ENVIROMENTAL GROUPS SUE SHELL OIL COMPANY FOR CLEAN AIR ACT VIOLATIONS AT DEER PARK, TEXAS, REFINERY AND CHEMICAL PLANT

Groups Allege Millions of Pounds of Illegal Pollution Over Five-Year Period

Benzene, Butadiene, Sulfur Dioxide, Nitrogen Oxides, Carbon Monoxide Among Pollutants at Issue in Case

HOUSTON – Sierra Club and Environment Texas filed a lawsuit today in federal district court against Shell Oil Company and several affiliates. The suit – the first case in Texas in which citizen groups are suing to stop illegal air emissions arising from so-called “upset” events – claims that Shell has repeatedly violated the Clean Air Act at its Deer Park, Texas, oil refinery and chemical plant, resulting in the release of millions of pounds of excess air pollutants over the past five years, including toxic chemicals such as benzene and 1,3-butadiene.

Shell’s Deer Park facility is a 1,500-acre complex located on the Houston Ship Channel in Harris County, about 20 miles east of downtown Houston. It is the nation’s eighth-largest oil refinery and one of the world’s largest producers of petrochemicals. The facility is also the second largest source of air pollution in Harris County, which ranks among the worst in the nation in several measures of air quality.

“I live and work downwind from Shell, in Channelview. My family and my employees simply can’t afford to breathe in any more air pollution,” said Sierra Club member and small business owner Karla Land. “We have laws to protect air quality for a reason. Shell is breaking those laws and they need to be made to stop.”

“On average of more than once a week for at least the past five years, Shell has reported that it violated its own permit limits by spewing a wide range of harmful pollutants into the air around the Deer Park plant,” said Luke Metzger, Executive Director of Environment Texas. “Because the state of Texas and the U.S. EPA have both failed to put a stop to these blatant violations, ordinary citizens are stepping up to enforce the law themselves.”
The Clean Air Act contains a “citizen suit” provision that allows private citizens affected by violations of the law to bring an enforcement suit in federal court if state and federal regulators do not. Shell’s permits contain both hourly and yearly limits on the amounts of pollutants it can emit into the atmosphere. The lawsuit alleges that equipment breakdowns, malfunctions, and other non-routine incidents at the Deer Park complex result in the release of millions of pounds of pollutants into the surrounding air, frequently in violation of legal limits.

A single such “upset” or “emission event” can result in the release of thousands of pounds of air pollutants in a matter of minutes or hours. Some emission events at Shell Deer Park have involved pollutant releases in the hundreds of thousands of pounds. According to the groups’ analysis of Shell’s own reports to the Texas Commission on Environmental Quality, air pollutants released during upsets at Deer Park since 2003 include:

- Over 2 million pounds of sulfur dioxide;
- Over 1 million pounds of volatile organic compounds (VOCs);
- Over 600,000 pounds of carbon monoxide;
- Over 250,000 pounds of nitrogen oxides;
- Over 90,000 pounds of benzene and 60,000 pounds of 1,3-butadiene.

Nitrogen oxides and VOCs contribute to the formation of ground-level ozone, which, according to EPA, can trigger a variety of health problems including chest pain, coughing, throat irritation, and congestion. Air quality in Harris County regularly violates standards for ground-level ozone set by EPA. Sulfur dioxide contributes to respiratory illness, particularly in children and the elderly, and aggravates existing heart and lung diseases. Sulfur dioxide also contributes to the formation of acid rain. Benzene and 1,3-butadiene are carcinogens.

The lawsuit seeks a court order requiring Shell to end its Clean Air Act violations. In addition, Shell faces civil penalties of up to $32,500 per day for each violation of the Clean Air Act. Shell Oil Company is an affiliate of Royal Dutch Shell, ranked by Fortune as the third largest company in the world.