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TCEQ spokesman said the agency does not comment on lawsuits.

Houston and Harris County have been home to some of the nation's worst smog and air pollution.

"The air where I live is very bad," said Karla Land, who owns a motorcycle salvage yard and repair shop in Channelview and has lived there for 30 years. "When the wind blows up from the south, like it usually does, I know I am breathing whatever is coming out at the Shell Deer Park plant. There's a very strong smell of sulfur sometimes from that direction."

According to TCEQ, Shell's Deer Park facility is the second-largest air polluter in Harris County, behind Exxon Mobil's Baytown refinery.

Shell has permits that govern the type and amount of pollutants that can be emitted from the 1,500-acre Deer Park facility. There are hourly and annual limits. Shell is required to tell state officials every time an equipment breakdown or malfunction leads to an unpermitted release of air pollutants.

"We've collected over 300 of those reports - self-reported illegal emissions from upset events over the last five years ... which add up to a total of more than 1,000

separate violations of Shell's own permit. We know Shell's breaking the law because Shell tells us they're breaking the law," said Joshua Kratka, a senior attorney with the Boston-based National Environmental Law Center, which represents citizen groups across the country in similar lawsuits. He said the technology exists to prevent most upset emissions. "The TCEQ repeatedly sends notices of violations to Shell for these incidences. Sometimes the TCEQ also issues a fine or a penalty and Shell pays some of those penalties and yet, the violations keep continuing. In effect, Shell is paying to pollute," Kratka said.

The Clean Air Act allows private citizens to file an enforcement suit against any company violating the laws when regulatory agency enforcement has been nonexistent or ineffective. Before filing a legal action, the alleged violator must be send a notice letter to the company, EPA and TCEQ. Environment Texas and the Sierra Club sent their notice in October.

After several upset emissions in November and December, the groups decided to sue.

"Until the state of Texas starts enforcing the law and making our air safe to breathe again, the people of Texas are going to have to do their job for them," Metzger said.

CINDY GEORGE: Houston Chronicle

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Shell To Sea

09 January 2008

Community Information - Erris, County Mayo, Ireland

Shell sued over Deer Park [Texas] refinery emissions

www.chron.com - Jan 8, 2008 11:58

Environmental activists filed a federal lawsuit today against Shell Oil on behalf of citizens, saying state and federal environmental officials have failed to enforce the Clean Air Act at the company's Deer Park plant.

Environment Texas Citizen Lobby and the Sierra Club claim Shell and several of its subsidiaries have released millions of pounds of excess air pollutants along the Houston Ship Channel over the last five years, including benzene and other toxins that can cause cancer and respiratory problems.

During a news conference this morning, group leaders accused the Texas Commission on Environmental Quality and the US

Environmental Protection Agency of not stopping the violations.

"On average, more than once a week, Shell Oil Co. has self-reported that it violated its permit limits and released millions of pounds of chemicals and harmful pollutants into the air around the Houston Ship Channel," said Luke Metzger, executive director of Environment Texas. "Already, Shell Oil is authorized to emit staggering amounts of pollutants into the air and with Houston's air as bad as it is, it is simply unforgivable for them to exceed those permits."



EPA spokesman David Bary declined to comment on the case, but said the agency is doing its job. He noted that most of the authority for permitting and enforcement has been delegated to TCEQ.

"The EPA ...will continue to vigorously enforce our nation's environmental laws to ensure protection of public health and the environment," Bary said.

As of early afternoon, Shell had not responded to a request for comment. A

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Shell are yet again in the news for the wrong reasons, in a world increasingly concerned with the environment. Their repeat offences at Deer Park Texas are just the tip of the iceberg, and their actions show it really does pay to pollute in an industry that cares for nothing but increased shareholder profit.

The oil majors are also quietly signalling their intention to withdraw from renewable energy and green projects in general, as high running costs always have the final say over environmental concerns.

Here in Ireland our record on protecting the future landscape is worse than poor, with toothless authorities who have been either unwilling or unable to act in the face of corporate interests.

S2S

State needs to clean up its act

The Irish Times - Tuesday, June 19, 2007

We've long fancied ourselves as a beacon of civilisation, so it was good, last October, to have an official endorsement of the fact that other European countries can learn a lot from us. It's just a pity that what they can learn is how not to do things, writes Fintan O'Toole

In terms of planning, the mad sprawl of Dublin over the past decade is now a textbook example for other developing countries in Europe. Last October, the head of the European Environmental Agency's (EEA) spatial analysis unit told Frank McDonald of The Irish Times that Dublin is now being held up for countries such as Poland as the "worst-case scenario" of urban planning. The city's achievement in occupying the same area as Los Angeles with just a quarter of the population is the kind of horror story that can be used to frighten others into adopting sensible

policies. "We're using it," said the EEA, "as an illustrative case for cities in eastern Europe to show what can happen if you let the money flow without having a vision of balanced development."

The Green Party has the same justification for going into Government with Fianna Fáil as Jonathan Swift had for leaving money in his will to found "a house for fools and mad": "no nation needed it so much". However, many principles were abandoned as foundlings on the doorstep of power, it would have been hard for anyone with the vaguest concern for the environment to contemplate with equanimity another five years of fecklessness.

Official attitudes to the physical world around us haven't just been careless. They have been wilfully perverse. Given a choice, there has been a bloody-minded tendency to go for the ugliest, most harmful option.

There were two routes proposed for the M3 motorway, one of which meant driving it through the Tara-Skryne valley, and one of which did not. There were two ways of getting the gas out of the Corrib field: refining it at sea, as is usually done, or running pipelines through sensitive and unstable landscapes.

There are two ways of managing Ireland's forests: churning out masses of low-grade, uneconomic monocultures or planting sustainable, indigenous and lucrative species. We've taken the nasty option every time.

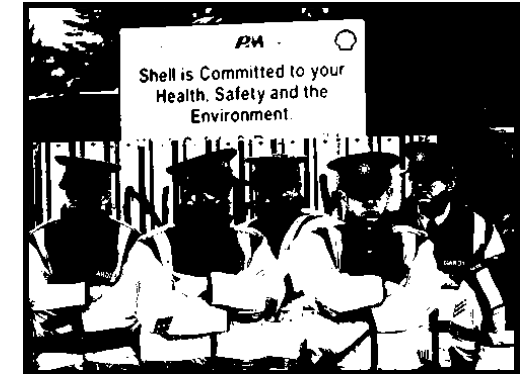
These choices are made for political and institutional reasons, but also for cultural ones. One of the legacies of our history of dispossession is that we've never, collectively, taken ownership of the place we inhabit. We don't belong to it and it doesn't belong to us. So, on the whole, we treat it with contempt. We are so inured to this that we hardly notice, but outsiders do: one of the most negative perceptions of Ireland among visitors in Fáilte Ireland's surveys of tourists is around litter and pollution. Just 44 per cent of people who come here on city breaks, for example, rate these aspects of Ireland as very satisfactory.

From 30 Irish towns and cities, waste water is being discharged into estuaries or the sea with either no sewage treatment at all or the most basic (and utterly inadequate) treatment.

Nearly one-third of the rivers and ground-water sources in Ireland are polluted and the downward trend that had been evident up to last year has now been reversed. Thirty-six per cent of private group-water schemes are infected with E.coli. We are also in breach of European law requiring coastal waters where shellfish are cultivated to be clean: only 14 of 58 bays reach the required standards.

The catastrophic illegal dumping of waste went on under the noses of local authorities. The worst of it may have stopped, but the handling of construction waste remains anarchic, with the Environmental Protection Agency (EPA) reporting that "an unacceptable situation exists whereby there is a lack of reliable information due to poor record-keeping". An astonishing 24 per cent of Irish households either have no access to, or do not

use, any waste collection services, resulting in an estimated 200,000 tonnes of waste being either burned or dumped every year.



Much of this happens because environmental crimes are not taken seriously. EU laws are flouted with metronomic regularity. The European Commission has had to take the Republic to court time after time for inadequate sewage plants, reckless waste disposal, failure to implement environmental directives, the absence of national systems to protect endangered wildlife and so on.

Last year, the EPA got just 15 convictions against offenders in the District Courts, resulting in a grand total of €178,841 in costs and fines. It got three convictions in the Circuit Courts, reaping €185,520 in fines and costs. That makes an average of €20,000 in costs and fines for every conviction - hardly a disincentive to activities that can be extremely lucrative. Basic monitoring, moreover, is pathetic: 65 per cent of public group-water schemes and 41 per cent of private group-water schemes are either not adequately monitored or not monitored at all.

Changing this culture of reckless disregard is a huge task for the Greens, but if they can achieve it, the devil will have paid a decent price for their souls.