



February 28, 2023

skula@environmentalintegrity.org

Sarah Kula, Esq.
Environmental Integrity Project
1000 Vermont Ave., NW, Ste. 1100
Washington, DC 20005

Re: Letter dated February 17, 2023 regarding violations at the Shell Chemical Appalachia, LLC Facility, Beaver County, PA.

Dear Attorney Kula:

I have received and reviewed your letter dated February 17, 2023 pertaining to Shell Chemical Appalachia, LLC's ("Shell") petrochemical facility in Beaver County, PA.

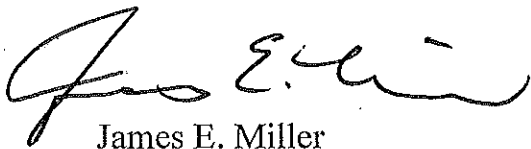
In the letter you refer to violations documented in Department Notices of Violations, malfunction reports submitted by Shell pursuant to its plan approval, and recent Notices of Intent to Sue that Clean Air Council and other parties have served on Shell. It is my understanding that these violations have occurred during the commissioning phase of the facility's operations, which began in approximately mid-2022. The commissioning phase is when equipment and controls are turned on and operated for the first time and the processes that comprise the polyethylene manufacturing process are initiated. Shell has represented to the Department that commissioning operations are not representative of normal operations, and that the malfunctions and violations observed during commissioning will not occur during normal operations.

Nevertheless, the Department is not giving Shell a "pass" for these violations. Shell has been fined for several 2022 violations, and proposed penalties are being calculated for others. The Department has required Shell to report monthly emission data, which the Department has promptly posted on-line. In a December 14, 2022 letter the Department directed Shell to submit a technical report to the Department that, among other things, examines the root causes of the malfunctions and violations, as well as measures that have been, or can be, employed to prevent malfunctions and reduce emissions. Shell submitted the report as directed on January 30, 2023. The Department is thoroughly evaluating Shell's response.

In addition, Shell is now asserting, based on testing, that its actual VOC emissions were lower than previously reported. The Department is actively evaluating these revised emission calculations and the bases for them.

Because of these ongoing evaluations and inquiries, the Department cannot commit to taking any specific enforcement measures, including a temporary cessation of operations, at this time. The Department will take your letter and other information available into account when it evaluates future enforcement actions.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Miller". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

James E. Miller
Regional Director

CC: AQ Case File (E. Speicher)
AQ (M. Gorog)
Harrisburg (S. Foster)
ARD (K. Halloran)
OCC (M. Heilman)