Excess Emissions Duration	CO Emitted (lbs)	CO Emitted (tons)
101	Combustion Turbine/ Duct Burner Unit #1	65 hours	198.8	0.10
102	Combustion Turbine/ Duct Burner Unit #2	50 hours	147.6	0.07
103	Combustion Turbine/ Duct Burner Unit #3	6 hours	41.5	0.02

³ Plan Approval PA-04-00740A also includes an hourly average CO emission limit applicable to the combustion turbine/duct burners, expressed as two (2) parts per million volume, dry (ppmvd) at 15% oxygen (O2). Shell must comply with this limit at all times except during periods of defined startup or shutdown.

4. Violations of Visible Emissions Prohibition from Flares and Incinerators.

All of the information set forth above is incorporated herein in full. Numerous visible emission events occurred at the Plant in 2022. Shell’s Plan Approval PA-04-00740C and the CAA prohibit visible emissions from the Plant’s flares and incinerators that exceed 0% opacity for more than five minutes during any consecutive two-hour period.⁴ The Plant must comply with these visible emission limits at all times. Shell’s written reports to DEP, DEP’s inspection reports, and DEP-issued notices of violation show that Shell emitted visible emissions from the Plant’s flares and incinerators in violation of Shell’s Plan Approvals, the CAA, and the APCA. See Exhibit D.

Each two-hour period in which Shell emitted visible emissions from flares or incinerators for more than five minutes in violation of the visible emissions limit is a separate violation of the Plan Approvals and the CAA, for which a penalty of up to \$117,468 can be assessed, 42 U.S.C. § 7413(b), 40 C.F.R. 19.4, and the Air Pollution Control Act, for which a penalty of up to \$25,000 can be assessed, 35 P.S. § 4009.1(a).

The following table summarizes the violations of the visible emissions requirements per source at the Plant from June to October 2022:

Source	PA-04-00740C Requirement	Date	Duration of Visible Emissions
Multipoint Ground Flare	Section D, Source 204, Condition #001	June 23, 2022	13:35-13:46 (11 minutes)
Elevated/ Emergency Flare	Section D, Source 205, Condition #001	September 8 to 10, 2022	9 minutes during event from 9/8 (23:55) to 9/10 (00:20) ^a
		September 18, 2022	15 minutes during event from 12:03 to 16:41
		September 21-22, 2022	7.5 minutes during event from 9/21 (02:01) to 9/22 (10:15) ^a
		October 24-26, 2022	11 minutes during event from 10/24 (14:30) to 10/26 (16:30) ^a
High Pressure Ground Flares	Section D, Source 205, Condition #001	September 6, 2022	Intermittent from 10:50-12:40
		September 8, 2022	Intermittent during event from 10:22-11:22
		September 13, 2022	7 minutes during event from 11:17 to 12:25

^a It is our understanding, based on Shell’s reports of excess emissions submitted to DEP, that these periods of visible emissions occurred within a two-hour period during these events.

⁴ Plan Approval PA-04-00740A also includes prohibits visible emissions from the Plant’s flares and incinerators that exceed 0% opacity for more than five minutes during any consecutive two-hour period. Shell must comply with these limits at all times.

CONCLUSION

This notice letter and the attached exhibits are based on publicly available sources of information, including Shell's self-reported malfunction reports. Additional information, including information in the possession of Shell, may reveal additional details about the violations described above and additional violations of the emission limits and Plan Approval conditions described above at the Plant. This letter covers all such violations, including violations of the emission limits and Plan Approval conditions described above that occur after the date of this letter.

If you believe any of the facts described above are in error, have any information indicating that you have not violated the Clean Air Act or the Air Pollution Control Act, or if you have any questions concerning this letter or the described violations, please contact the undersigned attorneys for the Clean Air Council. Finally, we would welcome meeting with you to discuss resolution of this matter prior to the expiration of the 60-day pre-suit notice period.

Sincerely,



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