



STATE OF WASHINGTON

DEPARTMENT OF LABOR AND INDUSTRIES

Division of Occupational Safety and Health
PO Box 44600 • Olympia, Washington 98504-4600

November 10, 2015

EQUILON ENTERPRISES LLC
SHELL OIL PRODUCTS US
8505 S Texas Rd
Hsse Manager
Anacortes, WA 98221

OSHA #: 1075399
Inspection: 317936409
UBI: 601850954
Region: 1-Health
Inspector ID: B9375
Reference: 203398581

Dear Employer:

Enclosed are the results of the safety and health inspection of your workplace. This packet contains:

- **Citation Invoice** – The total assessed penalty is \$77,000.00
- **Citation and Notice of Assessment** – Washington Administrative Code (WAC) Violations.
- **Employer Appeal Rights** – You have 15 working days to appeal this citation.

You must immediately post this Citation and Notice of Assessment at or near where the violation(s) occurred, where employees can easily find and read it, or where employees normally receive posted information. All postings must remain until you have corrected all violations, or for three working days, whichever is longer. “Working day” means a calendar day, except Saturdays, Sundays and all legal state holidays.

Because this inspection is public information, the result will be posted online 30 days after the above date by the Department of Labor & Industries. You may view it at <https://secure.lni.wa.gov/verify/>.

If you have questions, call the compliance supervisor, Michael Day, at (425) 290-1425.

Respectfully,

Anne F. Soiza

Anne F. Soiza
Assistant Director
Division of Occupational Safety & Health

Enclosure(s)



Washington State Department of
Labor & Industries
 Division of Occupational Safety and Health

Invoice

Inspection: 317936409

UBI: 601850954	Issued: November 10, 2015
Legal Name: EQUILON ENTERPRISES LLC	Opening Conference: May 14, 2015
DBA Name: SHELL OIL PRODUCTS US	Closing Conference: November 4, 2015
Inspection: 8505 S Texas Rd,	Inspector ID: B9375
Site: Anacortes, WA, 98221	

Summary of Assessed Penalties Due

The Citation and Notice of Assessment includes a full description of each violation.

Violation Item	Violation Type	WAC	Correction Due Date	Penalty Amount
1-1	Willful Serious	WAC 296-67-021(5)	Not Applicable	\$70,000.00
2-1	Serious	WAC 296-67-021(3)	Not Applicable	\$7,000.00
<u>Total Penalty Due</u>				\$77,000.00

PAYMENT INFORMATION

Payment is due 15 working days from receipt of this citation.

Make check payable to the Department of Labor and Industries.

Write Inspection number 317936409 on the check and mail to:

Attn: DOSH Cashier
Department of Labor and Industries
PO Box 44835
Olympia, WA 98504-4835
 Or deliver to: **Any L&I office**



Washington State Department of
Labor & Industries
 Division of Occupational Safety and Health

Post This Document

**Citation and Notice of Assessment
 Inspection: 317936409**

UBI: 601850954

Issued: November 10, 2015

Legal Name: EQUILON ENTERPRISES LLC

Opening Conference: May 14, 2015

DBA Name: SHELL OIL PRODUCTS US

Closing Conference: November 4, 2015

Inspection Site: 8505 S Texas Rd Anacortes, WA 98221

Inspector ID: B9375

Violation 1 Item 1

Violation Type: Willful Serious

WAC 296-67-021(5)

The employer intentionally and knowingly did not implement safe work practices to provide for the control of hazards during the execution of the East Flare shutdown procedure in that decontamination steps were skipped and the system released toxic constituents to the atmosphere such as mercaptans, hydrogen sulfide, hydrocarbons, and pyrophoric iron. The employer has an established system for ensuring procedure deviations are carefully reviewed by affected personnel, but did not use it.

Workers at the interface of hazardous equipment who are directed to deviate from or otherwise change that procedure during its execution in the field may face permanent disability or death should a catastrophic release occur as a result of those changes.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$70,000.00

Violation 2 Item 1
WAC 296-67-021(3)

Violation Type: Serious

The employer did not assure that workers shutting down the East Flare were using a procedure that reflected current operating practices. During the East Flare shutdown in February, 2015, operators had been trained on "revision number 4" of procedure 19FLARETA004; but were intended to have been trained on--and follow--revision number 5. A procedure with the revision number of "1" was also used by unit personnel during the shutdown attempt.

Furthermore, Shell's Plant Standing Instruction PSIA103 was initiated starting on or around February 18th; but had an authorization date of February 19th. The policy had a stated revision number of "1" on it, but an outdated authorization designee--indicating that PSIA103 should have had a revision number higher than "1" and an updated authority for it.

An operating procedure in high-hazard facilities is a written step-by-step instructions and associated information for safely performing tasks within operating limits. Without an accurate, reviewed and current operating procedure to use, workers in high-hazard chemical environments may interact with the wrong equipment or incorrectly adjust the correct equipment. Policies that give direction to operations specific to feed rates through high-pressure, high-temperature equipment must be accurate and current. Inaccurate policies followed by workers in the field may direct them to interact with equipment incorrectly, potentially causing a catastrophic release resulting in worker fatalities or permanent disabilities.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$7,000.00

For Employers

If you are cited for a violation of Occupational Safety and/or Health rules, you have the right to appeal the citation. **You have 15 working days from the date you receive this citation to appeal.** (RCW 49.17.140(1)) "Working day" means a calendar day, except Saturdays, Sundays and all legal state holidays. Your appeal must be in writing. It may be mailed, faxed, or personally delivered.

For violations classified as serious, willful, repeat serious, or failure to abate serious, an employer must correct the violations by the date listed on the Citation and Notice / Employer's Certification of Abatement form unless a stay of abatement date is requested in the appeal as described on this page. A stay of abatement date means the employer's requirement to abate or correct the hazard is put on hold until the appeal is resolved. All general and repeat general violations under appeal automatically have stay of abatement dates until a final order on those violations has been issued. If you only need an extension of an abatement date, please see the above section entitled, **"If you are unable to fix the hazard(s) by the correction due date(s)"**.

Your appeal must include:

- Name, address, telephone number, and fax number if available of the employer who is appealing, and for the employer's representative, if any, such as an attorney or interpreter.
- Inspection Number (You will find this nine-digit number in the top right corner of this page.)
- Statement explaining:
 1. What you think is wrong with the citation and any related facts.
 2. How you think the citation should be changed.
 3. What relief you are seeking and why.

If you are requesting a stay of abatement date for serious, willful, repeat serious or failure to abate serious, you must also include:

- Each violation and item number for which a stay of abatement date is requested; and
- The reason for the stay of abatement date request.

Note: Employees and/or employee representatives may elect to participate in appeal hearings.

Posting requirement:

You must post your appeal documents (along with this citation packet) until the appeal is resolved.
You must also post all other documents related to this appeal.

For Employees or Their Representatives

If your employer is cited, you may only appeal the correction due date(s).

Your appeal must include:

- Your name, address, telephone number, and fax number if available and the same information for anyone who is representing you, if any.
- Inspection number.
- Statement explaining why the correction due date should be changed.

Send all appeals to:

Assistant Director for DOSH
Attn: Appeals Program
PO Box 44604
Olympia, WA 98504-4604
Fax to: **(360) 902-5581** or deliver to: **Any L&I office**

For more information call the Appeals Program: **(360) 902-5486.**

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