

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

EXXON MOBIL CORPORATION

AI No. 286, 2638, 3230, 858

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.

- * Settlement Tracking No.
- * SA-MM-13-0030
- *
- * Enforcement Tracking No.
- * AE-CN-08-0017, AE-CN-08-0017A
- * AE-CN-08-0017B, AE-CN-10-00275
- * AE-CN-10-00877, AE-PP-08-0132
- * AE-CN-10-00263, AE-CN-10-01561
- * AE-CN-10-00263A, AE-CN-11-00892
- * HE-PP-11-00654, AE-CN-11-00898,
- * MM-CN-12-00838
- *

SETTLEMENT

The following Settlement Agreement is hereby agreed to between Exxon Mobil Corporation ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I

Respondent is a corporation that owns and/or operates the following facilities: a petroleum refining and supply facility, a synthetic organic chemical manufacturing facility, and a resin finishing plant facility, all located in Baton Rouge, East Baton Rouge Parish, Louisiana. Respondent also owns and/or operates a tank farm facility located in Port Allen, West Baton Rouge Parish, Louisiana. ["the Facility(s)"]

II

On March 7, 2008, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-08-0017, Agency

Interest No. 2638 (Attachment A).

III

On May 9, 2008, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-08-0017A, Agency Interest No. 2638 (Attachment B).

IV

On May 27, 2009, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-08-0017B, Agency Interest No. 2638 (Attachment C).

V

On March 12, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-10-00275, Agency Interest No. 2638 (Attachment D).

VI

On September 8, 2010, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-10-00877, Agency Interest No. 286 & 3230 (Attachment E).

VII

On October 20, 2010, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. AE-PP-08-0132, Agency Interest No. 858 (Attachment F).

VIII

On October 20, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-10-00263, Agency

Interest No. 2638 (Attachment G).

IX

On January 18, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-10-01561, Agency Interest No. 286 (Attachment H).

X

On February 17, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-10-00263A, Agency Interest No. 2638 (Attachment I).

XI

On September 30, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-11-00892, Agency Interest No. 286 (Attachment J).

XII

On October 10, 2011, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. HE-PP-11-00654, Agency Interest No. 2638 (Attachment K).

XIII

On December 22, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-11-00898, Agency Interest No. 2638 (Attachment L).

XIV

On or about July 19, 2012, the Department issued to the Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-12-00835,

Agency Interest Nos. 286 and 2638. (Attachment M)

XV

On September 26, 2012, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-12-00838, Agency Interest Nos. 286 and 2638 (Attachment N).

XVI

On August 23, 2013, the Department issued a Penalty Assessment, Enforcement Tracking No. AE-P-13-00479, in the amount of SIXTY-ONE THOUSAND NINE HUNDRED TWELVE AND 39/100 DOLLARS (\$61,912.39) to the Respondent to address the monetary component for the violations cited in Enforcement Tracking No. AE-CN-12-00835, Agency Interest Nos. 286 and 2638.

XVII

The following violations, although not cited in the foregoing enforcement actions are included within the scope of this Settlement Agreement.

Baton Rouge Chemical Plant; AI No. 286

- A. On or about January 16, 2010, 6,201 pounds of flammable vapor (VOC) were released due to a bleeder being left open on a line that had been isolated for maintenance. This failure to employ a control device is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2)
- B. On or about January 29, 2010, 31 pounds of benzene were released through the D-106 blowdown drum due to a computer error. This failure to maintain a control device is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2)
- C. During the period of April 15, 2010-May 3, 2010, 7,258 pounds of propylene and 6,678 pounds of VOC were released due to a leak in exchanger E-18X. This failure to maintain a control device is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2)
- D. On or about May 24, 2010, 2,000 pounds of flammable vapor were released due to a leak in piping tower T-2 and a release at the SCLA Unit. This failure to maintain a control device is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2)

- E. On or about June 6, 2010, 1,260 of propylene and 1,340 pounds of flammable vapor were released due to a loose flange. This failure to maintain a control device is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2)
- F. On or about June 20, 2010, 1,606 pounds of polynuclear aromatic hydrocarbons (PAH) were released due to a leak in a railcar. This failure to employ a control device is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2)
- G. On or about June 27, 2010, a leak was discovered on an exchanger head on the halobutyl rubber unit. A flange leak was also discovered on a drum overhead line in the OXO unit. On June 28, 2010, a furnace belonging to the North Area Control Center experienced multiple flame-outs. These incidents collectively resulted in the release of 1,807 pounds of flammable vapor. These failures to properly maintain control devices are violations of LAC 33:III.905 and La R.S. 30:2057(A)(2)
- H. On or about July 8, 2010, a crack in the Halobutyl Unit flare line was discovered. The calculated emissions from this leak were 1,890 pounds of flammable vapor and 329 pounds of propylene. This failure to maintain a control device is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2).
- I. On or about July 19, 2010, a leak in a flange at the Lean Stage tower pumparound was discovered. The calculated emissions from this leak were 480 pounds of propylene. This failure to maintain a control device is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2).
- J. On or about July 25, 2010, a leak in heat exchanger E-110A of the Halobutyl Unit was discovered. The calculated emissions from this leak were 225,860 pounds of hexane. This failure to maintain a control device is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2).
- K. On or about July 29, 2010, a level instrument diaphragm on the propane drum in the halobutyl Unit failed resulting in releases from three safety valves. The resulting emissions were 1,873 pounds of ethylene and 1,871 pounds of flammable vapor. This failure to maintain a control device is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2).
- L. On or about October 3, 2010, a leak in the Ethylene Purification Unit was discovered. The calculated emissions from this leak were 278 pounds of propylene. This failure to maintain a control device is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2).
- M. On or about October 16, 2010, operations discovered a leak from a check valve gasket, located at the battery limits of the Isopropyl Alcohol Unit (IPA) on a propylene feed line. The line was isolated and depressured and the unit was shut down to allow the gasket to be replaced. The leak resulted in the release of 266 pounds of propylene, exceeding the

reportable quantity of 100 pounds. This failure to properly maintain and employ a control facility is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(1).

- N. On or about October 21, 2010, two flaring incidents occurred at the 1,3-butadiene unit in BELA-5, resulting in the emission of 20 pounds of 1,3-butadiene. This failure to properly maintain and employ a control facility is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(1).
- O. On or about December 8, 2010, a compressor that supplies hydrogen to the Aromatics Unit tripped causing a release of 63 pounds of benzene. This failure to properly maintain and employ a control facility is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(1). According to the Respondent's email dated December 6, 2012, "The cause of the loss of hydrogen was due to a high lube oil level in C-200B crankcase. The auto lube oil controller that monitors the level of lube oil in the C-200B crankcase failed. A work order was initiated in September of 2010 to replace the lube oil controller, but was inadvertently closed out before the work was completed."
- P. On or about February 9, 2011, there was a release at BELA-5 of 121 pounds of 1,3-butadiene, exceeding the reportable quantity of 10 pounds. The release was the result of fouling at both parallel feed filters. This unauthorized discharge is a violation of Title V Permit No. 2367-V0, LAC 33:III.501.C.4, LAC 33:III.905, and La R.S. 30:2057(A)(1).
- Q. On or about February 25, 2011, there was a release at BELA-5 of 356 pounds of 1,3-butadiene, exceeding the reportable quantity of 10 pounds. The release was the result of fouling at both parallel feed filters. This unauthorized discharge is a violation of Title V Permit No. 2367-V0, LAC 33:III.501.C.4, LAC 33:III.905, and La R.S. 30:2057(A)(1).
- R. On or about March 13, 2011, an oil leak on the ethylene unit (EPLA-W) resulted in a small flash fire. Although no reportable quantities were exceeded, the failure to maintain a control device is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2). According to the Respondent's email dated December 6, 2012, "The leak occurred due to a crack in piping that caused oil to leak on to 600 lb steam piping below it resulting in a fire."
- S. On or about March 30, 2011, there was a leak from the overhead piping of the process tower resulting in the release of 4 pounds of propylene and 82 pounds of propane. This unauthorized discharge is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(1).
- T. On or about March 30, 2011, the Poly unit developed a leak from a ring joint flange. Approximately 4 pounds of propylene were released. This unauthorized discharge is a violation of Title V Permit No. 2361-V1, LAC 33:III.501.C.4, LAC 33:III.905, and La R.S. 30:2057(A).
- U. On or about April 13, 2011, a control valve failure on depropanizing tower RT-03 resulted in unsteady feed rates to the EPLA-S. This material was routed from the EPLA-S to the flare system, where an atmospheric safety valve released 4,619 pounds of propylene, 3,414 pounds of ethylene, and 19,903 pounds of flammable vapor. The failure to properly maintain and employ control systems is a violation of LAC 33:III.905. The

unauthorized discharge is a violation of Title V Permit No. 2361-V1, LAC 33:III.501.C.4, and La R.S. 30:2057(A)(2).

- V. On or about June 4, 2011, an equipment leak resulted in the release of approximately 39 pounds of Varsol and 488 pounds of hydrogen and a fire that was extinguished by the Facility's firefighting personnel. Even though no reportable quantities were exceeded, the equipment leak that was the root cause of the unauthorized discharge is a violation of LAC 33:III.905, and La R.S. 30:2057(A)(2).
- W. On or about June 30, 2011, a pinhole leak in a pump resulted in the release of 30 pounds of propylene. The reportable quantity of 100 pounds was not exceeded; however, the leak that was the root cause of the unauthorized discharge is a violation of LAC 33:III.905, and La R.S. 30:2057(A)(2).
- X. On or about July 8, 2011, a leak occurred at the BHLA Unit. Less than 1 pound of hydrogen sulfide was released. The leak that was the root cause of the unauthorized discharge is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2).
- Y. On or about August 16, 2011, there was a release of less than 1 pound methyl chloride due to a leaking flange. The leak that was the root cause of the unauthorized discharge is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2).
- Z. On or about August 26, 2011, the Respondent discovered a pinhole leak in a valve body of the Ethylene Purification Unit (EPLA-S), through which 34 pounds of propylene and propane were released. The leak that was the root cause of the unauthorized discharge is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2).
- AA. On or about August 20, 2011, 758 pounds of propylene and 2,094 pounds of flammable vapor were released due to a failed flange on tower WCT-01 at the Isopropyl Alcohol Unit. The failure of the flange is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2).
- BB. On or about September 27, 2011, the Respondent discovered a leak at the inlet to a safety valve on equipment #ECR-01, releasing less than 1 pound of flammable vapor. The failure of the valve is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2).
- CC. On or about November 5, 2011, approximately 15 pounds of ethylene, 1 pound of 1,3-butadiene, 16 pounds of highly reactive VOCs (HRVOCs), 8 pounds of NO_x, and 1 pound of benzene were released due to a control valve malfunction. The failure of the valve is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2).
- DD. On or about November 7, 2011, approximately 4.5 pounds of benzene were emitted when the water seal on blowdown drum BD-106 was released. This failure to properly employ a control device is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2).

- EE. On or about November 9, 2011, a leak was discovered on compressor KC-01 thermowell. On or about November 11, 2011, a line leak on the KD-14 charge gas drier bypass line was discovered. Cumulatively, these incidents resulted in the release of approximately 122 pounds of highly reactive VOCs (HRVOCs) and 108 pounds of charge gas. The leaks that were the root cause of the releases are violations of LAC 33:III.905 and La R.S. 30:2057(A)(2).
- FF. On or about December 9, 2011, a leaking flange in the Aromatics Extraction Unit was discovered. The release was less than 1 pound of benzene. The loose flange is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2).
- GG. On or about December 13, 2011, OXO furnace F-635 experienced a loss of instrument air and resulted in the release of 921 pounds of flammable vapor. On or about December 14, 2011, a discharge check valve leak caused the OXO vapor recovery system compressors malfunction, resulting in the release of 46.5 pounds of VOCs (approx. 46.5 pounds of the release was methane). The total release of flammable vapor exceeds the reportable quantity. These failures to maintain control systems are violations of LAC 33:III.905 and La R.S. 30:2057(A)(2).
- HH. According to the 2011 Annual Compliance Certification, one drum of waste was shipped without the notification required by 40 CFR 63 Subpart GGGGG. This failure is a violation of Specific Requirement 453 of Title V Permit No. 2299-V5, LAC 33:III.501.C.4, La R.S. 30:2057(A)(1), and 40 CFR 63 Subpart GGGGG.
- II. According to the 2011 Annual Compliance Certification, Tanks 8 and 9 vented to atmosphere due to operator error. The failure to properly employ control systems is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2).
- JJ. According to the 2011 Annual Compliance Certification, the following open-ended lines were discovered during the 1st half of 2011:

Emission Point	No. of Open-ended Lines
EPLA-W (U-110)	1
PALA (U-30)	1
RLA-3 (U-119)	32

Each of these is a violation of Title V Permit Nos. 2031-V8, 1200-V3, 2376-V1 and LAC 33:III.501.C.4, La R.S. 30:2057(A)(2), 40 CFR 63 Subpart H, and 40 CFR 63 Subpart UU.

- KK. According to the 2011 Annual Compliance Certification, two valves at DILA were inadvertently not monitored as required during the 1st half 2011. This monitoring failure

was a violation of Specific Condition 1 of Title V Permit No. 2031-V8, LAC 33:III.501.C.4, La R.S. 30:2057(A)(2), and 40 CFR 63 Subpart UU.

LL. According to the 2011 Annual Compliance Certification, during the first half of 2011, eight openings on two tanks (WILA tanks 8 and 9) were not being included in the annual monitoring program. This failure to monitor components is a violation of Specific Condition 1 of Title V Permit No. 2390-V1, LAC 33:III.501.C.4, La R.S. 30:2057(A)(2), and 40 CFR 61 Subpart FF.

MM. According to the 2011 Annual Compliance Certification, the POX reactor startup and shutdown emissions were not reported during 2011. This failure to report is a violation of Title V Permit No. 2210-V1, LAC 33:III.501.C.4, and La R.S. 30:2057(A)(2).

NN. According to the 2011 Annual Compliance Certification, approximately 414 valves in the OXO Tankfield associated with the POLY Miscellaneous Chemical Process Unit, were not monitored as scheduled during June 2011, but were monitored in July 2011. This failure to monitor is an violation of Specific Condition 1 of Title V Permit No. 2393-V2, LAC 33:III.501.C.4, La R.S. 30:2057(A)(2), and 40 CFR 63 Subpart UU.

OO. According to the 2011 Annual Compliance Certification, during an internal audit, it was discovered that four containers that are part of the closed purge sampling systems were not adequately closed or covered as required by 40 CFR 63.1032(c)(5). This failure to adequately close or cover containers is a violation of LAC 33:III.2103, La R.S. 30:2057(A)(2), and 40 CFR 63 Subpart UU.

PP. According to the 2011 Annual Compliance Certification, on or about September 20, 2011, hourly monitoring data records from the pilot thermocouples were lost due to computer software work. This failure to continuously monitor the flame in flare #7 is a violation of Specific Requirement 31 of Title V Permit No. 2365-V4, LAC 33:III.501.C.4, La R.S. 30:2057(A)(2), and 40 CFR 63.998(A)(1)(iii).

QQ. According to the 2011 Annual Compliance Certification, on or about December 13, 2011, the MON Group Continuous Process Vent V-315 was diverted to the atmosphere, when its control device (process heater) shut down when its instrument air supply was interrupted by a scaffold bar breaking the air supply line. The failure to maintain a control system is a violation is a LAC 33:III.905 and La R.S. 30:2057(A)(2), and 40 CFR 63 Subpart FFFF.

RR. According to the 2011 Annual Compliance Certification, the following open-ended lines were discovered during the 2nd half of 2011:

Emission Point	No. of Open-ended Lines
OXO Tankfield (U-55)	5

Emission Point	No. of Open-ended Lines
Flare (U-114)	1

Each of open-ended lines is a violation of Title V Permit Nos. 2365-V-4 and 2390-V1, LAC 33:III.501.C.4, La R.S. 30:2057(A)(2), 40 CFR 63 Subpart H, and 40 CFR 63 Subpart UU.

- SS. According to the 2011 Annual Compliance Certification, one compressor at the Refinery Gas Recovery Unit was discovered to have a design error that violates 40 CFR 60 Subpart VV. Specifically, the compressor seal vent is vented to the knockout pot, which is then vented to the atmosphere.
- TT. According to the 2011 Annual Compliance Certification, two compressors were not monitored as required by 40 CFR 61 Subpart FF. This monitoring failure is a violation of Specific Condition 1 of Title V Permit No. 2390-V1, LAC 33:III.501.C.4, La R.S. 30:2057(A)(2), 40 CFR 61 Subpart FF.
- UU. According to the 2011 Annual Compliance Certification, four compressors were not monitored. This failure to monitor is a violation of Title V Permit Nos. 2166-V2 and 2376-V1, LAC 33:III.501.C.4, LAC 33:III.2122, and La R.S. 30:2057(A)(2).
- VV. On or about January 11, 2012, a leaking union was discovered on KND-72 seal oil drum. A total of 4.4 pounds of 1,3-butadiene, 2.7 pounds of benzene, and 76.1 pounds of VOCs were released, below the reportable quantity for each. The leak that was the root cause of this release is a violation of LAC 33:III.905, LAC 33:III.2103, and La R.S. 30:2057(A)(2).
- WW. On or about March 16, 2012, a leak at the PCLA Unit resulted in the release of 158 pounds of flammable vapor, 0.44 pounds of benzene, and 0.05 pounds of 1,3-butadiene. Although the release was less than the reportable quantity, the failure to maintain a control system is a violation of LAC 33:III.905 and La R. S. 30:2057(A)(2).
- XX. On or about March 20, 2012, a loss of lube oil pressure caused the HC-01 cracker compressor to trip, releasing 271.9 pounds of ethylene (exceeding the 100 pound reportable quantity). This failure is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2).
- YY. On or about May 17, 2012, a release from the Neo Acids Line to the D-70 waste unit resulted in the emission of less than 1 pound of hazardous waste. Although no reportable quantities were released, the failure to maintain a control system is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2).
- ZZ. On or about May 28, 2012, less than 1 pound of benzene, isoprene, and toluene were released as a result of the degradation of socks of one of the tanks. The release was less

than the reportable quantities of the compounds emitted; however, the failure to maintain the control system is a violation of LAC 33:III.905, La R.S. 30:2057(A)(2).

AAA. According to the Part 70 General Condition K and R Report dated September 28, 2012, correspondence dated December 7, 2012, and December 12, 2012, and the 2012 Annual Compliance Certification dated March 28, 2013, the Respondent reported 331 open ended lines were discovered and corrected between January 1, 2012, through November 30, 2012. Each is a violation of the Louisiana MACT Determination for Refinery Equipment Leaks dated July 26, 1994, LAC 33:III.5109.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

BBB. There are discrepancies between correspondence dated December 7, 2012, and the 2012 Annual Compliance Certification regarding the number of discovered open ended lines during 2012. The Respondent's failure to accurately report this deviations is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

CCC. In the 2012 First Semiannual Monitoring Report dated September 28, 2012, the Respondent stated the following leaks were discovered:

Location	Discovery Date	Duration	Permit No.
Flare Gas Compressor "B"	February 13, 2012	2 minutes	2390-V1 Infrastructure
Flare Header	February 21, 2012	93 days	2390-V1 Infrastructure
Tank 1977 (EQT0989)	February 27, 2012	2.5 days	2166-V3 Halobutyl

The failure to maintain these control systems is a violation of LAC 33:III.905 and La R.S. 30:2057(A)(2).

DDD. On May 28, 2012, a pinhole leak was discovered on the discharge piping from MKC-02 propylene refrigeration compressor at the EPLA-W unit. The root cause was external corrosion of the discharge piping from MKC-02. A temporary metal patch was installed to reduce the leak rate. Also, metal tubing was installed on the line to divert a portion of the emissions to the flare recovery system. On June 21, 2012, a leak was discovered on the clamp of the discharge piping from MKC-02 propylene refrigeration compressor at the EPLA-W unit. The root cause of the clamp leak was vibration of the piping. The clamp was pumped with sealant to reduce the leak rate. Prior to the use of the sealant, a total of 77.7 lbs of propylene were released. After the use of the sealant, the leak rate was reduced to 0.03 lb/hr. According to the written notification dated June 28, 2012, two (2) collar clamps were being engineered to place on either end of the original clamp. A total of 101 lbs of propylene were released on June 22, 2012, as a result of the event. On July 30, 2012, a leak was discovered on the discharge piping from MKC-02 propylene

refrigeration compressor at the EPLA-W. The root cause of the clamp leak was vibration of the piping. Prior to the use of sealant, 100.6 lbs of propylene were released. The leak rate was reduced to approximately 6.24 lbs/day. In the Unauthorized Discharge Notification dated October 5, 2012, the Respondent stated that the total emissions of propylene were 2,181 lbs and 2,181 lbs of flammable vapor. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." This is also a violation of La R.S. 30:2057(A).

EEE. According to the Unauthorized Discharge Notification dated February 5, 2013, on December 5, 2012, the hydraulic valve failed during the replacement of an inlet valve on EPLA-W KC-01, resulting in flaring. The root cause was determined that a lube oil clarifier malfunctioned which allowed cooling water to backflow into the lube oil system. The hydraulic valve was cleaned and thoroughly inspected. The lube, seal, and control oil reservoir circuit has been drained and refilled. The emissions for this incident are as follows:

Pollutant	Amount Release (lbs)
Ethylene	464.1
Propylene	109.4
1,3-butadiene	1,3-butadiene

This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." This is also a violation of La R.S. 30:2057(A).

FFF. According to the Unauthorized Discharge Notification dated December 18, 2012, on December 11, 2012, the facility experienced a cooling tower water line leak resulting in a shutdown of the Refinery Gas Recovery unit (RGR) (OLA-1X compressor and EPLA-S). Due to RGR shutdown the BRCP and BRRF experienced flaring. Also, during the incident, the OLA-1X compressor, MC-01, experienced an increase in pressure resulting in an atmospheric safety valve lifting for approximately 45 seconds. As a result of the

flaring, 13 lbs of SO₂, 122 lbs of ethylene, and 29 lbs of propylene were released. Emissions from the atmospheric safety valve are as follows:

Pollutant	Amount Release (lbs)
Flammable vapor	5,817
Propylene	5,506

This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." While the Department received the seven-day notification, the Department has no record of receiving a written notification report that updated the status of the ongoing investigation as required by LAC 33:I.3925.A.3. The failure to submit a written report every 60 days until the investigation has been completed and the results of the investigation have been submitted to the Department is a violation of LAC 33:I.3925.A.3. This is also a violation of La R.S. 30:2057(A)(2), which forbids the violation of any rule adopted by the secretary under the Louisiana Environmental Quality Act.

GGG. According to the Unauthorized Discharge Notification dated January 7, 2013, on January 1, 2013, workers at the Refinery Gas Recovery Unit noticed that the propylene refrigeration inventory was decreasing at an increased rate. On January 3, 2013, the cooling tower water chiller, UE-07, was isolated and determined to be the source of the leak. The leak resulted in the release of 64,179 lbs of propylene. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." While the Department received the seven-day notification, the Department has no record of receiving a written notification report that updated the status of the ongoing investigation as required by LAC 33:I.3925.A.3. The failure to submit a written report every 60 days until the investigation has been completed and the results of the investigation have been submitted to the Department is a violation of LAC 33:I.3925.A.3. This is also a violation of La R.S. 30:2057(A)(2), which forbids the violation of any rule adopted by the secretary under the Louisiana Environmental Quality Act.

HHH. According to the Unauthorized Discharge Notification dated January 22, 2013, on January 15, 2013, the facility's unit personnel noticed that make-up rates on the Ethylene

Purification Unit (EPLA-S) were increasing. It was found that the unit experienced an atmospheric safety valve lifting for approximately 26 minutes. The atmospheric safety valve lifted prior to reaching its set point. After further investigation, it was determined that the unanticipated lifting was due to a broken O-ring, causing the release of 37,820 lbs of flammable vapor and 35,590 lbs of propylene. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." This is also a violation of La R.S. 30:2057(A).

- III. According to the Unauthorized Discharge Report dated June 25, 2009, on or about June 20, 2009 a flaring incident was caused by a positioner failure on a control valve, resulting in a pressure surge in the tower, (WCT01). The sudden increase in pressure caused a safety valve to briefly lift. After the lifting of the safety valve, the safety valve did not properly reseal, resulting in the leaking of hydrocarbon to the flare system. As a result, 120 lbs of uncombusted propylene was released to the air. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." This is also a violation of La R.S. 30:2057(A).
- JJJ. According to the Unauthorized Discharge Report dated July 20, 2009, on or about July 14, 2009, a leak was discovered while backwashing the overhead exchanger. The presence of hydrocarbons is indicative of an exchanger tube leak as a result of internal wear and corrosion. Thirty pounds of benzene were released to the atmosphere. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." This is also a violation of La R.S. 30:2057(A).
- KKK. According to the Unauthorized Discharge Report dated November 13, 2009, on or about November 6, 2009, the Hydrocarbon Emissions (HCE) experienced an unplanned shutdown of compressor, C-500B. The shutdown was the result of a mechanical seal leak on C-500B, which ignited and caused the compressor to trip. The ignited leak was extinguished internally using local fire monitors. The compressor trip resulted in the release of 17 lbs of benzene. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained

in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." This is also a violation of La R.S. 30:2057(A).

LLL. According to the Unauthorized Discharge Report dated on January 18, 2013, on or about January 13, 2013, the facility experienced a leak at the Isopropyl Alcohol Unit (IPA). While operators were working to install a spare extract pump, a flange on the downstream control valve station began leaking extract. As the operators began troubleshooting the leak, the flange gasket failed causing 2,844 lbs of extract to be released to the concrete. Of this, 203 lbs of propylene were released to the atmosphere. The unit was shutdown and the gasket was replaced and the flange bolts were tightened. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." This is also a violation of La R.S. 30:2057(A).

MMM. According to the Unauthorized Discharge Report dated January 18, 2013, the ammonia scrubber water control valve was inadvertently placed in manual control on November 17, 2012. The valve remained in the closed position until discovery on January 11, 2013. During this time frame, the maximum average hourly emission rate for ammonia was 0.61 lbs/hr. The permit limit is 0.40 lbs/hr. The total emissions which resulted during this time frame was 619.1 lbs of ammonia. The 2012 Annual Compliance Certification dated March 28, 2013, states the annual limit was also exceeded. Each exceedance of a permitted limit is a violation of Title V Permit No. 2390-V2, LAC 33:III.501.C.4, and La R.S. 30:2057(A).

NNN. According to the Unauthorized Discharge Report dated August 10, 2012, on August 4, 2012, the seal on pump WMP07A was discovered leaking isopropyl ether into secondary containment. Due to this incident, approximately 1033 lbs of flammable vapor were released to the air. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." This is also a violation of La R.S. 30:2057(A).

OOO. In 2012 Annual Compliance Certification the Respondent reported that in 2012 it discovered the badging center emergency generator was replaced with a newer engine that did not go through the proper permitting process. This is a violation of LAC 33:III.501.C.1, LAC 33:III.501.C.2, and La. R.S. 30:2057(A)(2).

- PPP.** In 2012 Annual Compliance Certification the Respondent reported that in 2012 it discovered the NACC permitted engine was replaced with a smaller engine (lower emissions) and did not go through the proper permitting process. This is a violation of LAC 33:III.501.C.1, LAC 33:III.501.C.2, and La. R.S. 30:2057(A)(2).
- QQQ.** In the 2012 Annual Compliance Certification the Respondent reported that on June 8, 2012, during the startup of T-710/T-740 Distillation Towers a high level in the T-740 Overhead Accumulator Drum caused the vent stream to bypass the control device and vent to the atmosphere. This is a violation of LAC 33:III.905, LAC 33:III.501.C.4, and La. R.S. 30:2057(A).
- RRR.** In the 2012 Annual Compliance Certification the Respondent reported in July 2012 it discovered three (3) instances at Halobutyl and ten (10) instances at Maintrain where leaking components not repaired and monitored as required.
- SSS.** In the 2012 Annual Compliance Certification the Respondent reported in August 2012 it discovered four (4) containers are part of closed purge sampling systems were determined not to be adequately closed or covered as required.
- TTT.** In the 2012 Annual Compliance Certification the Respondent reported in August 2012 it discovered three (3) containers that are part of the closed purge sampling systems were determined not to be adequately closed or covered.
- UUU.** In the 2012 Annual Compliance Certification the Respondent reported during heavy rain all pilots lost on flare #26 for eleven (11) minutes on November 18, 2012. Data indicates all flare material was being recovered by the flare gas compressors.
- VVV.** During an inspection conducted by LDEQ on October 15-19, 2012, the inspector noted the facility failed to document each inspection with the name of the person performing and the date. This is a violation of 40 CFR 68.73(d)(4), which language has been adopted as a Louisiana regulation in LAC 33:III.5901, and La. R.S. 30:2057(A)(2).
- WWW.** In the 2012 Annual Compliance Certification the Respondent reported during an October 2012 inspection conducted by LDEQ, it was noted that additional safety and health considerations should have been listed in some procedures for EPLA-W. During an inspection conducted by LDEQ on October 15-19, 2012, the inspector noted the facility operating procedures failed to include properties and hazards of chemicals, precautions to prevent exposure, and measures to take if exposure occurs. This is a

violation of 40 CFR 68.69(a)(3), which language has been adopted as a Louisiana regulation in LAC 33:III.5901, and La. R.S. 30:2057(A)(2).

XXX. In the 2012 Annual Compliance Certification the Respondent reported on October 8, 2012, a leak on foam chamber piping developed on Tank 1976 allowing less than two (2) lbs/hr of hexane emissions.

YYY. In the 2012 Annual Compliance Certification the Respondent reported flare #7 owned and/or operated by BRRF is the control device for several BRCP MON Group 1 Continuous Process Vents. Flare pilots were out for 55 minute on December 30, 2012. Data shows none of the MON Group 1 Vents were being routed to flare #7 during this time.

ZZZ. In the 2012 Annual Compliance Certification the Respondent reported on October 24, 2012, while conducting an engineering assessment of GT-601 during three (3) 20 minute periods the maximum hourly limit for NOx was exceeded.

AAAA. According to the 2012 First MON Semiannual Compliance Report, dated August 31, 2012, on or about May 3, 2012, the vapor recovery compressors malfunctioned causing an increase in header pressure which resulted in the vent on Tank 979 opening. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." This is also a violation of La R.S. 30:2057(A).

BBBB. According to the 2012 First MON Semiannual Compliance Report, dated August 31, 2012, on or about May 25, 2012, a leak was discovered on the discharge piping of the T-770/T-780 Distillation Tower steam jets. The leak was caused by a 1 inch hole in the piping. The distillation towers were shutdown, and the leak was repaired. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." This is also a violation of La R.S. 30:2057(A).

CCCC. According to the 2012 Second MON Semiannual Compliance Report, dated February 28, 2013, on or about July 8, 2012, the T-710/T-740 Distillation (V-315) vent stream bypassed the control device, F-635 (S-58), because of a high level in the accumulator drum, D-711. The high level in the drum resulted when the level instrument, XPL-211,

malfunctioned due to a bleeder valve failure. On or about December 13, 2012, the T-710/T-740 Distillation vent stream bypassed the control device, F-635, because of a high level in the accumulator drum, D-741. The high level in the drum resulted when the pump switch rack breaker tripped. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." This is also a violation of La R.S. 30:2057(A).

DDDD. According to the 2012 Second MON Semiannual Compliance Report, dated February 28, 2013, on or about September 15, 2012, the OXO Tankfield Vapor Recovery System tripped due to a high level in the D-900, which resulted in the T-979 pressure vent (PV) opening and venting to atmosphere. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." This is also a violation of La R.S. 30:2057(A).

EEEE. According to the 2012 Second MON Semiannual Compliance Report, dated February 28, 2013, on or about December 18, 2012, a leak was discovered on the valve body of the product separator drum, D-362, off-gas control valve. The valve was isolated to stop the leak, and the valve was repaired. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." This is also a violation of La R.S. 30:2057(A).

FFFF. According to the 2012 Second MON Semiannual Compliance Report, dated February 28, 2013, on or about October 8, 2012 and October 9, 2012, leaks were discovered on the closed-vent (V-477) piping from the Wash Tower (ECT-11) to CD-33 and on the Recycle Gas Knock-out Drum (ECD-02) overhead flow meter (ECF-515) which is part of the V-475 closed-vent system. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." This is also a violation of La R.S. 30:2057(A).

GGGG. According to the 2012 Second MON Semiannual Compliance Report, dated February 28, 2013, during August 2012, an internal audit was conducted. It was discovered during the audit that one sample line located at a sampling station in the associated MCPU did not

have both valves in the double block valve system closed. The failure to close the valve when not in use is a violation of LAC 33:III.2122.C.2 and La R.S. 30:2057(A).

HHHH. A file review conducted by the Department on or about August 20, 2013, revealed the following exceedances of permitted discharge limitations as reported by the Respondent on Discharge Monitoring Reports (DMRs): TOC, BOD5, TSS, and pH. pH range excursion (12/08), TOC Daily Maximum (9/09, 5/10, 3/11), BOD5 Daily Maximum & Monthly Average (9/08, 6/11, 7/11, 10/11), TSS DM (2/12), and pH max (9/12). Each exceedance of a permitted discharge limitation is a violation of La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

Baton Rouge Refinery; AI No. 2638

- A. According to the Respondent's final report dated May 25, 2010, as required by AE-CN-08-0017B, the number and type of unidentified regulated LDAR fugitive emission components are as follows for the Off-Site Pipe-Band (OSPB): Valves=1690; Connectors=1642; Pumps=4. Each is a violation of the Louisiana MACT Determination for Refinery Equipment Leaks dated July 26, 1994, LAC 33:III.5109.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- B. According to the Respondent's final report dated May 25, 2010, as required by AE-CN-08-0017B, the number and type of unidentified regulated LDAR fugitive emission components are as follows for the RHLA-1 Unit and the Knox field Analyzer Room: Valves=1179 & 18; Connectors=811 & 0; Pumps=0 & 0, respectively. Each is a violation of the Louisiana MACT Determination for Refinery Equipment Leaks dated July 26, 1994, LAC 33:III.5109.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- C. According to the Respondent's final report dated May 25, 2010, as required by AE-CN-08-0017B, the excess emissions for the Off-Site Pipe-Band (OSPB) are as follows: 1912 pounds. Each is a violation of the Louisiana MACT Determination for Refinery Equipment Leaks dated July 26, 1994, LAC 33:III.5109.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- D. According to the Respondent's final report dated May 25, 2010, as required by AE-CN-08-0017B, the excess emissions for the RHLA-1 Unit and the Knox Field are as follow: 9989 pounds. Each is a violation of the Louisiana MACT Determination for Refinery Equipment Leaks dated July 26, 1994, LAC 33:III.5109.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- E. According to the Respondent's final report dated May 25, 2010, as required by AE-CN-08-0017B, the total missed monitoring events for the last 5 years was 38,049 for the OSPB, RHLA-1, and Knox Field. Each is a violation of the Louisiana MACT Determination for Refinery Equipment Leaks dated July 26, 1994, LAC 33:III.5109.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- F. According to the Respondent's final report dated May 25, 2010, as required by AE-CN-08-0017B, there were 19 open ended lines discovered in the OSPB. There were no open ended lines discovered in RHLA-1 or Know Field. Each is a violation of the Louisiana MACT Determination for Refinery Equipment Leaks dated July 26, 1994, LAC 33:III.5109.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- G. According to 2008 Annual Compliance Certification dated April 27, 2009, during an internal audit, one (1) OEL was discovered at PSLA 8. In addition, three (3) valves and one (1) connector at PSLA 7 and one (1) valve at PSLA 9 were found that needed to be added to the fugitive emission monitoring program. Incident date August 2008. This is a violation of Title V Permit No. 2755-V2 and LA Refinery MACT.
- H. According to 2008 Annual Compliance Certification dated April 27, 2009, five (5) open-ended lines (OEL) were observed. Incident date April 15, 2008. This is a violation of Title V Permit No. 2261-V1 and LA Refinery MACT.
- I. According to 2008 Annual Compliance Certification dated April 27, 2009, two (2) leaker tags in the PHLA-2 Unit were not monitored. Incident date April 15, 2008. This is a violation of Title V Permit No. 2261-V1 and LA Refinery MACT.
- J. According to 2008 Annual Compliance Certification dated April 27, 2009, identified two (2) instances for larger FECs in the PHLA-2 Unit when the time between monitoring events was less than two (2) times the instrument response time. Incident date April 15, 2008. This is a violation of Title V Permit No. 2261-V1 and LA Refinery MACT.
- K. According to 2008 Annual Compliance Certification dated April 27, 2009, the justification for delay of repair for one (1) component in the PCLA-3 Unit was not signed within 15 days of the leak. Incident date April 15, 2008. This is a violation of Title V Permit No. 2385-V3 and LA Refinery MACT.
- L. According to 2008 Annual Compliance Certification dated April 27, 2009, observed one (1) ongoing visible stain below fugitive piping components that had not been accounted for the Audio/Visual/Olfactory (AVO) Program. Incident date April 15, 2008. This is a violation of Title V Permit No. 2589-V3 and LA Refinery MACT.
- M. According to 2008 Annual Compliance Certification dated April 27, 2009, two (2) leaker tags in the Alky Unit were not monitored. Incident date, April 15, 2008. This is a violation of Title V Permit No. 2589-V3 and LA Refinery MACT.
- N. According to 2008 Annual Compliance Certification dated April 27, 2009, one (1) leaker tag in the ILEU Unit was not monitored. Incident date, April 15, 2008. This is a violation of Title V Permit No. 2589-V3 and LA Refinery MACT.
- O. According to 2008 Annual Compliance Certification dated April 27, 2009, the justification for delay of repair for one (1) component in the RGPU Unit was not signed

within 15 days of the leak. Incident date April 15, 2008. This is a violation of Title V Permit No. 2385-V3 and LA Refinery MACT.

- P. The Respondent reported that on April 15, 2008, the audit team observed three (3) instances where DTM valves were not monitored annually during 2007. This is a violation of Title V Permit No. 2589-V3 and LA Refinery MACT.
- Q. According to 2008 Annual Compliance Certification dated April 27, 2009, observed non-uniform monitoring of pump housing and seal flush lines in the 1LEU Unit by short-service technicians. Incident date, April 15, 2008. This is a violation of Title V Permit No. 2589-V3 and LA Refinery MACT. According to the Respondent's email dated December 6, 2012, "There was no missed monitoring. Immediate refresher training and field training on the various kinds of pumps was conducted to ensure technicians were appropriately monitoring pump housings and seal flush lines. Improved ongoing contractor training is also in place."
- R. According to 2008 Annual Compliance Certification dated April 27, 2009, identified 2 instances for larger FECs in the 1LEU and C3 Units when the time between monitoring events was less than two (2) times the instrument response time. Incident date, April 15, 2008. This is a violation of Title V Permit No. 2589-V3 and LA Refinery MACT. According to the Respondent's email dated December 6, 2012, "There was no missed monitoring. Immediate refresher training and field training was conducted. Improved ongoing contractor training is also in place."
- S. According to 2008 Annual Compliance Certification dated April 27, 2009, comparative monitoring results for a random sample of valves measured a leak rate of 5.4 times the refinery's valve leak at a 500-ppm leak definition during the previous four calendar quarters in the LELA Unit, a margin that was statistically significant based on a 95% confidence interval. The five other units comparatively monitored had a leak rate multiple less than 3.0. Incident date, April 15, 2008. This is a violation of Title V Permit No. 2341-V1AA and LA Refinery MACT. According to the Respondent's email dated December 6, 2012, "There were 444 components inspected and three leaks were identified. There were no missed monitoring events."
- T. According to 2008 Annual Compliance Certification dated April 27, 2009, identified one (1) instance for larger FECs in the HCN Unit when the time between monitoring events was less than two (2) times the instrument response time. Incident date, April 15, 2008. This is a violation of Title V Permit No. 2176-V3 and LA Refinery MACT.
- U. According to 2008 Annual Compliance Certification dated April 27, 2009, identified one (1) instance for larger FECs in the KNOX Field Unit when the time between monitoring events was less than two (2) times the instrument response time. Incident date, April 15, 2008. This is a violation of Title V Permit No. 2795-V3 and LA Refinery MACT.

- V. According to 2011 First Semiannual General Condition R, K, and XI.C Report dated September 30, 2011, one (1) OEL was discovered, FUG016. Incident dated 1H11. This is a violation of Title V Permit No. 2589-V5 and LA Refinery MACT.
- W. According to the Respondent's email dated November 21, 2012, in December 2009, a permitting oversight was identified. The decoke emissions associated with Furnaces F-1 (EQT 623) and F-2 (EQT 624) at PSLA-9, and Furnaces F-101 (EQT 612) and F-102 (EQT 613) at PSLA-10. Each failure to submit a permit modification application and receive approval from the permitting authority prior to the construction, modification, or operation of a facility, which ultimately may have resulted in an initiation or increase in emission of air contaminants is a violation of LAC 33:III.517.A.1, LAC 33:III.501.C.2, LAC 33:III.501.C.1, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- X. According to 2011 Second Semiannual General Condition R, K, and XI.C Report dated March 30, 2012, discovered some components at Alky were not monitored as required following completion of a capital project. Incident dated 3Q11. This is a violation of Title V Permit No. 2589-V5 and LA Refinery MACT. According to the Respondent's email dated November 28, 2012, "The deviation for components that were inadvertently missed in the LDAR monitoring program at Alky (RHLA-1) was listed in the 2H09 deviation report. This deviation was included in the AE-CN-08-0017B compliance order." The Respondent believes that the listing of this event in its Part 70 General Condition K and R Report dated March 30, 2012, was a typographical error. The Respondent also reported that as of November 28, 2012, all LDAR monitoring records indicate that the Alky unit was in compliance during the third quarter of 2011.
- Y. According to the Respondent's Part 70 General Condition K and R Report dated September 30, 2011, the Respondent reported on January 10, 2011, the High Pressure Burner Line (HPBL) Furnace Fuel System exceeded the three (3) hour rolling average limit of 162 parts per million (ppm) for hydrogen sulfide (H₂S) for three (3) consecutive averaging periods for the furnaces in the following table. Additionally, the Respondent reported some of the furnaces also exceeded the sulfur dioxide (SO₂) emission limits for two (2) hours each, which resulted in a total of 8.65 pounds (lbs) of excess SO₂ emissions (see following table):

Unit	Source	Exceeded H ₂ S Limits	Exceeded SO ₂ Limits	Permit No.
FDPREP	F-30 (EQT 0637)	Yes	No	2261-V2
FDPREP	F-31 (EQT 0638)	Yes	No	2261-V2
PHLA-2	F-1 (EQT 0639)	Yes	Yes	2261-V2
PHLA-2	F-2 (EQT 0640)	Yes	Yes	2261-V2

Unit	Source	Exceeded H ₂ S Limits	Exceeded SO ₂ Limits	Permit No.
PHLA-2	F-3 (EQT 0641)	Yes	Yes	2261-V2
PHLA-2	F-4 (EQT 0642)	Yes	Yes	2261-V2
PHLA-2	F-5 (EQT 0643)	Yes	No	2261-V2
4LEU-E	F-1 (EQT 0663)	Yes	No	2589-V5
4LEU-W	F-1 (EQT 0664)	Yes	No	2589-V5
4LEU-W	F-2 (EQT 0665)	Yes	No	2589-V5
LELA-E	F-1 (EQT 0160)	Yes	Yes	2341-V2
LELA-S	F-4 (EQT 0110)	Yes	No	2341-V2
KDLA	F-425 (EQT 0102)	Yes	No	2341-V2
KDLA	F-451 (EQT 0103)	Yes	No	2341-V2

Each period of burning fuel gas containing an excess of 0.10 gr/dscf (160 ppmv) of H₂S in any fuel gas combustion device is a violation of Paragraph 59 of the Consent Decree, 40 CFR 60.104(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, Title V Permit Nos. 2589-V5, 2261-V2, or 2341-V2, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Paragraph 182 of the Consent Decree sets forth stipulated penalties for this type of violation. Additionally, each SO₂ permit limit exceedance of the maximum pounds per hour is a violation of LAC 33:III.501.C.4, Title V Permit Nos. 2589-V5, 2261-V2, and 2341-V2, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- Z. According to Part 70 General Condition K and R Report dated September 30, 2011, and Annual Compliance Certification dated March 30, 2012, on January 5, 2011, HHLA-S/F-201 and HHLA-N/F-401 Furnaces smoked for less than one (1) minute each when liquid entered the fuel system/fuel gas. Each failure to control smoke so that the shade or appearance of the emission is not darker than 20 percent average opacity is a violation of LAC 33:III.1101.B, LAC 33:III.1311.C, Title V Permit No. 2447-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- AA. According to Part 70 General Condition K and R Report dated September 30, 2011, and Annual Compliance Certification dated March 30, 2012, on January 21, 2011, LEU4/F1W-Light Ends 4 F-1 Furnace (EQT 0664, GRP 0027) smoked due to a tube leak. Each failure to control smoke so that the shade or appearance of the emission is not

darker than 20 percent average opacity is a violation of LAC 33:III.1101.B, LAC 33:III.1311.C, Title V Permit No. 2589-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- BB. According to Part 70 General Condition K and R Report dated September 30, 2011, and Annual Compliance Certification dated March 30, 2012, on February 24, 2011, one incinerator has opacity >20%. Each failure to control smoke so that the shade or appearance of the emission is not darker than 20 percent average opacity is a violation of LAC 33:III.1101.B, LAC 33:III.1311.C, Title V Permit No. 2300-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- CC. According to Part 70 General Condition K and R Report dated September 30, 2011, and Annual Compliance Certification dated March 30, 2012, on May 4, 2011, Diesel Pump, P-6002, at RWCP/WCLA smoked for greater than ten (10) minutes. Each failure to control smoke so that the shade or appearance of the emission is not darker than 20 percent average opacity is a violation of LAC 33:III.1101.B, LAC 33:III.1311.C, Title V Permit No. 2363-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- DD. According to Part 70 General Condition K and R Report dated September 30, 2011, and Annual Compliance Certification dated March 30, 2012, on July 31, 2011, F-1 Furnace smoked for more than six (6) minutes. Each failure to control smoke so that the shade or appearance of the emission is not darker than 20 percent average opacity is a violation of LAC 33:III.1101.B, LAC 33:III.1311.C, Title V Permit No. 2234-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- EE. According to Part 70 General Condition K and R Report dated September 30, 2011, in February 2011 & June 2011, F-201 CEMS analyzer at SRLA had less than 90% data availability. The failure to maintain a minimum degree of data availability of at least 90% is a violation of Part 70 General Condition V of Title V Permit No. 2300-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- FF. According to Part 70 General Condition K and R Report dated September 30, 2011, in March 2011, Data availability for the Wet Gas Scrubber (EQT 0087) CEMS analyzers for SO₂ was 84.9% and NO_x was 88.9%. The failure to maintain a minimum degree of data availability of at least 90% is a violation of Part 70 General Condition V of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- GG. According to Part 70 General Condition K and R Report dated September 30, 2011, in December 2011, SRLA F-101 & F-201 had less than 90% data availability. The failure to maintain a minimum degree of data availability of at least 90% is a violation of Part 70 General Condition V of Title V Permit No. 2300-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- HH. According to Part 70 General Condition K and R Report dated September 30, 2011, and Part 70 Annual Certification Report dated March 30, 2012, on February 9, 2011, Cat

Complex Wet Gas Scrubber (EQT 0087) exceeded its 500 ppm hourly average CO emission limit and the maximum lbs/hr permit limit for one hr each. Each CO emissions exceedance of 500 ppmv is a violation of 40 CFR 63.1565(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Specific Requirement No. 24 of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each exceedance of the maximum CO permit limit of 846 lbs/hr is a violation of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

II. According to Part 70 General Condition K and R Report dated September 30, 2011, and Part 70 Annual Certification Report dated March 30, 2012, on February 28, 2011, Cat Complex Wet Gas Scrubber (EQT 0087) exceeded its 500 ppm hourly average CO emission limit for one (1) hour. Each CO emissions exceedance of 500 ppmv is a violation of 40 CFR 63.1565(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Specific Requirement No. 24 of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). According to the Respondent's email dated November 28, 2012, a total of 612 ppmv was emitted or 112 ppmv was emitted above the 500 ppmv hourly CO average.

JJ. According to Part 70 General Condition K and R Report dated September 30, 2011, and Part 70 Annual Certification Report dated March 30, 2012, on April 18, 2011, Cat Complex Wet Gas Scrubber (EQT 0087) exceeded its 500 ppm hourly average CO emission limit (633 ppm) for one (1) hour and the maximum lbs/hr permit limit (1291 lbs & 1095 lbs) for two (2) hours. Each CO emissions exceedance of 500 ppmv is a violation of 40 CFR 63.1565(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Specific Requirement No. 24 of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each exceedance of the maximum CO permit limit of 846 lbs/hr is a violation of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

KK. According to Part 70 General Condition K and R Report dated September 30, 2011, and Part 70 Annual Certification Report dated March 30, 2012, on April 28, 2011, Cat Complex Wet Gas Scrubber (EQT 0087) exceeded its 500 ppm hourly average CO emission limit (699 ppm) and the maximum lbs/hr permit limit (1175 lbs) for one (1) hour each. Each CO emissions exceedance of 500 ppmv is a violation of 40 CFR 63.1565(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Specific Requirement No. 24 of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each exceedance of the maximum CO permit limit of 846 lbs/hr is a violation of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

LL. According to Part 70 General Condition K and R Report dated September 30, 2011, and Part 70 Annual Certification Report dated March 30, 2012, on August 30, 2011, Cat Complex Wet Gas Scrubber (EQT 0087) exceeded its 500 ppm hourly average CO emission limit (715 ppm) and the maximum pounds per hour permit limit for one (1) hour each. Each CO emissions exceedance of 500 ppmv is a violation of 40 CFR

63.1565(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Specific Requirement No. 24 of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each exceedance of the maximum CO permit limit of 846 lbs/hr is a violation of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). According to the Respondent's email dated November 28, 2012, a total of 1110 ppmv was emitted or 610 ppmv was emitted above the 500 ppmv hourly CO average and a total of 1646 lb/hr were emitted or 800 pounds above the 846 maximum pounds per hour permit limit of CO.

MM. According to Part 70 General Condition K and R Report dated September 30, 2011, and Part 70 Annual Certification Report dated March 30, 2012, on December 7, 2011, Cat Complex Wet Gas Scrubber (EQT 0087) exceeded its 500 ppm hourly average CO emission limit (654 ppm) and the maximum pound per hour permit limit for one (1) hour each. Each CO emissions exceedance of 500 ppmv is a violation of 40 CFR 63.1565(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Specific Requirement No. 24 of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each exceedance of the maximum CO permit limit of 846 lbs/hr is a violation of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). According to the Respondent's email dated November 28, 2012, a total of 654 ppmv was emitted or 154 ppmv was emitted above the 500 ppmv hourly CO average and a total of 1098 lb/hr were emitted or 252 pounds above the maximum pounds per hour permit limit of CO.

NN. According to Part 70 General Condition K and R Report dated September 30, 2011, and Part 70 Annual Certification Report dated March 30, 2012, on December 25, 2011, Cat Complex Wet Gas Scrubber (EQT 0087) exceeded its 500 ppm hourly average CO emission limit (741 ppm) and the maximum pound per hour permit limit for one (1) hour each. Each CO emissions exceedance of 500 ppmv is a violation of 40 CFR 63.1565(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Specific Requirement No. 24 of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each exceedance of the maximum CO permit limit of 846 lbs/hr is a violation of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). According to the Respondent's email dated November 28, 2012, a total of 741 ppmv was emitted or 241 ppmv was emitted above the 500 ppmv hourly CO average and a total of 1212 lb/hr were emitted or 366 pounds above the maximum pounds per hour permit limit of CO.

OO. According to the Respondent's Part 70 General Condition K and R Report dated September 30, 2011, the Respondent reported on February 24, 2011, the SRLA F-101 Incinerator (EQT 146) exceeded the SO₂ emission limit of 250 ppm for a total of twelve (12) hours. The exceedance of the 250 ppm by volume of SO₂ is a violation of Paragraph 59 of the Consent Decree, 40 CFR 60.104(a)(2)(i), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Specific Requirement No. 12 of Title V Permit No. 2300-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Paragraph 182 of the Consent Decree sets forth stipulated penalties for this type of violation.

PP. According to the Respondent's Part 70 General Condition K and R Report dated September 30, 2011, and Part 70 Annual Compliance Certification dated March 30, 2012, the Respondent reported the following exceeded the 160 ppm H₂S three (3) hour rolling average to be exceeded:

Date	Description	Permit No.
2/25/11	A non-exempt source caused flaring for 32 minutes, which allowed the 160 ppmv H ₂ S 3-hour rolling average to be exceeded 3 times. The Light Ends Complex Flares are included in CRG 0044	2589-V5
3/18/11	A non-exempt source caused flaring for 31 minutes	2385-V5
6/17/11	A non-exempt source caused flaring for 8 minutes	2447-V2
6/29/11	A non-exempt source caused flaring for 23 minutes	2363-V3
7/8/11	Dryer D-50 at Propane Storage was routed to the flare system causing the flares to burn for 1 minute. The 3-hour rolling average was exceeded for 3 rolling average periods	2589-V5
10/7/11	Several units were performing routine activities that contributed to 3 minutes of flaring. The 3-hour rolling average was exceeded for 3 rolling average periods	2589-V5
10/26/11	The East Coker Gas System experienced an increase in pressure during the startup of Compressor C-1. Flaring occurred for 32 minutes, and the 3-hour rolling average was exceeded for 3 rolling average periods	2589-V5
12/24/11	The RGPU Compressors lost partial compression capability, causing a flare to burn for 1 minute. The 3-hour rolling average was exceeded for 3 rolling average periods	2589-V5

Each period of burning fuel gas containing an excess of 0.10 gr/dscf (160 ppmv) of H₂S in any fuel gas combustion device is a violation of Paragraph 71 of the Consent Decree, 40 CFR 60.104(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, Specific Requirement No. 8 of Title V Permit Nos. 2589-V5, 2385-V5, 2447-V2, or 2363-V3, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Paragraph 192 of the Consent Decree sets forth stipulated penalties for this type of violation.

- QQ. According to the Respondent's Part 70 General Condition K and R Report dated September 30, 2011, Second Quarter Continuous Emission Monitoring System (CEMS) Performance Report dated July 26, 2011, Third Quarter CEMS Performance Report dated October 31, 2011, and Part 70 Annual Compliance Certification dated March 30, 2012, on May 21, 2011, TGPU Vent CEMS Analyzer zero drift value was out-of-control due to the low standard regulator not being properly set after the cylinder gas audit on May 11, 2011. The zero drift value was greater than 2 times the allowable limit until the next daily validation was completed on May 22, 2011. Each failure to, at a minimum, adjust the zero calibration drift when the twenty-four (24) hour zero drift exceeds two (2) times the limit of the applicable performance specifications is a violation of 40 CFR 60.13(d)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, 40 CFR 63.8(c)(6), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Title V Permit No. 2300-V1, LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2).
- RR. According to the Respondent's Part 70 General Condition K and R Report dated September 30, 2011, Second Quarter Continuous Emission Monitoring System (CEMS) Performance Report dated July 26, 2011, Third Quarter CEMS Performance Report dated October 31, 2011, and Part 70 Annual Compliance Certification dated March 30, 2012, on May 23, 2011, TGPU Vent CEMS Analyzer zero drift value was out-of-control due to the low standard regulator not being properly set after the cylinder gas audit on May 11, 2011. The zero drift value was greater than 2 times the allowable limit until the next daily validation was completed on May 24, 2011. Each failure to, at a minimum, adjust the zero calibration drift when the twenty-four (24) hour zero drift exceeds two (2) times the limit of the applicable performance specifications is a violation of 40 CFR 60.13(d)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, 40 CFR 63.8(c)(6), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Title V Permit No. 2300-V1, LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2).
- SS. According to the Respondent's Part 70 General Condition K and R Report dated September 30, 2011, Second Quarter Continuous Emission Monitoring System (CEMS) Performance Report dated July 26, 2011, Third Quarter CEMS Performance Report dated October 31, 2011, and Part 70 Annual Compliance Certification dated March 30, 2012, on September 10, 2011, the daily validation for SRLA F-101 and F-201 O2 analyzer span drift was greater than two (2) times the allowable limit. No adjustment was made to return the analyzer back to the allowable operation range. The next daily calibration drift was completed on September 11, 2011. Each failure to, at a minimum, adjust the zero calibration drift when the twenty-four (24) hour zero drift exceeds two (2) times the limit of the applicable performance specifications is a violation of 40 CFR 60.13(d)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, 40 CFR 63.8(c)(6), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Title V Permit No. 2300-V1, LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2).

- TT. According to the Respondent's Part 70 General Condition K and R Report dated September 30, 2011, and Second Quarter CEMS Performance Report dated July 26, 2011, the Respondent reported on June 18, 2011, and June 19, 2011, the relay for the north cabinet air conditioning unit became stuck in the open position at the F-101 and F-201 Stack. This caused an abnormal drop in temperature and a low flow of nitrogen used for morning validation of the CEMS. The low nitrogen flow caused the validation not be completed on June 18, 2011, and June 19, 2011. On June 20, 2011, the air conditioning unit was repaired and nitrogen flow was adjusted to allow a manual calibration. Each failure to perform span calibration drifts at least once daily is a violation of 40 CFR 60.13(d)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, 40 CFR 63.8(c)(6), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Title V Permit No. 2300-V1, LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2).
- UU. According to the Respondent's Part 70 General Condition K and R Report dated September 30, 2011, and Second Quarter CEMS Performance Report dated July 26, 2011, the Respondent reported on June 18, 2011, and June 19, 2011, the relay for the north cabinet air conditioning unit became stuck in the open position at the F-101 and F-201 Stack. This caused an abnormal drop in temperature and a low flow of nitrogen used for morning validation of the CEMS. The low nitrogen flow caused the validation not be completed on June 18, 2011, and June 19, 2011. On June 20, 2011, the air conditioning unit was repaired and nitrogen flow was adjusted to allow a manual calibration. Each failure to perform span calibration drifts at least once daily is a violation of 40 CFR 60.13(d)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, 40 CFR 63.8(c)(6), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Title V Permit No. 2300-V1, LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2).
- VV. According to the Part 70 Annual Compliance Certification dated March 30, 2012, the Respondent reported that on July 31, 2011, "The Title V permitted emission rate from the joint F-101 and F-102 furnace stacks at PSLA 10 was exceeded . . .". Each exceedance of the maximum pounds per hour permit limit of CO is a violation of LAC 33:III.501.C.4, Title V Permit No. 2755-V4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). According to the Respondent's email dated November 28, 2012, the actual emissions were 210.6 lbs/hr for one hour and the permit limit is 66.12 lbs/hr.
- WW. According to the Part 70 Annual Compliance Certification dated March 30, 2012, the Respondent report that on October 19, 2011, the monitoring parameter for LEU3/TK0296 (EQT 0687) was exceeded periodically between 9:30 a.m. and 1:30 p.m. for a total of twenty (20) minutes due to water entrainment in the feed to the tank. Each failure to reduce the inlet VOC emissions by ninety-five (95) percent or great is a violation of 40 CFR 60.112b(a)(3)(ii), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, 40 CFR 63.640(n)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Specific Requirement Nos. 109 and 122 of Title V Permit No. 2589-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). According to the Respondent's email dated November 28, 2012, approximately 128 pounds were released

due to intermittent PV venting on October 19, 2011, resulting in less than 95% recovery during those venting periods.

XX. According to the Respondent's Part 70 Annual Compliance Certification dated March 30, 2012, the Respondent report that on December 10, 2011, the High Pressure Burner Line (HPBL) Furnace Fuel System exceeded the three (3) hour rolling average limit of 162 ppm for H₂S for three (3) consecutive averaging periods for the furnaces in the following table:

Unit	Source	Exceeded H ₂ S Limits	Exceeded SO ₂ Limits	Permit No.
FDPREP	F-30 (EQT 0637)	Yes	No	2261-V2
FDPREP	F-31 (EQT 0638)	Yes	No	2261-V2
PHLA-2	F-1 (EQT 0639)	Yes	No	2261-V2
PHLA-2	F-2 (EQT 0640)	Yes	No	2261-V2
PHLA-2	F-3 (EQT 0641)	Yes	No	2261-V2
PHLA-2	F-4 (EQT 0642)	Yes	No	2261-V2
PHLA-2	F-5 (EQT 0643)	Yes	No	2261-V2
4LEU-E	F-1 (EQT 0663)	Yes	No	2589-V5
4LEU-W	F-1 (EQT 0664)	Yes	No	2589-V5
4LEU-W	F-2 (EQT 0665)	Yes	No	2589-V5
LELA-S	F-4 (EQT 0110)	Yes	No	2341-V2
KDLA	F-425 (EQT 0102)	Yes	No	2341-V2
KDLA	F-451 (EQT 0103)	Yes	No	2341-V2

Each period of burning fuel gas containing an excess of 0.10 gr/dscf of H₂S in any fuel gas combustion device is a violation of Paragraph 59 of the Consent Decree, 40 CFR 60.104(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, Title V Permit Nos. 2589-V5, 2261-V2, or 2341-V2, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Paragraph 182 of the Consent Decree sets forth stipulated penalties for this type of violation.

YY. According to the Respondent's Part 70 Annual Compliance Certification dated March 30, 2012, the Respondent report that in 2011, KXFLD/TK0730 (EQT 0477, CRG 0006) did not meet the control requirements of LAC 33:III.2103.D.4.a or repair requirements of LAC 33:III.2103.D.4.d. The failure to control nonslotted guide poles and stilling wells using pole wipers and gasketing between the well and sliding cover or to control slotted guide poles using a float with wiper, pole wiper, and gasketing between the well and slide cover is a violation of LAC 33:III.2103.D.4.a, Specific Requirement No. 65 of Title V Permit No. 2795-V5, LAC 33:III.501.C.4, and La. R.S. 2057(A)(2). Additionally, the failure to initiate repairs of any rips, tears, visible gaps in the pole or float wiper, and/or missing sliding cover gaskets by ordering appropriate parts within seven (7) working days after defect is identified or to complete repairs within three (3) months of the ordering of the repair parts is a violation of LAC 33:III.2103.D.4.d, Specific Requirement No. 67 of Title V Permit No. 2795-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). According to the Respondent's email dated December 6, 2012, "An inspection of external floating roof tank KXFLD/TK0730, conducted on June 27, 2011, indicated that there was some wear in the secondary seal and seal fabric, as well as a missing float and/or pole sleeve used to control emissions from the slotted pole per LAC 33:III.2103.D.4.a. Parts were ordered on July 1, 2011, and all repairs were thought to have been complete on August 18, 2011, within timeframe allotted by LAC 33:III.2103.D.4.d. A subsequent review in February 2012 indicated that the slotted pole controls were not repaired at the time the seal and seal fabric were repaired. Parts were ordered and a pole sleeve was installed on April 26, 2012. The slotted pole is currently controlled with a gasketed sliding cover, pole sleeve, and pole wiper."

ZZ. According to the Respondent's Part 70 Annual Compliance Certification dated March 30, 2012, and Refinery MACT Subpart UUU Periodic Compliance Status Report dated January 31, 2012, the Respondent reported that from January 2011 through June 2011, a level instrument on a seal pot (L102) was reading incorrectly, and the backup temperature instrument (I138) was not operating. As required by the Fluidized Catalytic Cracking Unit's Operation, Maintenance, and Monitoring Plan, one (1) of these parameter monitoring devices must be available at least 75 percent of the time. Each failure to have valid hourly average data for at least 75 percent of the hours during the process operations for each continuous parameter monitoring system is a violation of Specific Requirement No. 24 of Title V Permit No. 2385-V5, 40 CFR 63.1572(a)(c)(3), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). According to the Respondent's email dated November 28, 2012, the duration of this event was from April 1, 2011, to June 23, 2011.

AAA. According to the Respondent's Part 70 Annual Compliance Certification dated March 30, 2012, and Refinery MACT Subpart UUU Periodic Compliance Status Report dated January 31, 2012, the Respondent reported that from January 2011 through June 2011, the backup flow device, CRCUF501 (air to F-301), was not reading. The OMMP does not distinguish that only one (1) of the two (2) devices is required. The primary meter was reading. This is a violation of Specific Requirement No. 24 of Title V Permit No. 2385-V5, 40 CFR 63 Subpart UUU, which language has been adopted as a Louisiana regulation in LAC 33:III.5122, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

Additionally, the Respondent reported both flow devices will be operating continuously until the OMMP is updated & approved.

BBB. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that on June 18, 2010, a non-exempt source caused flares to burn for approximately 2.5 hours, which resulted in exceedances of the H₂S three (3) hour rolling average. Each period of burning fuel gas containing an excess of 0.10 gr/dscf (160 ppmv) of H₂S in any fuel gas combustion device is a violation of Paragraph 73.a.i of the Consent Decree, LAC 33:III.3003, LAC 33:III.501.C.4, Specific Requirement No. 6 of Title V Permit No. 2589-V4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). According to the Respondent's email dated December 6, 2012, "As a result of the June 18, 2010 flaring event at the Baton Rouge Refinery the 3 hour rolling average H₂S concentration was exceeded. The H₂S concentration was 1105 ppm vs the 162 ppm limit. The incident began at 12:03 p.m. and ended at 3:27 p.m."

CCC. The January 1, 2008, through May 31, 2012, unauthorized discharges that the Respondent reported in Unauthorized Discharge Reports included in the following table are violations of La. R.S. 30:2057(A)(1), La. R.S. 30:2057(A)(2), and LAC 33:III.905 or LAC 33:III.501.C.4.

	Unauthorized Discharge Report Date	Incident Number	Incident Date of Occurrence
1	1/22/08	T102274	1/15/08
2	1/29/08	T-102529	1/23/08
3	1/29/08	T-102686	1/29/08
4	2/15/08	T-102918 T-102960	2/8/08 2/9/08
5	2/28/08	T-103091	2/21/08
6	4/25/08	T-104962 T-104935	4/20/08 4/21/08
7	4/29/08	T-104990	4/22/08
8	5/16/08	T-105542 T-105544	5/11/08 5/12/08
9	5/23/08	T-106022	5/16/08
10	5/30/08	T-105896	5/23/08
11	8/29/08	T-105932	5/30/08
12	5/23/08	T-106022	5/16/08
13	7/11/08	T-107010	7/6-7/08
14	7/24/08	T-107363	7/18/08
15	7/31/08	T-107496	7/24/08
16	8/19/08	T-108033	8/13/08
17	8/29/08	T-108376	8/26/08
18	9/11/08	T-109154	9/4/08
19	10/15/08	T-109951	10/9/08
20	10/20/08	T-110037	10/13/08

	Unauthorized Discharge Report Date	Incident Number	Incident Date of Occurrence
21	12/22/08	T-111420	12/15/08
22	1/9/09	T-112184	1/2/09
23	1/16/09	T-111957	1/11/09
24	2/13/09	T-112566	2/6/09
25	2/16/09	T-112910	2/20/09
26	2/26/09	T-112910	2/20/09
27	3/9/09	T-113059	3/2/09
28	3/27/09	T-113528	3/20/09
29	4/7/09	T-113842	3/31/09
30	4/8/09	T-113891	4/1/09
31	7/17/09	T-114103	4/11/09
32			
33	5/19/09	T-114924	5/12/09
34	5/26/09	T-115082	4/19/09
35	8/4/09	T-116863	7/28/09
36	10/23/09	T-118829	10/17/09
37	2/24/11	T-129282	1/14/10
38	4/20/10	T-122774	4/14/10
39	5/17/10	T-123218	5/3/10
40	5/19/10	T-123402	5/12/10
41	6/11/10	T-124047	6/6/10
42	8/27/10	T-124285	4/14/10
43	8/27/10	T-123244	5/5/10
44	8/27/10	T-124285	6/18/10
45	8/27/10	T-125843	8/21/10 & 8/22/10
46	10/26/10	T-127174	10/21/10
47	10/26/10	T-127179	10/21/10
48	11/18/10	T-127694	11/13/10
49	12/7/10	T-127934	11/30/10
50	1/11/11	T-128480	1/2/11
51	2/4/11	T-128902	1/28/11
52	2/11/11	T-129079	2/6/11
53	2/24/11	T-129282	1/14/10
54	3/3/11	T-129440	2/24/11
55	3/4/11	T-129510	2/25/11
56	3/24/11	T-130000	3/18/11
57	3/25/11	T-129961	3/18/11
58	6/28/11	T-131902	6/21/11
59	7/21/11	T-132414	7/14/11
60	9/6/11	T-124134	6/14/10
61	9/15/11	T-132125	6/29/11
62	9/29/11	T-134110	9/22/11

	Unauthorized Discharge Report Date	Incident Number	Incident Date of Occurrence
63	9/30/11	T-134164	9/23/11
64	10/11/11	T-134402	10/5/11
65	10/12/11	T-134671	10/7/11
66	1/16/12	T-136413	1/9/12
67	2/20/12	T-137212	2/14/12
68	4/19/12	T-138780	4/12/12
69	6/13/12	T-140446	6/20/12

- DDD. According to the Part 70 General Condition K and R Report dated September 28, 2012, the Respondent reported that on January 16, 2012, the "Maintenance on tower pressure instrument resulted in Flare #17 (EQT073) burning for one (1) minute and Flare #23 (EQT0676) burning for four (4) minutes. The 3-hr H₂S average was exceeded for three (3) hr average periods (CRG044-Flares)." This is a violation of 40 CFR 60 Subpart J, which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, Title V Permit No. 2589-V5, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). According to the Respondent's email dated December 6, 2012, "Flare(s) burned for 4 minutes. This resulted in 3 deviations at 199 ppm. This event did not exceed 5% of operating time".
- EEE. According to the Part 70 General Condition K and R Report dated September 28, 2012, the Respondent reported that on February 18, 2012, the "RGCU Flare Gas Compressors tripped during a heavy rainstorm, resulting in flaring for approximately 5.5 hours. The three (3) hour H₂S average was exceeded for eight (8) rolling average periods (CRG44-Flares)." This is a violation of 40 CFR 60.104(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, Specific Requirement No. 8 of Title V Permit No. 2589-V5, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Additionally, the Respondent also reported this event (T-137359) in it Unauthorized Discharge Report dated February 23, 2012. According to this report, 21,481 pounds of SO₂ were released. This is a violation of LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported the root cause of this incident to be undetermined and under investigation. According to the Respondent's email dated December 6, 2012, "Flare(s) burned for 5.5 hours. This resulted in 8 deviations at 28,661 ppm. This was also a hydrocarbon flaring event with 10.7 tons SO₂. The root cause of this event was due to a ground fault common to all three compressors."
- FFF. According to the Part 70 General Condition K and R Report dated September 28, 2012, the Respondent reported that on February 24, 2012, the "Seal gap measurements following "initial startup" of KXFLD/TK0722 (EQT470) were conducted 65 days after "initial startup" vs. 60 days per Subpart Kb. No deficiencies were found during the inspection." This is a violation of 40 CFR 60.113b(b)(1)(i-ii), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, Title V Permit No. 2795-V6, and La. R.S. 30:2057(A)(2).

- GGG. According to the Part 70 General Condition K and R Report dated September 28, 2012, the Respondent reported that on March 3, 2012, the "Flare Gas Compressor C-30 tripped, resulting in flaring from Flare #17 (EQT0673) and Flare #19 (EQT0674) for approximately three (3) hours. The three (3) hour H₂S average was exceeded for three (3) rolling average periods (CRG044-Flares)." This is a violation of 40 CFR 60 Subpart J, which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, Title V Permit No. 2589-V5, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). According to the Respondent's email dated December 6, 2012, "Flare(s) burned for 3 minutes. This resulted in 3 deviations at 478 ppm. This event did not exceed 5% of operating time".
- HHH. According to the Part 70 General Condition K and R Report dated September 28, 2012, the Respondent reported that "On 3/13/12, after the daily calibration drift check on CEMS analyzer A2577(CRG050) for ICN/F810 (EQT694) and ICN/F820 (EQT695), the analyzer drift >2x the limit. No corrective action was made prior to the calibration the next day." This is a violation of 40 CFR 60 Subpart J, which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, Title V Permit No. 2176-V4, and La. R.S. 30:2057(A)(2).
- III. According to the Part 70 General Condition K and R Report dated September 28, 2012, the Respondent reported that on March 20, 2012, "The monitored parameter for FEED/TK0099 (EQT380) was exceeded for one (1) minute and FEED/TK0100 (EQT381) for 4 minutes on 3/20/12 due to a sudden and rapid feed rate increase to the vessels." This is a violation of 40 CFR 63 Subpart CC, which language has been adopted as a Louisiana regulation in LAC 33:III.5122, LAC 33:III.501.C.4, Title V Permit No. 2795-V6, and La. R.S. 30:2057(A)(2).
- JJJ. According to the Part 70 General Condition K and R Report dated September 28, 2012, the Respondent reported that on April 4, 2012, "A carbon monoxide emission exceedance occurred from the combined F-101/F-102 (PSLA10/F101/F102-RLP156) furnace stack at PSLA 10. The maximum CO hourly limit from the combined furnace stack was exceeded for one (1) hour." This is a violation of Title V Permit No. 2755-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- KKK. According to the Part 70 General Condition K and R Report dated September 28, 2012, the Respondent reported that on April 4, 2012, "Higher than normal sulfur levels in the fuel gas resulted in SO₂ permit limit exceedance at PCLA 2/F2 Furnace (EQT 0085)." This is a violation of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). According to the Respondent's email dated November 28, 2012, a total of 10.97 lbs/ hr of SO₂ was released for one hour. The permit limit for SO₂ is 10.79 lbs/hr.
- LLL. According to the Part 70 General Condition K and R Report dated September 28, 2012, the Respondent reported that on April 28, 2012, "Flares #5 (EQT0671) & #20 (EQT0675) burned for approximately three (3) minutes and two (2) minutes, respectively. The three (3) hour H₂S average was exceeded for three (3) rolling average periods (CRG044-

Flares)." This is a violation of 40 CFR 60 Subpart J, which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, Title V Permit No. 2589-V5, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). According to the Respondent's email dated December 6, 2012, "Flare(s) burned for 3 minutes. This resulted in 3 deviations at 881 ppm. This event did not exceed 5% of operating time."

MMM. According to the Part 70 General Condition K and R Report dated September 28, 2012, the Respondent reported that on May 21, 2012, "The LDAR third-party auditors observed that a monitoring technician did not orient the instrument perpendicular to the leak interface while monitoring the component interfaces (FUG 05)." This is a violation of 40 CFR 60.485(b)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, Title V Permit No. 2341-V2, and La. R.S. 30:2057(A)(2). According to the Respondent's email dated November 28, 2012, "Immediately instructed the technician on the correct orientation of the instrument while monitoring."

NNN. According to the Part 70 General Condition K and R Report dated September 28, 2012, the Respondent reported that on May 21, 2012, " During an analysis of high productivity periods, the LDAR third-party auditors identified instances in historical monitoring records where the time between monitoring events was less than twice the instrument response time or the time required to move to the next component. These events were not identified by its QA/QC process, which screens the technician survey rates for a limited range of component size and type." Each is a violation of the Louisiana MACT Determination for Refinery Equipment Leaks dated July 26, 1994, LAC 33:III.5109.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). See the below table for the number of occurrences that the Respondent reported in its November 28, 2012, email.

Operating Area	Permit No.	Number of Occurrences
Light End Complex	2589-V5	30
Pipestills Complex	2755-V4	2
Catalytic Cracking Unit	2385-V5	8
Reforming Complex	2261-V2	7
Refinery Tank Farm	2795-V7	34
Coker Complex	2234-V5	1
Docks	2047-V2	7
Hydroprocessing	2447-V2	2
Specialties Complex	2341-V2	7

OOO. According to the Part 70 General Condition K and R Report dated September 28, 2012, the Respondent reported that in May 2012, "LDAR third-party auditors observed one (1) untagged component during the field evaluation and comparative monitoring of four (4) process units. The component was verified, tagged, documented, monitored, and added to LDAR database with a reading of three (3) ppm (FUG 0016)." This is a violation of 40 CFR 60.485(b)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, Title V Permit No. 2589-V5, and La. R.S. 30:2057(A)(2). According to the Respondent's email dated December 6, 2012, "The

untagged component was not leaking (3 ppm). Within the previous 5 years there has been a potential for a total of 20 missed inspections based on quarterly monitoring requirements."

PPP. According to the Part 70 General Condition K and R Report dated September 28, 2012, and correspondence dated December 7, 2012, and December 12, 2012, the Respondent reported 116 open ended lines were discovered and corrected between January 1, 2012, through November 30, 2012, as noted in the below table:

Permit Number	Unit	ID	No. of OEL's
2385-V5, Catalytic Cracking	PCLA	FUG0003	6
	PHLA2/RIILA	FUG0003	5
	HHLA-N/S/E	FUG0003	6
2234-V5, Cokers	COKER E&W	FUG0004	9
2341-V2, Specialties	KDLA	FUG0005	5
	LELA-S	FUG0005	7
	WCPLX	FUG0005	20
2296-V4, Light Oils Finishing	KNOXII	FUG0008	11
	LOFU	FUG0008	3
	SOUTHFIELD	FUG0008	5
2363-V3, Utilities	WCLA/UTIL	FUG0012	1
2755-V4, Pipestills	PIPESTILLS	FUG0013	15
2247-V2, Hydroprocessing	HCLA	FUG0014	1
2985-V5, Light Ends	C3STG	FUG0016	7
	FEED	FUG0016	1
	LEU	FUG0016	6
	STRATCO	FUG0016	2
2176-V4, Low Sulfur Gasoline	HCN/ICN	FUG0017	6

Each is a violation of the Louisiana MACT Determination for Refinery Equipment Leaks dated July 26, 1994, LAC 33:III.5109.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

QQQ. On or about September 3, 2004, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported a discharge of approximately one third gallon of oil from Outfall 003. An oil sheen was observed after approximately one (1) inch of rain had fallen at the site, due to temporarily reduced rainfall retention capability. The capacity of the first-flush rainfall impoundment (Rain Basin #1) was full with treated effluent recycled earlier in the week. A written unauthorized discharge notification report from the Respondent was submitted to the Department on September 10, 2004. The unauthorized discharge of oil to waters of the state is a violation of LPDES Permit LA0005584 (Part I, Page 5 of 5) and La. R.S. 30:2075.

- RRR.** On or about October 8, 2004, the Respondent caused and/or allowed an unauthorized discharge of process wastewater to waters of the state. Specifically, the Respondent self reported that less than three hundred (300) barrels of process wastewater were released from the Outfall 003. The discharge was caused during a rain event when the sour water stripper coalesce drum was cleaned and the liquid remaining from the drum was drained to the sewer inconsistent with the Sewer Alert. The liquid drained to the sewer consisted of condensed steam and any sour water and hydrocarbon not removed initially. A written unauthorized discharge notification report from the Respondent was submitted to the Department on October 21, 2004. The unauthorized discharge of process wastewater to waters of the state is a violation of La. R. S. 30:La. R.S. 30:2075.
- SSS.** On or about August 25, 2006, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported oil sheen of crude oil was released from the Outfall 003. The size and color of the sheen indicated the release of less than 1/8th of a gallon of oil. The source of this sheen has not been identified. A written unauthorized discharge notification report from the Respondent was submitted to the Department on August 29, 2006. The unauthorized discharge of oil to waters of the state is a violation of LPDES Permit LA0005584 (Part I, Page 5 of 5) and La. R. S. 30:La. R.S. 30:2075.
- TTT.** On or about December 30, 2006, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported oil sheen of crude oil was released from the Outfall 003. The size and color of the sheen indicated the release of less than one (1) gallon of oil. The source of this oil sheen has not been identified. A written unauthorized discharge notification report from the Respondent was submitted to the Department on January 4, 2007. The unauthorized discharge of oil to waters of the state is a violation of LPDES Permit LA0005584 (Part I, Page 5 of 5) and La. R. S. 30:La. R.S. 30:2075.
- UUU.** On or about June 12, 2007, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported approximately 2 barrels of slack wax was discharged to the Mississippi River. Hot water was used to warm the 8 inch PET line used to discharge the slack wax from the CBC-19 barge. The hot water system that was used to wash the line should have been isolated from the PET line but was not. The water wash line, still connected to the PET line, developed a leak causing the unauthorized discharge of the slack wax. A written unauthorized discharge notification report from the Respondent was submitted to the Department on June 19, 2007. The unauthorized discharge of slack wax to waters of the state is a violation of La. R.S. 30:2075 and LAC 33:IX.708.C.1.a.
- VVV.** On or about November 25, 2007, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported oil sheen of crude oil was released from the Outfall 003. The size and color of the sheen indicated the release of less than 3/8th of a gallon of oil. The source of this sheen has not been identified. A written unauthorized discharge notification report from the Respondent was submitted to the Department on November 29, 2007. The unauthorized discharge of oil

to waters of the state is a violation of LPDES Permit LA0005584 (Part I, Page 5 of 5) and La. R.S. 30:2075.

WWW. On or about July 15, 2009, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported oil sheen of crude oil was released from the Outfall 003. The size and color of the sheen indicated the release of less than 1/8th of a gallon of oil. The source of this sheen has not been identified. A written unauthorized discharge notification report from the Respondent was submitted to the Department on July 22, 2009. The unauthorized discharge of oil to waters of the state is a violation of LPDES Permit LA0005584 (Part I, Page 5 of 5) and La. R.S. 30:2075.

XXX. On or about March 6, 2010, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported that 7.9 gallons of oil were released from the ExxonMobil Baton Rouge Refinery Dock to the Mississippi River. This oil sheen was due to a leak from the middle cluster drain pan under the dock at #2 berth. A written unauthorized discharge notification report from the Respondent was submitted to the Department on March 12, 2010. The unauthorized discharge of oil to waters of the state is a violation of La. R.S. 30:2075 and LAC 33:IX.708.C.1.a.

YYY. On or about December 30, 2010, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported oil sheen of crude oil was released from the Outfall 003. The size and color of the sheen indicated the release of approximately 1/4th of a gallon of oil. The Respondent received over 3 inches of rain in an 8 hour period causing the oil sheen. A written unauthorized discharge notification report from the Respondent was submitted to the Department on January 5, 2011. The unauthorized discharge of oil to waters of the state is a violation of LPDES Permit LA0005584 (Part I, Page 5 of 5) and La. R.S. 30:2075.

ZZZ. On or about July 19, 2011, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported that less than 1 cup of oil was released from the ExxonMobil Baton Rouge Refinery Dock to the Mississippi River. The oil was released from steam tracing that runs through the dock loading arms' drain pan. A written unauthorized discharge notification report from the Respondent was submitted to the Department on July 25, 2011. A written unauthorized discharge notification report from the Respondent was submitted to the Department on July 25, 2011.

AAAA. On or about August 11, 2012, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported oil sheen of crude oil was released from the Outfall 003. The size and color of the sheen indicated the release of less than two (2) cups of oil. The source of this sheen has not been identified. A written unauthorized discharge notification report from the Respondent was submitted to the Department on August 17, 2012. The unauthorized discharge of oil to waters of the state is a violation of LPDES Permit LA0005584 (Part I, Page 5 of 5) and La. R.S. 30:2075.

BBBB. On or about September 5, 2012, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported that less than five (5) barrels of oil were released to into the Mississippi River due to controller error. The controller failed to follow procedures to properly align the transfer system by leaving a loading arm drain valve open to the sump during discharge operations. A written unauthorized discharge notification report from the Respondent was submitted to the Department on September 12, 2012. The unauthorized discharge of crude oil to waters of the state is a violation of La. R.S. 30:2075 and LAC 33:IX.708.C.1.a.

CCCC. According to the Respondent's correspondence dated May 24, 2012, and Renewal Application for the Coker Complex, Title V Permit No. 2234-V5, dated December 14, 2012, the Respondent requested the following be added as pollutants for the Coker Complex Coke Drum Vents (COKER/DRUMS, Emission Point No. EQT 0593): PM10, sulfur dioxide, nitrogen dioxide, carbon monoxide, 1,2-dibromoethane, 1,3-butadiene, 2,2,4-trimethylpentane, 2-nitropropane, acetaldehyde, acetonitrile, acrolein, acrylonitrile, aniline, antimony (and compounds), arsenic (and compounds), benzene, benzidine, beryllium (and compounds), biphenyl, cadmium (and compounds), carbon disulfide, carbonyl sulfide, chlorine, chlorobenzene, chromium VI (and compounds), cobalt compounds, cresol, cumene, ethylbenzene, formaldehyde, hydrochloric acid, hydrocyanic acid, hydrogen fluoride, isophorone, lead compounds, manganese (and compounds), mercury (and compounds), methanol, methyl isobutyl ketone, methyl tert-butyl ether, methylene chloride, n-hexane, naphthalene, nickel (and compounds), nitrobenzene, o-toluidine, phenol, PM2.5, polynuclear aromatic, propionaldehyde, selenium (and compounds), styrene, tetrachloroethylene, toluene, trichloroethylene, and xylene (mixed isomers). These emissions were not reported in the Respondent's corresponding annual or semiannual reports. Each failure to report compliance deviation is a violation of Part 70 General Condition K, R, and M, State Only General Condition XI, Specific Condition No. 301 of Title V Permit No. 2234-V5, LAC 33:III.501.C.4, LAC 33:III.507.H, and La. R.S. 30:2057(A)(2).

DDDD. According to the Respondent's correspondence dated May 24, 2012, the Respondent reported that the Powerformer 2 Regenerator Vent (Catalytic Reforming Unit) (PHLA2/PV-Regen, Emission Point No. RLP 0161) had emissions of PM2.5, 1,3-butadiene, 2,2,4-trimethylpentane, 2-nitropropane, 3,3'-dimethoxybenzidine, 3,3'-dimethylbenzidine, acetonitrile, acrolein, acrylonitrile, benzidine, biphenyl (POM), carbon disulfide, chlorobenzene, cumene, formaldehyde, n-hexane, lead, methanol, methyl isobutyl ketone, methyl t-butyl ether, methylene chloride, nitrobenzene, styrene, tetrachloroethene, and trichloroethylene. These emissions were not reported in the Respondent's corresponding annual or semiannual reports. Each failure to report compliance deviation is a violation of Part 70 General Conditions K, R, and M, State Only General Condition XI, Specific Condition Nos. 121 and 123 of Title V Permit No. 2261-V2, LAC 33:III.501.C.4, LAC 33:III.507.H, and La. R.S. 30:2057(A)(2).

EEEE. According to the Respondent's correspondence dated February 3, 2012, and May 24, 2012, the Respondent reported that the Powerforming 2 Reactor Purger Vent

(PHLA2/PV-PURGE, Emission Point No. RLP 0160) had emissions of VOC, benzene, ethylbenzene, toluene, xylene (mixed isomers), 1,2-dibromoethane, 1,3-butadiene, 2,2,4-trimethylpentane, 2-nitropropane, acetonitrile, acrolein, acrylonitrile, biphenyl (POM), carbon monoxide (CO), chlorobenzene, cumene, methanol, methyl isobutyl ketone, methyl t-butyl ether, dichloromethane, nitrobenzene, tetrachloroethane, and trichloroethylene. These emissions were not reported in the Respondent's corresponding annual or semiannual reports. Each failure to report compliance deviations is a violation of Part 70 General Conditions K, R, and M, State Only General Condition XI, Specific Condition Nos. 121 and 123 of Title V Permit No. 2261-V2, LAC 33:III.501.C.4, LAC 33:III.507.H, and La. R.S. 30:2057(A)(2).

- FFFF. According to the Respondent's Unauthorized Discharge Report for LDEQ Incident No. T-145500 dated February 26, 2013, on December 21, 2012, the coker compressor (C-551) tripped while personnel filled the exchanger with lube oil. The compressor trip resulted in gas being routed to the flare system where it was combusted. The Respondent reported that this incident was due to personnel not following existing procedures and therefore was preventable. The Respondent also reported that refresher training was conducted with unit personnel on the procedures for placing the lube oil exchanger back in service. A total of 3,694 lbs of SO₂ was released during this event. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." Control equipment is defined by LAC 33:III.111 is "any device or contrivance, operating procedure or abatement scheme used to prevent or reduce air pollution." This is also a violation of La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Furthermore, the Respondent reported Flares #5 (EQT 0671, CRG 044) and #20 (EQT 0675, CRG 044) burned fuel gas containing an excess of 0.10 gr/dscf (160 ppmv) of H₂S in its Annual Compliance Certification dated March 28, 2013, which has been addressed in paragraph II.U of the Findings of Fact portion of this CONOPP.
- GGGG. According to the Respondent's Annual Compliance Certification dated March 28, 2013, the Respondent reported that in March of 2012 and the third quarter of 2012, it failed to submit a report for the total average firing rates for the preceding calendar year for the Coker Complex Furnace Cap (COKER/FURN, Emission Point No. GRP 0088) and the Pipestill Furnace Cap (PSLA/FURN, Emission Point No. GRP 0002). The failure to submit a report for 2011 that included the total average firing rate for Emission Point Nos. GRP 0088 and GRP 0002 to the Department by March 31, 2012, is a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(2), and Specific Requirement No. 240 of Title V Permit No. 2234-V5 or Specific Requirement No. 214 of Title V Permit No. 2755-V4. Additionally, the Respondent reported the total average firing rates were calculated and there were no exceedances.
- HHHH. According to the Respondent's Annual Compliance Certification dated March 28, 2013, the Respondent reported that in March of 2012 and in the third quarter of 2012, it failed to submit a report for the Coker Furnace Decokes (COKER/DECOKES, Emission Point No. GRP 0099) emissions. The failure to submit a report for 2011 that included the

emissions for Emission Point No. GRP 0099 to the Department by March 31, 2012, is a violation of Specific Requirement No. 245 of Title V Permit No. 2234-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). Additionally, the Respondent reported no steam/air decoking events occurred for the furnaces in 2011 and there were no emissions.

III. According to the Respondent's Annual Compliance Certification dated March 28, 2013, Semiannual Consent Decree Report dated August 30, 2012, and e-mail dated April 4, 2013, the Respondent reported the below exceeded the CO standard:

Date	Duration (hour)	Description	Amount of CO (ppm)
June 9, 2012	1	The oxygen to PCLA3 tripped because water entered a control cabinet. The cabinet is normally under a roof, but the roof was removed for work on adjacent equipment.	968
August 8, 2012	1	PCLA-3 F-301 tripped after planned electrical work was completed and process was attempting to return C-301B to service. During this task the operator inadvertently hit the start button instead of slow roll. This caused C-301-A and F-301 CO furnace to trip on low combustible air flow.	601
December 25, 2012	1	The process CO analyzer between the regenerator and the CO furnace was down, so the unit was using a calculated value in place of the CO analyzer to aid in operation of the CO furnace. The delay in the calculation along with catalyst circulation problems led to the exceedance.	846

Each exceedance of the hourly 500 ppm standard for CO is a violation of paragraph 44b of the Consent Decree, 40 CFR 63.1565(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Paragraph 178 of the Consent Decree sets forth stipulated penalties for this type of violation.

JJJJ. According to the Respondent's Annual Compliance Certification dated March 28, 2013, the Respondent reported the following flares burned fuel gas containing an excess of 0.10 gr/dscf (160 ppmv) of H₂S:

Date	Description	Amount of H ₂ S (ppm)
August 7, 2012	Recycle discharge compressor (C-901) safety valve lifted and discharged into the HULA Blowdown System and continued to the Flare/RGCU System. This resulted in Flares #17 (EQT 0673, CRG 044) and #19 (EQT 0674, CRG 044) burning for approximately 24 minutes. The 3-hour average was exceeded for 3 rolling average periods for the Light Ends Complex-Flares (CRG 044).	4,031
December 21, 2012	The coker (C-551) compressor tripped during a swap of the lube oil coolers. This resulted in Flares #5 (EQT 0671, CRG 044) and #20 (EQT 0675, CRG 044) burning for 63 minutes. The 3-hour average was exceeded for 4 rolling average periods for the Light Ends Complex-Flares (CRG 044). This event is related to LDEQ Incident No. 145500.	14,707

Each period of burning fuel gas containing an excess of 0.10 gr/dscf (160 ppmv) of H₂S in any fuel gas combustion device is a violation of paragraph 73 of the Consent Decree, LAC 33:III.3003, LAC 33:III.501.C.4, Specific Requirement No. 8 of Title V Permit No. 2589-V5, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

KKKK. According to the Respondent's Annual Compliance Certification dated March 28, 2013, the Respondent reported on December 21, 2012, the coker (C-551) compressor tripped during a swap of the lube oil coolers. This resulted in Flares #5 (EQT 0671, CRG 044) and #20 (EQT 0675, CRG 044) burning for 63 minutes. The 3-hour average was exceeded for 4 rolling average periods for the Light Ends Complex-Flares (CRG 044). This event is related to LDEQ Incident No. 145500. The total amount of H₂S was 14,707 ppm. Each period of burning fuel gas containing an excess of 0.10 gr/dscf (160 ppmv) of H₂S in any fuel gas combustion device is a violation of paragraph 73 of the Consent Decree, LAC 33:III.3003, LAC 33:III.501.C.4, Specific Requirement No. 8 of Title V Permit No. 2589-V5, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

LLLL. According to the Respondent's Annual Compliance Certification dated March 28, 2013, the Respondent reported that a vacuum truck was put into service on October 16, 2012, without conducting initial monitoring. The Respondent also reported that monitoring was conducted on November 20, 2012, and no leaks were detected. The failure to initially monitor a container's cover and all openings to ensure operations with no detectable emissions is a violation of 40 CFR 61.345, which language has been adopted as a Louisiana regulation in LAC 33:III.5116, Title V Permit No. 2363-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:3057(A)(2).

MMMM. According to the Respondent's Annual Compliance Certification dated March 28, 2013, the Respondent reported that during October and December of 2012 the data availability for the SO2 Continuous Emissions Monitoring System (CEMS) on the Wet Gas Scrubber (Emission Point No. EQT 0087) was less than ninety (90%) percent. The failure to maintain the minimum degree of data availability of a least ninety (90%) percent is a violation of Part 70 General Condition V of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

NNNN. According to the Respondent's Annual Compliance Certification dated March 28, 2013, the Respondent reported that during November and December of 2012, four (4) 30 day rolling average periods did not have the minimum 22 days of required data at the Wet Gas Scrubber (Emission Point No. EQT 0087) for the SO2 CEMS. The failure to obtain a minimum of 22 valid days of data every 30 rolling successive calendar days is a violation of 40 CFR 60.104(d), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

OOOO. According to the Respondent's Annual Compliance Certification dated March 28, 2013, and e-mail dated May 3, 2013, the Respondent reported the following components were not monitored in 2012:

Unit	Emission Point No.	Permit No.	Number of Components Not Monitored in 2012
PCLA	FUG0003	2385-V5	9
PHLA2/RHLA			1
HHLA-N/S/E			3
COKER E&W	FUG0004	2234-V5	6
LELA-S	FUG0005	2341-V2	6
WCPLX			8
LOFU	FUG0008	2296-V4	1
DOCKS	FUG0006	2047-V2	1
HCLA	FUG0014	2247-V2	11
PIPESTILLS	FUG0013	2755-V4	2
C3STG	FUG0016	2985-V5	9
LEU			6

Each failure to monitor the above mentioned components is a violation of the Louisiana MACT Determination for Refineries dated July 26, 1994, LAC 33:III.5109, Title V Permit Nos. 2385-V5, 2234-V5, 2341-V2, 2296-V4, 2047-V2, 2247-V2, 2755-V4, or 2985-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

PPPP. According to the Respondent's Annual Compliance Certification dated March 28, 2013, one (1) component at ICN, one (1) component at PCLA2, one (1) component at WHLA, and 23 components at the Refinery Tank Farm were not monitored in 2012. Additionally, six (6) components at PSLA-7 and ten (10) components at 3-LEU that are designated as difficult-to-monitor were discovered to have missed monitoring events during 2012. Each failure to monitor the above mentioned components is a violation of the Louisiana MACT Determination for Refineries dated July 26, 1994, LAC 33:III.5109, Title V Permit Nos. 2385-V5, 2341-V2, 2755-V4, 2795-V7, or 2589-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

QQQQ. On or about October 8, 2004, the Respondent caused and/or allowed an unauthorized discharge of process wastewater to waters of the state. Specifically, the Respondent self reported that less than three hundred (300) barrels of process wastewater were released from the Outfall 003. The discharge was caused during a rain event when the sour water stripper coalesce drum was cleaned and the liquid remaining from the drum was drained to the sewer inconsistent with the Sewer Alert. The liquid drained to the sewer consisted of condensed steam and any sour water and hydrocarbon not removed initially. A written unauthorized discharge notification report from the Respondent was submitted to the Department on October 21, 2004. The unauthorized discharge of process wastewater to waters of the state is a violation of La. R.S. 30:2076.

RRRR. On or about August 25, 2006, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported a sheen of crude oil released from Outfall 003. The size and color of the sheen indicated the release was less than 1/8th of a gallon of oil. The source of this sheen has not been identified. A written unauthorized discharge notification report from the Respondent was submitted to the Department on August 29, 2006. The unauthorized discharge of oil to waters of the state is a violation of La. R.S. 30:2075.

SSSS. On or about December 30, 2006, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported a sheen of crude oil released from Outfall 003. The size and color of the sheen indicated the release was less than one (1) gallon of oil. The source of this oil sheen has not been identified. A written unauthorized discharge notification report from the Respondent was submitted to the Department on January 4, 2007. The unauthorized discharge of oil to waters of the state is a violation La. R.S. 30:2075.

TTTT. On or about June 12, 2007, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported approximately 2 barrels of slack wax discharged to the Mississippi River. Hot water was used to warm

the 8 inch PET line used to discharge the slack wax from the CBC-19 barge. The hot water system that was used to wash the line should have been isolated from the PET line but was not. The water wash line, still connected to the PET line, developed a leak causing the unauthorized discharge of the slack wax. A written unauthorized discharge notification report from the Respondent was submitted to the Department on June 19, 2007. The unauthorized discharge of slack wax to waters of the state is a violation of La. R.S. 30:2075.

UUUU. On or about November 25, 2007, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported a sheen of crude oil released from Outfall 003. The size and color of the sheen indicated the release was less than 3/8th of a gallon of oil. The source of this sheen has not been identified. A written unauthorized discharge notification report from the Respondent was submitted to the Department on November 29, 2007. The unauthorized discharge of oil to waters of the state is a violation La. R.S. 30:2075.

VVVV. On or about July 15, 2009, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported a sheen of crude oil released from Outfall 003. The size and color of the sheen indicated the release of less than 1/8th of a gallon of oil. The source of this sheen has not been identified. A written unauthorized discharge notification report from the Respondent was submitted to the Department on July 22, 2009. The unauthorized discharge of oil to waters of the state is a violation of La. R.S. 30:2075.

WWWW. On or about March 6, 2010, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported that 7.9 gallons of oil were released from the ExxonMobil Baton Rouge Refinery Dock to the Mississippi River. This oil sheen was due to a leak from the middle cluster drain pan under the dock at #2 berth. A written unauthorized discharge notification report from the Respondent was submitted to the Department on March 12, 2010. The unauthorized discharge of oil to waters of the state is a violation of La. R.S. 30:2075.

XXXX. On or about December 30, 2010, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported a sheen of crude oil released from Outfall 003. The size and color of the sheen indicated the release of approximately 1/4th of a gallon of oil. The Respondent received over 3 inches of rain in an 8 hour period causing the oil sheen. A written unauthorized discharge notification report from the Respondent was submitted to the Department on January 5, 2011. The unauthorized discharge of oil to waters of the state is a violation of La. R.S. 30:2075.

YYYY. On or about July 19, 2011, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported that less than 1 cup of oil was released from the ExxonMobil Baton Rouge Refinery Dock to the Mississippi River. The oil was released from steam tracing that runs through the dock loading arms' drain pan. A written unauthorized discharge notification report from the Respondent was submitted to the Department on July 25, 2011. A written unauthorized

discharge notification report from the Respondent was submitted to the Department on July 25, 2011. The unauthorized discharge of oil to waters of the state is a violation of La. R.S. 30:2075.

ZZZZ. On or about August 11, 2012, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported a sheen of crude oil released from Outfall 003. The size and color of the sheen indicated the release of less than two (2) cups of oil. The source of this sheen has not been identified. A written unauthorized discharge notification report from the Respondent was submitted to the Department on August 17, 2012. The unauthorized discharge of oil to waters of the state is a violation of La. R.S. 30:2075.

AAAAA. On or about September 5, 2012, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported that less than five (5) barrels of oil were released to into the Mississippi River due to controller error. The controller failed to follow procedures to properly align the transfer system by leaving a loading arm drain valve open to the sump during discharge operations. A written unauthorized discharge notification report from the Respondent was submitted to the Department on September 12, 2012. The unauthorized discharge of crude oil to waters of the state is a violation of La. R.S. 30:2075.

BBBBB. A file review conducted by the Department on or about August 20, 2013, revealed the following exceedances of permitted discharge limitations as reported by the Respondent on Discharge Monitoring Reports (DMRs): BOD and Ammonia-Nitrogen. BOD5 Daily Maximum (9/08) and Ammonia-Nitrogen Daily Maximum (2/08). Each exceedance of a permitted discharge limitation is a violation of La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

Anchorage Tank Farm; AI No. 858

- A. In correspondence dated July 28, 2011, the Respondent reported a spill of 3,620.4 gallons of crude oil from a hole in an above ground transfer line into a containment area. The spill occurred on or about July 19, 2011. The liquid crude oil was vacuumed out and all contaminated soil was removed. The failure to maintain in proper working order all equipment to prevent emission of pollutants to the atmosphere is a violation of LAC 33:III.905.A, LAC 33:III.510.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- B. The Respondent failed to submit the facility's 2012 Second Semiannual Monitoring Report for the period encompassing July 1, 2012 through December 31, 2012. The failure to submit the Semiannual Monitoring Report is a violation of Part 70 General Condition K of Title V Permit No. 1260-00056-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The failure to properly meet the requirements of the facility's Maximum Achievable Control Technology program are violations of LAC 33:III.5109 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- C. A file review conducted by the Department on or about August 20, 2013, revealed that the Respondent failed to submit DMRs failed to submit DMRs. Outfall 001 & Outfall 101A (6/09, 8/09, 11/09, 2/13) Outfall 101A (7/09, 9/09). Each failure to submit DMRs is a violation of La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.
- D. On or about April 24, 2011, the Respondent caused and/or allowed an unauthorized discharge to waters of the state. Specifically, the Respondent self reported a sheen of oil was released to a canal. The size and color of the sheen indicated the release of approximately 0.13 gallons of oil. The source of this sheen was from a flange leaking 35 gallons of oil to soil followed by a rainfall event. A written unauthorized discharge notification report from the Respondent was submitted to the Department on May 3, 2011. The unauthorized discharge of oil to waters of the state is a violation of La. R.S. 30:2075.

Resin Finishing Plant; AI No. 3230

- A. According to the 2010 Annual Compliance Certification dated March 31, 2011, the Respondent reported that on November 24, 2010, one open ended line was found. This is a violation of Specific Requirement 121 of Permit No. 0840-00035-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057 (A)(1) and 30:2057(A)(2).
- B. According to the 2012 Annual Compliance Certification dated March 28, 2013, the Respondent reported that two (2) open ended lines were found. This is a violation of Specific Requirement 121 of Permit No. 0840-00035-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057 (A)(1) and 30:2057(A)(2).
- C. A file review conducted by the Department on or about August 20, 2013, revealed the following exceedances of permitted discharge limitations as reported by the Respondent on Discharge Monitoring Reports (DMRs): Fecal Coliform Daily Maximum & Monthly Average (12/10), pH range excursions (4/11). Each exceedance of a permitted discharge limitation is a violation of La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

XVIII

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

XIX

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$300,000.00) of which THIRTY FOUR THOUSAND THREE HUNDRED EIGHT-SIX AND 24/100 DOLLARS (\$34,386.24) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement.

XX

As a further requirement of this Settlement Agreement, the Respondent shall, within sixty (60) days of the effective date of this Settlement Agreement, submit to the Enforcement Division, a schedule for the completion of the long term Spill Prevention Control and Countermeasures (SPCC) projects required to address and/or mitigate spill events and the associated violations similar to those cited in Enforcement Tracking Nos. AE-CN-12-00835 and MM-CN-12-00838. The Respondent shall not commence the long term SPCC projects until formal approval is granted by the Department. The Respondent agrees to expend no less than ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) to perform the SPCC projects.

XXI

Respondent, in addition to the payment of civil penalties, performance of injunctive relief (i.e. SPCC projects), and implementation of the beneficial environmental projects (BEPs) required by this agreement, agrees that for any violation(s) occurring on or after January 1, 2013, and which are not resolved through this Settlement Agreement, such violations shall be subject to and resolved pursuant to the terms and conditions of the "ExxonMobil Baton Rouge Complex Stipulated Penalty Agreement" (Attachment O). The Respondent shall report the violation(s)

subject to this paragraph utilizing one (1) of the following reporting options: (A) submit to the Enforcement Division the Title V Semiannual Report and Title V Annual Compliance Certification as required and include a column or statement clearly identifying each violation, monetary amount, and the section(s) to which the violation is applicable; or (B) in addition to complying with the Title V reporting requirements, submit to the Enforcement Division a separate annual report clearly identifying each violation, monetary amount, and the section(s) to which the violation is applicable. This report shall be postmarked by March 31st in the year following the year in which the non-compliance giving rise to the stipulated penalty occurs.

XXII

Penalties assessed pursuant to the ExxonMobil Baton Rouge Complex Stipulated Penalty Agreement shall be paid upon written demand by LDEQ no later than sixty (60) days after ExxonMobil receives such demand. In lieu of paying stipulated penalties, the Respondent can propose additional BEPs to the Department for consideration and approval. The amount of the BEPs shall be no less than the amount of the calculated stipulated penalty.

XXIII

Respondent, in addition to the penalty amount specified in Paragraph XIX above and as part of this Settlement Agreement, agrees to implement the following beneficial environmental projects:

- A. Within sixty (60) days of the effective date of this Settlement Agreement, submit to the Enforcement Division, a schedule for the completion of Groundwater Reduction Projects to reduce the Respondent's usage from the 2,000 Foot Sand of the Baton Rouge area. The Respondent shall expend no less than FOUR HUNDRED THOUSAND AND NO/100 DOLLARS (\$400,000.00) on these

projects.

- B. Within sixty (60) days from the effective date of this Settlement Agreement, the Respondent shall donate the amount of TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$250,000.00) to the Louisiana Department of Environmental Quality for improvements to the Early Warning Organic Chemical Detection System (EWOCDS) (for a description of the EWOCDS Program, see <http://www.deq.louisiana.gov/portal/DIVISIONS/Inspection/EarlyWarningOrganicCompoundDetectionSystem.aspx>).
- C. Within sixty (60) days from the effective date of this Settlement Agreement, the Respondent shall donate the amount of ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00) to Rebuilding Together Baton Rouge (RBTBR) for home improvement. This group works with lower income, elderly home owners on home improvements using volunteers and donated materials that emphasize weatherproofing and other projects that lower energy usage, reducing utility bills (often a significant portion of monthly household expenses) and lowering the carbon footprint of these homes. In addition, should a shelter in place be called by authorities, these improvements help ensure these houses can be effectively sealed. This money will be disbursed based on RBTBR criteria, but prioritized on homes in the immediate vicinity of the ExxonMobil facilities. These improvements include, but are not limited to, adding insulation, weather stripping, etc.
- D. Within sixty (60) days from the effective date of this Settlement Agreement, the Respondent shall donate the amount of TWENTY FIVE THOUSAND AND

NO/100 DOLLARS (\$25,000.00) to Baton Rouge Green Association Inc. to conduct a NeighborWoods project during 2013-2014, with a goal of enhancing the environmental health of a neighborhood near the Baton Rouge Refinery, East Baton Rouge Parish.

- E. Within sixty (60) days from the effective date of this Settlement Agreement, the Respondent shall donate the amount of TWENTY NINE THOUSAND AND NO/100 DOLLARS (\$29,000.00) to the Louisiana Foundation for Excellence in Science, Technology and Education (LaFESTE) for the Baton Rouge Clean Air Coalition to support activities that are focused on identifying and reducing sources of air pollutants (i.e., precursors to ozone, etc.) which can contribute to improved air quality in the Greater Baton Rouge area.
- F. Within sixty (60) days from the effective date of this Settlement Agreement, the Respondent shall donate the amount of ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00) to the East Baton Rouge Mayor's Office-Homeland Security and Emergency Preparedness/Local Emergency Planning Committee for implementation of the ExxonMobil North Baton Rouge Emergency Preparedness Initiative.
- G. Within ninety (90) days from the effective date of this Settlement Agreement, the Respondent shall expend no less than TWENTY FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00) to install a meteorological station at its Baton Rouge Refinery Complex.
- H. Within sixty (60) days from the effective date of this Settlement Agreement, the Respondent shall donate to the Department FIFTY THOUSAND AND NO/100

DOLLARS (\$50,000.00) to fund the Expanded Age Distribution and Vehicle Population Data Project which will collect data from multiple vehicle categories which will be used to model and assess emissions with in metropolitan areas in Louisiana.

- I. Within sixty (60) days from the effective date of this Settlement Agreement, the Respondent shall donate to the Baton Rouge Area Foundation FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) to fund awareness and education campaigns on groundwater conservation opportunities in East Baton Rouge Parish.
- J. Respondent shall submit monthly progress reports on BEPS which require the Respondent to make monetary donations and quarterly progress reports for the Groundwater Reduction and SPCC Projects. The first monthly report shall be due on the 15th day of the month following the date the Department signs this Settlement Agreement. Each quarterly report shall include a description of the project, tasks completed, tasks remaining, the percentage completed, and money expended on each project through the date of the report. Quarterly reports shall be due on the 15th day of the month following the end of the calendar quarter. Upon completion of the projects required under this Settlement Agreement, Respondent shall submit a final report to include a summary of all the information previously submitted and a total amount spent on the projects listed above. It shall also contain a certification that the projects were completed as described.
- K. If the Respondent does not expend at least ONE MILLION TWENTY-NINE AND NO/100 DOLLARS (\$1,029,000.00), to fund or perform the BEPs listed in

paragraphs XXII A through I, then it shall, in its final report, propose additional projects and the amount(s) to be expended on each project for the Department's approval which shall be equal to the difference between the amount of money agreed to be spent and the amount of money actually spent, or pay the difference to the Department as a civil penalty.

- L. The total amount of money expended by Respondent on cash payments to the Department and on BEPs, as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30: 2050.7(E)(1).

XXIV

Respondent further agrees that the Department may consider the inspection report(s), the Notices of Potential Penalty, the Consolidated Compliance Orders & Notices of Potential Penalty, the Amended Consolidated Compliance Orders & Notices of Potential Penalty and this Settlement Agreement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

XXV

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

XXVI

This Settlement Agreement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R.S. 30:2025(E) of the Act and the rules relating to BEPs set forth in LAC 33:I.Chapter 25.

XXVII

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in East Baton Rouge Parish and West Baton Rouge Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this Settlement Agreement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XXVIII

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana,

70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Attachment P).

XXIX

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement Agreement.

XXX

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

EXXON MOBIL CORPORATION

BY: _____
(Signature)

(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20_____, at _____.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY.
Peggy M. Hatch Secretary

BY: _____
Cheryl Sonnier Nolan, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20_____, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved: 
Cheryl Sonnier Nolan, Assistant Secretary

Attachment A



BOBBY JINDAL
GOVERNOR

HAROLD LEGGETT, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

March 07, 2008

CERTIFIED MAIL (7003 2260 0001 2744 4794)
RETURN RECEIPT REQUESTED

EXXONMOBIL OIL CORPORATION
c/o Corporation Service Company
Agent of Service
320 Somerulos Street
Baton Rouge, Louisiana 70802

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-08-0017
AGENCY INTEREST NO. 2638**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **EXXONMOBIL OIL CORPORATION (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Tonya Landry at (225) 219-3785

Sincerely,

A handwritten signature in black ink, appearing to read "Peggy M. Hatch".

Peggy M. Hatch
Assistant Secretary

PMH/TBL/tbl
Alt ID No. 0840-00015
Attachment

c: ExxonMobil Oil Corporation
c/o Derek Reese
4045 Scenic Highway
Baton Rouge, Louisiana 70805

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**EXXONMOBIL OIL CORPORATION
EAST BATON ROUGE PARISH
ALT ID NO. 0840-00015**

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R.S. 30:2001, ET SEQ.**

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **AE-CN-08-0017**
*
* **AGENCY INTEREST NO.**
* **2638**
*

**CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **EXXONMOBIL OIL CORPORATION (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Baton Rouge Refinery, a petroleum refining and supply facility, located at or near 4045 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility operates under multiple air permits, including Title V Permit Nos. 2047-V1, 2176-V3, 2234-V3, 2261-V1, 2296-V2, 2300-V0, 2341-V1, 2363-V1, 2385-V3, 2447-V1, 2589-V3, 2755-V2, 2795-V3, and 2926-V0.

II.

On or about January 18, 2008, representatives of the Respondent met with the Department to discuss the new fugitive emission rules recently promulgated for New Source Performance Standards (NSPS), 40 CFR 60, Subparts VVa and GGGa and amendments to NSPS, Subparts VV and GGG, (effective November 16, 2007). The Respondent's review of the new rules triggered an internal discussion about the compliance status of fugitive emission components located in the refinery's offsite pipe band that operates under the Refinery Tank Farm Title V Permit No. 2795-V3 issued on or about November 29, 2007. According to the Respondent, a small field verification effort revealed that 121 regulated valves in two offsite pipe bands were not included in the site leak detection and repair (LDAR) program. The Respondent plans to conduct a review of all Baton Rouge Refinery pipe bands. In response to the on-going audit, the Respondent proposed to submit a LDAR inspection plan (Plan) to identify all regulated fugitive emission components not included in the Respondent's LDAR program.

III.

On or about February 7, 2008, and February 18, 2008, a file review of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the review:

- A. The Respondent failed to identify at least one hundred twenty-one (121) valves that are subject to the Louisiana MACT Determination for Refinery Equipment Leaks. Each is a violation of Section C.3 of the Louisiana MACT Determination for Refinery Equipment Leaks dated July 26, 1994, LAC 33:III.5109.A, Specific Requirement No. 570 of Title V Permit No. 2795-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

B. The Department received an unauthorized discharge notification report from the Respondent dated May 5, 2006, regarding a release that occurred on May 1, 2006. According to the Respondent, this incident was preventable and occurred when "the C-551 compressor at the Coker tripped offline at 11:15 PM [sic] due to low lube oil pressure. The low pressure was the result of water entering the pressure instrument. When the compressor tripped offline, the gas to the compressor was sent to the flare system where part of the material was recovered by the Refinery Gas Compression Unit and the remaining material was flared. There were no external complaints or injuries." The nitrogen oxide and sulfur dioxide emissions during the incidents were as follows:

Compound	Quantity (lbs)	DEQ RQ	Extremely Hazardous
Nitrogen Oxide	23	10	Yes
Sulfur Dioxide	1,983		Yes

This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded."

IV.

On or about February 1, 2008, the Respondent submitted a LDAR Fugitive Component Validation Plan to the Department. In the Plan, the Respondent proposed to inspect all offsite pipe bands to identify previously unidentified and unmonitored regulated components.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To implement and complete all identification and monitoring proposed in the Plan (Attachment 1) by October 30, 2009.

II.

To submit Quarterly Progress Reports to the Department listing the findings of that quarter's audit including, but not limited to the following:

- A. Number and type of unidentified regulated LDAR fugitive emission components found;
- B. List of leakers found based on a 500 ppm leak definition and instrument reading for each leaking component;
- C. Number of leakers repaired based on a 500 ppm leak definition;
- D. Number of unsafe-to-monitor and/or difficult-to-monitor components found;
- E. Number and type of components placed on delay of repair and anticipated date of repair;

Each Quarterly Progress Report shall be post marked no later than the dates reflected in the following table:

Quarter-Year (Quarter Dates)	Progress Report Due Date
Quarter 2-2008 (4/1/2008 -6/30/2008)	July 30, 2008
Quarter 3-2008 (7/1/2008- 9/30/2008)	October 30, 2008
Quarter 4-2008 (10/1/2008-12/31/2008)	January 30, 2009
Quarter 1-2009 (1/1/2009-3/31/2009)	April 30, 2009
Quarter 2-2009 (4/1/2009-6/30/2009)	July 30, 2009
Quarter 3-2009 (7/1/2009-9/31/2009)	October 30, 2009

III.

To submit a final report by November 30, 2009, listing all findings of the audit including, but not limited to the following:

- A. Number and type of unidentified regulated LDAR fugitive emission components found;
- B. List of leakers found based on a 500 ppm leak definition and instrument reading for each leaking component;
- C. Number of leakers repaired based on a 500 ppm leak definition;
- D. Number of unsafe-to-monitor and/or difficult-to-monitor components found;
- E. Number and type of components placed on delay of repair and anticipated date of repair;
- F. Noncompliance with air quality permits and air quality regulations, including any excess emissions;
- G. Time periods of noncompliance; and
- H. Number of missed monitoring events.

IV.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with the Respondent's Plan.

V.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Tonya Landry
Enforcement Tracking No. AE-CN-08-0017
Agency Interest No. 2638

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the **Enforcement Tracking Number** and **Agency Interest Number**, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: **Hearings Clerk, Legal Division**
Re: **Enforcement Tracking No. AE-CN-08-0017**
Agency Interest No. 2638

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Tonya Landry at (225) 219-3785 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 7th day of March, 2008.



Peggy M. Hatch
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Tonya Landry

ATTACHMENT 1— AE-CN-08-0017

Baton Rouge Refinery Offsite Pipe Band LDAR Fugitive Component Validation

February 1, 2008

The objectives of the BRRF OffSite Pipe Bands (OSPB) Leak Detection And Repair (LDAR) validation process are as follows:

- Perform a rigorous review to identify all potentially applicable LDAR Fugitive Emission Components (FECs) in the BRRF OSPBs.
- Field verify that identified OSPB LDAR FECs are included in the existing LDAR monitoring program
- Add any applicable LDAR FECs where they cannot be verified as already included in the existing LDAR monitoring program
- Update LADEQ quarterly as to process progress, and results until complete
- Modify permit(s) as needed to accommodate emissions for any newly identified applicable LDAR FECs

Specific Steps

- 1) Conduct initial ground level screening of BRRF OSPB with Optical Image camera to identify and repair any large leaks first
- 2) Review available OSPB cut sheets that show a cross-section of OSPB pipes for LDAR applicability, and identify BRRF LDAR streams to associate with that pipe's contents. There are currently 576 such cut sheets for the BRRF
- 3) Use marked-up cut sheets to field identify (using flagging tape) all applicable OSPB LDAR components in each grid section of piping that are not already identified and monitored as a FEC in the LDAR database. There are 207 BRRF grid sections that need to be field verified. Any piping that is found to not match up with the cut sheets will be managed via the existing BRRF change management process.
- 4) Tag, record in the LDAR database, and perform and record Method 21 monitoring on all flagged components using 500 ppm as a leak definition.
- 5) Repair, document, and report as per applicable repair LDAR requirements, any component found leaking as defined by applicable LDAR requirements
- 6) Report progress and status of findings to LDEQ within 30 days following the end of each calendar quarter. This report shall contain the following for the reporting quarter and program-to-date as indicated in the attached report format:
 - Status and results of OSPB Optical Image camera screening
 - Number of cut sheet reviews completed
 - Number of Refinery grid blocks completed
 - Number of applicable LDAR components added to the database, and how many are Difficult-to-Monitor (DTM)
 - Number of leakers found, repaired, and in Delay-of-Repair (DOR)
- 7) At the completion of the validation effort submit modifications to air permit(s) as needed to accommodate any newly identified emissions for newly identified applicable LDAR components.

ATTACHMENT 1— AE-CN-08-0017

**BRRF LDAR Component Validation Progress
Quarterly LADEQ Report**

<u>Measurement Parameter</u>	<u>Period Covered and Report Due Date for that Quarter</u>						
	<u>2Q08</u> 7/30/08	<u>3Q08</u> 10/30/08	<u>4Q08</u> 1/30/09	<u>1Q09</u> 4/30/09	<u>2Q09</u> 7/30/09	<u>3Q09</u> 10/30/09	<u>Total</u>
Percent Complete with initial ground-level Optical Imaging camera screening							
Number of ground-level Optical Imaging camera leaks found							
Number of Cut Sheet Reviews Completed (out of 576)/Percent Complete	/ %	/ %	/ %	/ %	/ %	/ %	/ %
Number of BRRF Grid Blocks Completed (out of 207)/Percent Complete	/ %	/ %	/ %	/ %	/ %	/ %	/ %
Number of Applicable New LDAR FECs found							
Number of DTM LDAR FECs found							
Number of Leaks at a 500 ppm leak definition found							
Number of Leaks at a 500 ppm leak definition repaired							
Number of Leaks at a 500 ppm leak definition on Delay-of-Repair (DOR)							

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

EXXONMOBIL OIL CORPORATION
c/o Corporation Service Company
Agent of Service
320 Somerulos Street
Baton Rouge, Louisiana 70802-6129

AE-CN-08-0017

CRO

AI# 2638

TBL

2. Article Number **7003 2260 0001 2744 4794**
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Katie LeBlanc* Agent
 Addressee

B. Received by (Printed Name)

Katie LeBlanc

C. Date of Delivery

3/18/08

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

UNITED STATES POSTAL SERVICE
BATON ROUGE LA 708
19 MAR 2008 PM 3 T

THINK SPEAK WRITE
First-Class Mail
Postage & Fees Paid
USPS.com
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

MAR 24 2008

Office of Environmental Compliance
Attention: Enforcement
P.O. Box 4312
Baton Rouge, LA 70821-4312
OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION

312



Attachment B



BOBBY JINDAL
GOVERNOR

HAROLD LEGGETT, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 09, 2008

CERTIFIED MAIL (7003 2260 0001 2744 4817)
RETURN RECEIPT REQUESTED

EXXON MOBIL CORPORATION
c/o Corporation Service Company
Agent of Service
320 Somerulos Street
Baton Rouge, Louisiana 70802

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-08-0017A
AGENCY INTEREST NO. 2638**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **EXXON MOBIL CORPORATION (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Tonya Landry at (225) 219-3785.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Iturralde".

Lourdes Iturralde
Administrator
Enforcement Division

LI/TBL/tbl
Ali ID No. 0840-00015
Attachment

c: Exxon Mobil Corporation
c/o Derek Reese
4045 Scenic Highway
Baton Rouge, Louisiana 70805

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**EXXON MOBIL CORPORATION
EAST BATON ROUGE PARISH
ALT ID NO. 0840-00015**

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R.S. 30:2001, ET SEQ.**

*
*
*
*
*
*
*
*
*
*
*

ENFORCEMENT TRACKING NO.

AE-CN-08-0017A

AGENCY INTEREST NO.

2638

**AMENDED
CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** issued to **EXXONMOBIL OIL CORPORATION (RESPONDENT)** on March 7, 2008, in the above-captioned matter as follows:

I.

The Department hereby amends the Respondent's name in every occurrence from **EXXONMOBIL OIL CORPORATION** to read as follows: **EXXON MOBIL CORPORATION.**

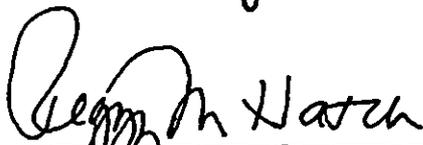
II.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-08-0017** and **AGENCY INTEREST NO. 2638** as if reiterated herein.

III.

This **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 9th day of May, 2008.



Peggy M. Hatch.
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Tonya Landry

Attachment C

BOBBY JINDAL
GOVERNOR



HAROLD LEGGETT, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 27, 2009

CERTIFIED MAIL (7004 2510 0005 5767 4434)
RETURN RECEIPT REQUESTED

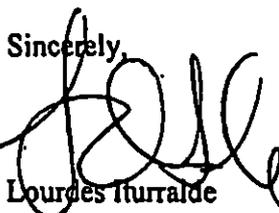
EXXON MOBIL CORPORATION
c/o Corporation Service Company
Agent of Service
320 Somerulos Street
Baton Rouge, Louisiana 70802

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-08-0017B
AGENCY INTEREST NO. 2638**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **EXXON MOBIL CORPORATION (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Tonya Landry at (225) 219-3785.

Sincerely,

Lourdes Iturralde
Administrator
Enforcement Division

LI/TBL/tbl
Alt ID No. 0840-00015
Attachment

c: Exxon Mobil Corporation
c/o Derek Reese
4045 Scenic Highway .
Baton Rouge, Louisiana 70805

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**EXXON MOBIL CORPORATION
EAST BATON ROUGE PARISH
ALT ID NO. 0840-00015**

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R.S. 30:2001, ET SEQ.**

*	
*	
*	ENFORCEMENT TRACKING NO.
*	
*	AE-CN-08-0017B
*	
*	AGENCY INTEREST NO.
*	
*	2638
*	
*	

**AMENDED
CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** issued to **EXXON MOBIL CORPORATION (RESPONDENT)** on May 9, 2008, in the above-captioned matter as follows:

I.

The Department hereby adds paragraph V to the Findings of Fact portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-08-0017A which shall read as follows:

"V.

According to a letter dated April 29, 2009, the Respondent stated that "due to the difficulty of the multi-level pipe band terrain, disruptions due to Hurricane Gustav, newly permitted facilities requiring immediate tagging and monitoring in the Complex, and some inexperience and instability in our contract LDAR workforce, we are requesting an extension of the completion deadline from October 30, 2009 to April 30, 2010 with an additional 4Q09 progress report due January 30, 2010 and an additional 1Q10 progress report due April 30, 2010."

II.

The Department hereby amends the Order portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-08-0017A to replace paragraph I in its entirety to read as follows:

"I.

To implement and complete all identification and monitoring proposed in the Plan (Attachment 1) by April 30, 2010."

III.

The Department hereby amends the table in paragraph II of the Order portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-08-0017A which shall read as follows:

"II.

Quarter-Year (Quarter Dates)	Progress Report Due Date
Quarter 2-2008 (4/1/2008 - 6/30/2008)	July 30, 2008
Quarter 3-2008 (7/1/2008 - 9/30/2008)	October 30, 2008

Quarter-Year (Quarter Dates)	Progress Report Due Date
Quarter 4-2008 (10/1/2008-12/31/2008)	January 30, 2009
Quarter 1-2009 (1/1/2009-3/31/2009)	April 30, 2009
Quarter 2-2009 (4/1/2009-6/30/2009)	July 30, 2009
Quarter 3-2009 (7/1/2009-9/31/2009)	October 30, 2009
Quarter 4-2009 (10/1/2009-12/31/2009)	January 30, 2010
Quarter 1-2010 (1/1/2010-3/31/2010)	April 30, 2010"

IV.

The Department hereby amends the Order portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-08-0017A to replace paragraph III in its entirety to read as follows:

"III.

To submit a final report by May 31, 2010, listing all findings of the audit including, but not limited to the following:

- A. Number and type of unidentified regulated LDAR fugitive emission components found;
- B. List of leakers found based on a 500 ppm leak definition and instrument reading for each leaking component;
- C. Number of leakers repaired based on a 500 ppm leak definition;
- D. Number of unsafe-to-monitor and/or difficult-to-monitor components found;
- E. Number and type of components placed on delay of repair and anticipated date of repair;
- F. Noncompliance with air quality permits and air quality regulations, including any excess emissions;

G. Time periods of noncompliance; and

H. Number of missed monitoring events."

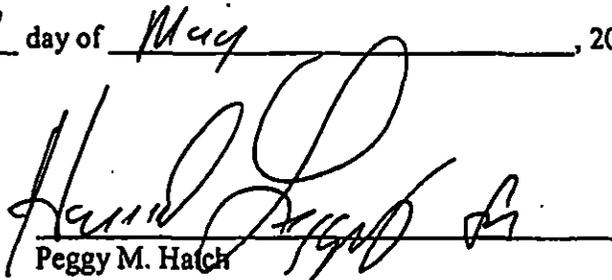
V.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-08-0017A** and **AGENCY INTEREST NO. 2638** as if reiterated herein.

VI.

This **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 27 day of May, 2009.



Peggy M. Hatch
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Tonya Landry

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Exxon Mobil Corporation
 c/o Corporation Service Company
 Agent of Service
 320 Somerulos Street
 Baton Rouge, Louisiana 70802

AE-CN-08-0017B CRO
 AI# 2638 TBL

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Julia Love

- Agent
- Addressee

B. Received by (Printed Name) *MAY* C. Date of Delivery

Julia Love

29 2009

- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number **7004 2510 0005 5767 4434**
 (Transfer from service label)

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Office of Environmental Compliance
Attention: Enforcement - Air
PO Box 4312
Baton Rouge, LA 70821-4312

Attachment D

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
March 12, 2010

CERTIFIED MAIL (7003 2260 0001 2744 4831)
RETURN RECEIPT REQUESTED

EXXON MOBIL CORPORATION
c/o Corporation Service Company
Agent of Service
320 Somerulos Street
Baton Rouge, Louisiana 70802

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-10-00275
AGENCY INTEREST NO. 2638**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **EXXON MOBIL CORPORATION (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Tonya Landry at (225) 219-3785.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Iturralde".

Lourdes Iturralde
Administrator
Enforcement Division

LI/TBL/tbl
Alt ID No. 0840-00015
Attachment

**c: Exxon Mobil Corporation
c/o Derek Reese
4045 Scenic Highway
Baton Rouge, Louisiana 70805**

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF	*	
	*	
EXXON MOBIL CORPORATION	*	ENFORCEMENT TRACKING NO.
EAST BATON ROUGE PARISH	*	
ALT ID NO. 0840-00015	*	AE-CN-10-00275
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	2638
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, <u>ET SEQ.</u>	*	

**CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **EXXON MOBIL CORPORATION (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Baton Rouge Refinery, a petroleum refining and supply facility, located at or near 4045 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility operates under multiple air permits, including Title V Permit Nos. 2047-V2, 2176-V4, 2234-V4, 2261-V2, 2296-V3, 2300-V0, 2341-V1, 2363-V2, 2385-V5, 2447-V2, 2589-V4, 2755-V3, 2795-V4, 2926-V0, and 3060-V0.

II.

On or about December 22, 2009, and January 22, 2010, file reviews of the Respondent's facility were performed to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the reviews:

- A. According to the Respondent's Part 70 General Condition R and K Semiannual Report dated September 30, 2009, and the Respondent's letter dated December 18, 2009, one (1) engine was omitted from Title V Permit No. 2363-V2, and eight (8) engines were omitted from Title V Permit No. 2234-V4, as noted in the following table:

Permit Number	Engine Description	Date Engine Arrived	Date Manufactured
2363-V2	Generator for Catalyst FRC Washing	5/6/2008	March 2006
2234-V4	Welding Machine (Coke Terminal)	4/27/2007	2005
2234-V4	Welding Machine (Coker Maintenance Shop)	8/19/2009	February 2006
2234-V4	Air Compressor (Coker Rail Yard)	1/1/2007	November 2005
2234-V4	Air Compressor (mobile source)	12/8/2006	August 2006
2234-V4	Pressure Washer (Cokers)	2009	2009
2234-V4	Air Compressor (Coke Terminal)	November 2009	August 2007
2234-V4	Air Compressor (Coker Maintenance Shop)	4/11/2007	November 2006
2234-V4	Portable Light (Coker Rail Yard)	2/27/2009	4/18/2007

Each failure to submit a permit modification application and receive approval from the permitting authority prior to the construction, modification, or operation of a facility, which ultimately may have resulted in an initiation or increase in emission of air contaminants is a violation of LAC 33:III.517.A.1, LAC 33:III.501.C.2, LAC 33:III.501.C.1, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- B. According to the Respondent's Permit Limit Exceedance Notice dated December 18, 2009, "The ExxonMobil Baton Rouge Refinery operates thirty-four analyzers under the Light Ends Complex Permit No. 2589-V4,

EQ Source ID LE/AN. . . . Based on updated vent rate calculations, ExxonMobil has determined that the Light Ends Analyzer source has exceeded a permitted emission limit". According to this report, the Respondent reported the 2009 emission rate for VOCs to be 11.12 tons per year (tpy). According to Title V Permit No. 2589-V4 and as administratively amended, the annual VOC emission rate for EQ Source ID LE/AN (EQT 0670) is 6.41 tpy. The exceedance of the annual emission rate for VOCs is a violation of Title V Permit No. 2589-V4, LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported this deviation in its letter dated December 21, 2009.

- C. According to the Respondent's letter dated December 21, 2009, and letter dated January 21, 2010, the following Emission Sources were omitted from Title V Permit No. 2755-V3:

Emission Source Descriptive Name	Emission Point ID No.
Pipestill 10 F-101/F-102 Decoke Drum	PSLA 10/D-102
Pipestill 10 F-1/F-2 Decoke Drum	PSLA 10/D-20
Pipestill 9 F-2 Decoke Drum	PSLA 9/D-29
Pipestill 9 F-1 Decoke Drum	PSLA 9/D-19

Each failure to submit a permit modification application and receive approval from the permitting authority prior to the construction, modification, or operation of a facility, which ultimately may have resulted in an initiation or increase in emission of air contaminants is a violation of LAC 33:III.517.A.1, LAC 33:III.501.C.2, LAC 33:III.501.C.1, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- D. According to the Respondent's letter dated January 21, 2010, the following Emission Sources were omitted from Title V Permit No. 2234-V4:

Emission Source Descriptive Name	Emission Point ID No.
East Coker F-1 Decoke Vent	CKRE/F1 Decoke
West Coker F-101 Decoke Vent	CKRW/F101 Decoke
Far East Coker F-501A Decoke Vent	CKRFE/F501A Decoke
Far East Coker F-501B Decoke Vent	CKRFE/F501B Decoke

Each failure to submit a permit modification application and receive approval from the permitting authority prior to the construction, modification, or operation of a facility, which ultimately may have resulted in an initiation or increase in emission of air contaminants is a violation of LAC 33:III.517.A.1, LAC 33:III.501.C.2, LAC 33:III.501.C.1, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with the Act and the Air Quality Regulations.

II.

To protect the air quality, the Respondent is required to comply with the following at the Respondent's Baton Rouge Refinery:

- A. If the Respondent chooses to emit any air contaminant in the State of Louisiana from its Baton Rouge Refinery, the following interim limitations shall apply:

Emission Source	Emission Point	Pollutant	Annual Emission Rate (tons per year)
Light Ends Complex Analyzer Emissions	LE/AN	Total VOC	13.90

The Respondent shall also operate its Baton Rouge Refinery in accordance with all other emission limitations, terms, and conditions stated in Title V Permit No. 2589-V4 unless otherwise notified in writing by the Department. The interim limitations shall remain in effect until the issuance of the new permit, or unless otherwise notified by the Department.

- B. If the Respondent does not choose to emit any air contaminants in the State of Louisiana from its Baton Rouge Refinery, the Respondent shall, within thirty (30) days after receipt of the **COMPLIANCE ORDER**, provide written documentation to the Department that no activities exist at the Respondent's Baton Rouge Refinery resulting in any unauthorized discharges to the air.
- C. The Respondent shall at all times properly operate and maintain all facilities and systems of control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of these interim limits.

III.

To protect the air quality, the Respondent is required to comply with the following at the Respondent's Baton Rouge Refinery:

- A. If the Respondent chooses to emit any air contaminant in the State of Louisiana from its Baton Rouge Refinery, the following interim limitations shall apply:

Emission Source	Emission Point	Pollutant	Maximum Emission Rate (lbs/hr)	Annual Emission Rate (tons per year)
Pipestill 9 F-1 Decoke Drum	PSLA 9/D-19	Particulate Matter (PM ₁₀)	321.20	1.28
		Sulfur Dioxide	9.60	0.04
		Carbon Monoxide	2939.50	11.76
Pipestill 9 F-2 Decoke Drum	PSLA 9/D-29	Particulate Matter (PM ₁₀)	161.90	0.65
		Sulfur Dioxide	4.90	0.02
		Carbon Monoxide	1481.20	5.92
Pipestill 10 F-1/ F-2 Decoke Drum	PSLA 10/D-20	Particulate Matter (PM ₁₀)	385.40	1.51
		Sulfur Dioxide	11.60	0.05
		Carbon Monoxide	3526.60	13.80
Pipestill 10 F-101/ F-102 Decoke Drum	PSLA 10/D-102	Particulate Matter (PM ₁₀)	638.80	2.28
		Sulfur Dioxide	19.20	0.07
		Carbon Monoxide	5845.20	20.88

Only one of the above Emission Sources shall emit at the above interim limitation at any given time. The Respondent shall also operate its Baton Rouge Refinery in accordance with all other emission limitations, terms, and conditions stated in Title V Permit No. 2755-V3 unless otherwise

notified in writing by the Department. The interim limitations shall remain in effect until the issuance of the new permit, or unless otherwise notified by the Department.

- B. If the Respondent does not choose to emit any air contaminants in the State of Louisiana from its Baton Rouge Refinery, the Respondent shall, within thirty (30) days after receipt of the **COMPLIANCE ORDER**, provide written documentation to the Department that no activities exist at the Respondent's Baton Rouge Refinery resulting in any unauthorized discharges to the air.
- C. The Respondent shall at all times properly operate and maintain all facilities and systems of control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of these interim limits.

IV.

To protect the air quality, the Respondent is required to comply with the following at the Respondent's Baton Rouge Refinery:

- A. If the Respondent chooses to emit any air contaminant in the State of Louisiana from its Baton Rouge Refinery, the following interim limitations shall apply:

Emission Source	Emission Point	Pollutant	Maximum Emission Rate (lbs/hr)	Annual Emission Rate (tons per year)
East Coker F-1 Decoke Vent	CKRE/F1 Decoke	Particulate Matter (PM ₁₀)	570.30	0.86
		Sulfur Dioxide	28.50	0.04
		Carbon Monoxide	5218.00	7.83
West Coker F-101 Decoke Vent	CKRW/F101 Decoke	Particulate Matter (PM ₁₀)	411.90	0.62
		Sulfur Dioxide	14.40	0.02
		Carbon Monoxide	3768.90	5.65

Emission Source	Emission Point	Pollutant	Maximum Emission Rate (lbs/hr)	Annual Emission Rate (tons per year)
Far East Coker F-501A Decoke Vent	CKRFE/F501A Decoke	Particulate Matter (PM ₁₀)	390.40	0.59
		Sulfur Dioxide	19.50	0.03
		Carbon Monoxide	3572.20	5.36
Far East Coker F-501B Decoke Vent	CKRFE-F501B Decoke	Particulate Matter (PM ₁₀)	390.40	0.59
		Sulfur Dioxide	19.50	0.03
		Carbon Monoxide	3572.20	5.36

Only one of the above Emission Sources shall emit at the above interim limitation at any given time. The Respondent shall also operate its Baton Rouge Refinery in accordance with all other emission limitations, terms, and conditions stated in Title V Permit No. 2234-V4 unless otherwise notified in writing by the Department. The interim limitations shall remain in effect until the issuance of the new permit, or unless otherwise notified by the Department.

- B. If the Respondent does not choose to emit any air contaminants in the State of Louisiana from its Baton Rouge Refinery, the Respondent shall, within thirty (30) days after receipt of the **COMPLIANCE ORDER**, provide written documentation to the Department that no activities exist at the Respondent's Baton Rouge Refinery resulting in any unauthorized discharges to the air.
- C. The Respondent shall at all times properly operate and maintain all facilities and systems of control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of these interim limits.

V.

To submit to the Air Permits Division, within ninety (90) days after receipt of this **COMPLIANCE ORDER**, the appropriate permit modification application to include updated emissions limits for Emission Point LE/AN in Title V Permit No. 2589-V4. The Respondent shall submit a copy of the cover letter to the Enforcement Division.

VI.

To submit to the Air Permits Division, within ninety (90) days after receipt of this **COMPLIANCE ORDER**, the appropriate permit modification application for Title V Permit No. 2755-V3. The Respondent shall submit a copy of the cover letter to the Enforcement Division. The permit modification shall include, but is not limited to the following Emission Points:

- A. PSLA 9/D-19
- B. PSLA 9/D-29
- C. PSLA 10/D-20
- D. PSLA 10/D-102

VII.

To submit to the Air Permits Division, within ninety (90) days after receipt of this **COMPLIANCE ORDER**, the appropriate permit modification application for Title V Permit No. 2234-V4. The Respondent shall submit a copy of the cover letter to the Enforcement Division. The permit modification shall include, but is not limited to the following items:

- A. Welding Machine at the Coke Terminal
- B. Welding Machine at the Coker Maintenance Shop
- C. Air Compressor at the Coker Rail Yard
- D. Air Compressor (mobile source)
- E. Pressure Washer at the Coker Complex
- F. Air Compressor at the Coke Terminal
- G. Air Compressor at the Coker Maintenance Shop
- H. Portable Light at the Coker Rail Yard
- I. CKRE/F1 Decoke
- J. CKRW/F101 Decoke
- K. CKRFE/F501A Decoke
- L. CKRFE/F501B Decoke

VIII.

To submit to the Air Permits Division, within ninety (90) days after receipt of this **COMPLIANCE ORDER**, the appropriate permit modification application for Title V Permit No. 2363-V2 to include the Generator for Catalyst FRC Washing. The Respondent shall submit a copy of the cover letter to the Enforcement Division.

IX.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Tonya Landry
Enforcement Tracking No. AE-CN-10-00275
Agency Interest No. 2638

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

.I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the **Enforcement Tracking Number** and **Agency Interest Number**, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. AE-CN-10-00275
Agency Interest No. 2638

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could

result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Tonya Landry at (225) 219-3785 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 12th day of March, 2010.



Paul D. Miller, P.E.
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Tonya Landry

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Exxon Mobil Corporation
 c/o Corporation Service Company
 Agent of Service
 320 Somerulos Street
 Baton Rouge, Louisiana 70802

AE-CN-10-00275

AI# 2638

TBL

CRO

2. Article Number

7003 2260 0001 2744 4831

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Ashley Falcon

- Agent
- Addressee

B. Received by (Printed Name)

ASHLEY FALCON

C. Date of Delivery

7/6

D. Is delivery address different from item 1?

Yes

If YES, enter delivery address below:

No

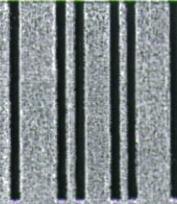
3. Service Type

- Certified Mail
- Express Mail
- Registered
- Return Receipt for Merchandise
- Insured Mail
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Office of Environmental
Compliance
P.O. Box 4312
Baton Rouge, LA 70821-4312



Attachment E

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

September 8, 2010

CERTIFIED MAIL (7003 2260 0000 5826 4812)
RETURN RECEIPT REQUESTED

EXXON MOBIL CORPORATION
c/o Corporation Service Company
Agent of Service
320 Somerulos Street
Baton Rouge, Louisiana 70802-6129

**RE: CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-10-00877
AGENCY INTEREST NO. 286 and 3230..**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **EXXON MOBIL CORPORATION (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Mary Caldwell at (225) 219-3767.

Sincerely,

A handwritten signature in black ink that reads "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/MJC/mjc
Alt ID No. 0840-00014; 0840-00035
Attachment

c:Exxon Mobil Chemical Company
Baton Rouge Chemical Plant
c/o Derek Reese, Environmental Manager
Post Office Box 241
Baton Rouge, Louisiana 70821-0241

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**EXXON MOBIL CORPORATION
EAST BATON ROUGE PARISH
ALT ID NO. 0840-00140; 0840-00035**

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **AE-CN-10-00877**
*
* **AGENCY INTEREST NO.**
*
* **286 and 3230**
*
*

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R.S. 30:2001, ET SEQ.**

**CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **EXXON MOBIL CORPORATION (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Baton Rouge Chemical Plant (AI# 286) a synthetic organic chemical manufacturing facility, located at 4999 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The Respondent's facility currently operates under approximately twenty-eight (28) individual Title V permits.

II.

On or about April 16, 2010, a file review was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

While the investigation by the Department is not yet complete, the following violations were noted during the course of the file review:

- A. According to a report date March 29, 2010, the Respondent has exceeded the 2010 annual permit limits for VOC and n-hexane for Emission Point EQT0982 Fines Recovery Tank and Emission Point EQT0974 Secondary Wastewater Emissions. Each permit exceedance is a violation of Title V Permit No. 2166-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- B. According to the Second Half of 2009 Part 70 General Condition K Report dated March 31, 2010, the Respondent had twenty-seven (27) open ended lines. The lines were corrected upon discovery. Each open ended line is a violation of the respected permit Title V Permit Nos. 2295-V5, 2361-V1, 2031-V7, 2393-V1, 2396-V0, 2166-V2, 2376-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- C. According to the Second Half of 2009 Part 70 General Condition K Report dated March 31, 2010, the Respondent's SACC "B" Furnace (Furnace BF-01, EIQ #S-02) exceeded 20% opacity on October 2, 2009 due to a tube leak. This is a violation of Title V Permit No. 2031-V7, LAC 33:III.1101.B, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- D. According to the Second Half of 2009 Part 70 General Condition K Report dated March 31, 2010, the Respondent's SACC "F" Furnace (Furnace FF-01, EIQ #S-06) exceeded 20% opacity on November 6, 2009 due to a tube leak. This is a violation of Title V Permit No. 2031-V7, LAC 33:III.1101.B, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- E. According to the Second Half of 2009 Part 70 General Condition K Report dated March 31, 2010, the Respondent exceeded the sulfur dioxide annual permit limits for EIQ3M-1000 Flare Gas Recovery. Based on calculations the estimated emissions were 9.325 tons per year (tpy) instead of the permitted 0.86 tpy. This exceedance is a violation of Title V Permit No. 2390-V1, LAC 33:III.501.C.4, La. R.S.30:2057(A)(1) and 30:2057(A)(2).
- F. According to the Second Half of 2009 Part 70 General Condition K Report dated March 31, 2010, for approximately thirteen (13) minutes on December 5, 2009, the vent gas from Towers T-710 and T-740 vented to the atmosphere. The Tower's vent streams are required to be vented to Furnace F-635. Failure to vent streams to the furnace is a violation of Title V Permit No. 2365-V2, LAC 33:III.501.C.4, and La. R.S.30:2057(A)(2).
- G. According to the Second Half of 2009 Part 70 General Condition K Report dated March 31, 2010, the Respondent exceeded the 2009 annual VOC permitted limits by 1.89 tpy for EQT0974 Secondary Wastewater Emissions and by 4.44 tpy for EQT 0982 Fines Recovery Tank. Each exceedance is a violation of Title V Permit No. 2166-V1 LAC 33:III.501.C.4, La. R.S.30:2057(A)(1) and 30:2057(A)(2).

- H. According to the Second Half of 2009 Part 70 General Condition K Report dated March 31, 2010, the Respondent exceeded the 2009 annual n-hexane permitted limits by 0.28 tpy for EQT0974 Secondary Wastewater Emissions and by 2.65 tpy for EQT 0982 Fines Recovery Tank. Each exceedance is a violation of Title V Permit No. 2166-V1, LAC 33:III.501.C.4, La. R.S.30:2057(A)(1) and 30:2057(A)(2).

III.

The Respondent owns and/or operates Baton Rouge Resin Finishing Plant (AI # 3230), which is located at 12840 Scenic Highway Baton Rouge, East Baton Rouge Parish, Louisiana. The Facility is permitted as a minor stationary source and began operation prior to 1969. The Facility previously operated under Air Permit No. 0840-00035-10 issued on September 8, 2002, which was administratively amended on May 22, 2003. The facility is currently operating under Air Permit No. 0840-00035-11 issued on July 16, 2004.

On or about April 28, 2010, a file review was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

While the investigation by the Department is not yet complete, the following violations were noted during the course of the file review:

According to a letter dated April 28, 2010, the Respondent exceeded 2009 and 2010 PM₁₀ annual permit limits for three (3) dust collectors (EIQ V-06, EIQ V-07 and EIQ V-08). This was determined when a request for an update vendor guarantee was returned with a lower efficiency than the original design. The bags have a 95% dust control instead of the 99.5% the permit is based on. PM₁₀ emission exceedances are as follows:

EIQ#	2009 Emissions (tpy)	2010 YTD Emissions (tpy)	Permit Limits
V-06	12.11	4.67	2.08
V-07	12.11	3.63	1.42
V-08	3.92	1.35	0.57

Each exceedance is a violation of Air Permit No. 0840-00035-11, LAC 33:III.905, LAC 33:III.501.C.4, La. R.S.30:2057(A)(1) and 30:2057(A)(2).

IV.

On or about April 29, 2010, the Respondent submitted a letter requesting interim limits at the Baton Rouge Chemical Plant for EQT0974 Secondary Wastewater Emissions and for EQT 0982 Fines Recovery Tank. On or about June 17, 2010, Respondent submitted a letter requesting interim limits at the Baton Rouge Resin Finishing Plant for three (3) dust collectors (EIQ V-06, EIQ V-07 and EIQ V-08). This request was updated on or about July 1, 2010.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to ensure compliance with all applicable federal and state Air Quality Regulations, including, but not limited to LAC 33:111.905 and all effective Air Permits.

II.

To protect the air quality, the Respondent is required to comply with the following at the Respondent's facility:

- A. If the Respondent chooses to emit any air contaminant into the atmosphere in the State of Louisiana from the Baton Rouge Chemical Plant (AI 286) the following interim limitations shall apply for EQT0982 Fines Recovery Tank and EQT0974 Secondary Wastewater Emissions:

Source ID	Source Description	Pollutant	Average Permit Limit (lb/hr)	Interim Limits (tpy)
EQT0982	Fines Recovery Tank	VOC	2.45	10.72
		n-hexane	1.54	6.73
EQT0974	Secondary Wastewater Emissions	VOC	2.36	10.33
		n-hexane	1.41	6.18

The Respondent shall also operate its facility, in accordance with all other emission limitations, terms, and conditions stated in Title V Permit No. 2166-V2 unless otherwise notified in writing by the Department. The interim limitations shall remain in effect until the issuance of the new permit, or unless otherwise notified by the Department.

- B. If the Respondent chooses to emit any air contaminant into the atmosphere in the State of Louisiana from the Baton Rouge Resin Finishing Plant (AI 3230), the following interim limitations shall apply for EIQ V-06, V-07, V-08:

Source ID	Source Description	Pollutant	Maximum Permit Limit (lb/hr)	Interim Limits (tpy)
V-06	Dust Collector	PM-10	7.09	16.74
V-07	Dust Collector	PM-10	6.25	11.45
V-06	Dust Collector	PM-10	4.99	5.06

The Respondent shall also operate its facility, in accordance with all other emission limitations, terms, and conditions stated in Air Permit No. 0840-00035-11 unless otherwise notified in writing by the Department. The interim limitations shall remain in effect until October 21, 2010, the date the emission control projects associated with the emissions point shall be completed or unless otherwise notified by the Department.

- C. If the Respondent does not choose to emit any air contaminants in the State of Louisiana from its facility, the Respondent shall, within thirty (30) days after receipt of the **COMPLIANCE ORDER**, provide written documentation to the Department that no activities exist at the Respondent's facility resulting in any unauthorized discharges to the air.
- D. The Respondent shall at all times properly operate and maintain all facilities and systems of control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of these interim limitations.

III.

To submit to the Air Permits Division, within ninety (90) days after receipt of the **COMPLIANCE ORDER**, a Permit modification application to include updated emissions limits for EQT0982 Fines Recovery Tank and EQT0974 Secondary Wastewater Emissions in Permit No. 2166-V2. The Respondent shall submit a copy of the cover letter to the Enforcement Division.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Mury Caldwell
Enforcement Tracking No. AE-CN-10-00877
Agency Interest No. 286

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the *Enforcement Tracking Number* and *Agency Interest Number*, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. AE-CN-10-00887
Agency Interest No. 286

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more that thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible

enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Mary Caldwell at (225) 219-3767 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 10 day of September, 2010.



Beau James Brock
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Mary Caldwell

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Exxon Mobil Corporation
 c/o Corporation Service Company
 Agent of Service
 320 Somerulos Street
 Baton Rouge, LA 70802-6129

AE-CN-10-00877 CRO
 AI# 286 MJC

2. Article Number 7003 2260 0000 5826 4812
 (transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X



- Agent
- Addressee

B. Received by (Printed Name)

RENE B. BLUE

C. Date of Delivery

9-14-10

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

Environmental Compliance

U.S. E.P.A.

SEP 17 2010

RECEIVED

• Sender: Please print your name, address, and ZIP+4 in this box

Office of Environmental Compliance
Attention: Enforcement - Air
P.O. Box 4312
Baton Rouge, LA 70821-4312

Attachment F

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

October 20, 2010

CERTIFIED MAIL (7004 2510 0005 5763 9051)
RETURN RECEIPT REQUESTED

EXXONMOBIL REFINING AND SUPPLY COMPANY
c/o Corporation Service Company
Agent of Service
320 Somerulos Street
Baton Rouge, LA 70802

RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-08-0132
AGENCY INTEREST NO. 858

Dear Sir:

On or about March 3, 2010, a file review of **ANCHORAGE TANK FARM (FACILITY)** owned and/or operated by **EXXONMOBIL REFINING & SUPPLY COMPANY – (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 1420 Lafiton Lane in Port Allen, West Baton Rouge Parish, Louisiana. The facility operated under Title V Permit No. 3120-00056-V1, issued on or about February 18, 2004, at the time that the listed deficiencies were reported. The facility currently operates under Title V Permit No. 3120-00056-V4, issued on or about May 11, 2010.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the file review:

- A. In correspondence dated November 14, 2007, the Department received a permit application to modify Title V Permit No. 3120-00056-V1. The facility reported the presence of an existing, unpermitted, emission source. Diesel Powered Water Pump P-13 (ATF/PUMP-13) was identified as emitting Particulate Matter (PM₁₀), Sulfur Dioxide (SO₂), Nitrogen Oxides (NO_x), Carbon Monoxide (CO), and Volatile Organic Compounds (VOCs). The failure to submit a full and complete Emission Inventory Statement listing all emission sources which will, or ultimately may, result in emission of air

Notice of Potential Penalty
Exxon Mobil Corporation
Page 2

contaminants is a violation of LAC 33:III.501.C.2, LAC 33:III.501.C.4, LAC 33:III.919.B.2 and La. R.S. 30:2057(A)(2).

- B. The facility operated an unpermitted emission source, Diesel Powered Water Pump P-13 (ATF/PUMP-13), from the issue date of Title V Permit No. 3120-00056-V1, on or about February 18, 2004, until Title V Permit No. 3120-00056-V2 was issued on or about August 8, 2008. The resulting increases in criteria pollutants that qualify as significant (5%) increases are shown in the following table in tons per year (tpy):

Pollutant	3120-00056-V1 limit	5% increase	Amount of pollutant emitted by source P-13
PM ₁₀	0.88	0.04	0.08
SO ₂	0.07	0.005	0.01
NO _x	3.94	0.020	1.07

The operation of any unpermitted emission source which will, or ultimately may, result in emission of air contaminants is a violation, for each criteria pollutant, of LAC 33:III.501.C.2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- C. In correspondence dated November 14, 2007, the Department received a permit modification application for the facility. The facility reported the presence of an unpermitted emission source. Diesel Powered Firewater Pump P-22 (ATF/PUMP-22) was identified as emitting Particulate Matter (PM₁₀), Sulfur Dioxide (SO₂), Nitrogen Dioxide (NO₂), Carbon Monoxide (CO), and Volatile Organic Compounds (VOCs). The failure to submit a full and complete Emission Inventory Statement listing all emission sources which will, or ultimately may, result in emission of air contaminants is a violation of LAC 33:III.501.C.2, LAC 33:III.501.C.4, LAC 33:III.919.B.2 and La. R.S. 30:2057(A)(2).
- D. The facility operated an unpermitted emission source, Diesel Powered Water Pump P-22 (ATF/PUMP-22), from the issue date of Title V Permit No. 3120-00056-V1, on or about February 18, 2004, until Title V Permit No. 3120-00056-V2 was issued on or about August 8, 2008. The resulting increases in criteria pollutants that qualify as significant (5%) increases are shown in the following table in tons per year (tpy):

Notice of Potential Penalty
 Exxon Mobil Corporation
 Page 3

Pollutant	3120-00056-V1 limit	5% increase	Amount of pollutant emitted by source P-22
PM ₁₀	0.88	0.04	0.22
SO ₂	0.07	0.005	0.03
NO _x	3.94	0.020	2.91
CO	8.98	0.45	0.63

The operation of any unpermitted emission source which will, or ultimately may, result in emission of air contaminants is a violation, for each criteria pollutant, of LAC 33:III.501.C.2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- E. The facility's 2007 2nd Semiannual Monitoring Report, dated March 31, 2008 and received by the Department on or about April 3, 2008, did not include the facility's failure to list Diesel Powered Water Pump P-13 and Diesel Powered Firewater Pump P-22 as deviations of the permit. Each failure to report a deviation is a violation of General Condition XI of Title V Permit No. 3120-00056-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violations described herein. Written comments may be filed regarding the violations and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violations. If you would like to have such a meeting, please contact Mark E. Brown at (225) 219-3782 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement.

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed

Notice of Potential Penalty
Exxon Mobil Corporation
Page 4

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Beau James Brock
Assistant Secretary

BJB/MEB/meb
Alt ID No. 3120-00056

c: ExxonMobil Refining & Supply Company
Anchorage Tank Farm
Mr. W. D. Fellows
Environmental Manager
P.O. Box 551
Baton Rouge, LA 70821-0551

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ExxonMobil Refining and Supply Company
 c/o Corporation Service Company
 Agent of Service
 320 Somerulos Street
 Baton Rouge, Louisiana 70802
 AE-PP-08-0132
 AI# 858

CRO
MEB

2. Article Number

(Transfer from service label)

7004 2510 0005 5763 9051

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X 

- Agent
- Addressee

B. Received by (Printed Name)

RENE B. R. N. U.

C. Date of Delivery

D. Is delivery address different from item 1?
 If YES, enter delivery address below:

- Yes
- No

2-8-2010

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RECEIVED
NOV 01 2010
Office of
Environmental Compliance

• Sender: Please print your name, address, and ZIP+4 in this box •

Office of Environmental Compliance
Attention: Enforcement - Air - *Lauren Pournian*
PO Box 4312
Baton Rouge, LA 70821-4312



Attachment G

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE

October 20, 2010

CERTIFIED MAIL (7004 2510 0005 5767 4717)
RETURN RECEIPT REQUESTED

EXXON MOBIL CORPORATION
c/o Corporation Service Company
Agent of Service
320 Somerulos Street
Baton Rouge, Louisiana 70802

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-10-00263
AGENCY INTEREST NO. 2638**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **EXXON MOBIL CORPORATION (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Tonya Landry at (225) 219-3785.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/TBL/tbl
Alt ID No. 0840-00015
Attachment

c: Exxon Mobil Corporation
c/o Derek Reese
4045 Scenic Highway
Baton Rouge, Louisiana 70805

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**EXXON MOBIL CORPORATION
EAST BATON ROUGE PARISH
ALT ID NO. 0840-00015**

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **AE-CN-10-00263**
*
* **AGENCY INTEREST NO.**
*
* **2638**
*

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R.S. 30:2001, ET SEQ.**

**CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **EXXON MOBIL CORPORATION (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Baton Rouge Refinery, a petroleum refining and supply facility, located at or near 4045 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility operates under multiple air permits, including Title V Permit Nos. 2047-V2, 2176-V4, 2234-V4, 2261-V2, 2296-V3, 2300-V0, 2341-V1, 2363-V2, 2385-V5, 2447-V2, 2589-V4, 2755-V3, 2795-V4, 2926-V0, and 3060-V0. Exxon Mobil Corporation is also subject to a Consent Decree that was lodged on October 11, 2005, and entered by the United

States District Court for the Northern District of Illinois (the Court) on December 13, 2005. The first non-material modification to the Consent Decree was filed with the Court on June 1, 2006. The second non-material modification to the Consent Decree was filed with the Court on November 13, 2007. The third material modification to the Consent Decree was filed with the Court on January 26, 2009.

II.

On or about April 3, 2006, an investigation of an unauthorized discharge which occurred on or about February 4, 2006, at the facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violation was noted during the course of the investigation:

The Department received an unauthorized discharge notification report from the Respondent dated February 10, 2006. According to the Respondent, the toluene, xylene, benzene, flammable vapors, volatile organic compounds (VOC), and hexane emissions during this incident were as follows:

Compound	Quantity (lbs)
Toluene	840
Xylene	7,574
Benzene	60
Flammable Vapors	134,330
VOC	126,756
Hexane to Air	1,005

According to this report, "On February 4, 2006 an instrument malfunction caused the F-600 furnace on the No. 2 Reformer to shut down. The shutdown of F-600 resulted in the Powerformer Feed Hydrotreater (RHLA-2) and the No. 2 Powerformer shutting down. The Powerformer is a major supplier of hydrogen to the Refinery, and with the reduction in hydrogen supply several units were forced to significantly reduce rates or shut down. The Feed Preparation [sic] Unit feeds RHLA-2 and with this unit shutdown a valve was opened to send this stream from Feed Preparation [sic] to tankage. There is a second valve in this line that is normally open, but during this time it was closed. The second valve being closed led to a pressure increase in T-31 and caused the safety valve to release. The tower pressure was returned to normal; however, the safety valve did not immediately reseal, so it was blocked out. There were no offsite injuries or complaints with this event." The Respondent reported that this unauthorized discharge was preventable. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working

order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." Control equipment as defined by LAC 33:III.111 is "any device or contrivance, operating procedure or abatement scheme used to prevent or reduce air pollution." This unauthorized discharge is also a violation of La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

III.

On or about March 23, 2007, an investigation of an unauthorized discharge which occurred on or about March 10, 2007, at the facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violation was noted during the course of the investigation:

The Department received an unauthorized discharge notification report from the Respondent dated March 16, 2007. According to the Respondent, the benzene emissions during this incident were as follows:

Compound	Quantity (lbs)
Benzene	29

According to this report, "On March 10, 2007, at approximately 9:30 PM, an Operator at the Water Clarification Unit (WCLA) responded to investigate an odor that was coming from a process sewer. Air samples indicated greater than 10 ppm benzene originating from the process sewer. All personell [*sic*] were evacuated from the area, and a search commenced to find the source of the hydrocarbons entering the sewer. It was later determined that the source was most likely from a mixed gas oil tank water draw operation that was stopped earlier at approximately 7:35 PM." The Respondent reported that this unauthorized discharge was preventable. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." Control equipment as defined by LAC 33:III.111 is "any device or contrivance, operating procedure or abatement scheme used to prevent or reduce air pollution." This unauthorized discharge is also a violation of La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

IV.

On or about April 3, 2007, an investigation of an unauthorized discharge which occurred on or about March 7, 2007, at the facility was performed to determine the degree of compliance

with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violation was noted during the course of the investigation:

The Department received an unauthorized discharge notification report from the Respondent dated March 14, 2007. The Respondent reported that eight (8) furnaces emitted SO₂ above their SO₂ permitted limits as follows:

Source ID Number	SO ₂ Emissions Above Permitted Limits (lbs)
PHLA-2 F-1	298
PHLA-2 F-2	222
PHLA-2 F-3	116
PHLA-2 F-4	151
Feed Prep F-31	95
4 LEU-E F-1	61
4 LEU-W F-1	69
4 LEU-W F-2	44

According to this report, "On March 7, 2007, the H₂S concentration in the high pressure burner line (HPBL) fuel gas system increased above normal due to a valve misalignment on the HHLA-S [Hydrofining South] unit, which was beginning a catalyst sulfiding operation following a unit shut-down. The valve misalignment caused sour gas to be routed directly to the HPBL. As a result of the high H₂S concentration in the HPBL gas, eight furnaces throughout the refinery exceeded their maximum permitted limits for SO₂ emissions." Each SO₂ permit limit exceedance of the maximum pounds per hour is a violation of LAC 33:III.501.C.4, Title V Permit Nos. 2261-V1 or 2589-V3, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported that this unauthorized discharge was preventable. The Respondent also reported this deviation in its Part 70 General Condition R Monitoring and Deviation Report dated June 29, 2007.

V.

On or about August 20 through 22, 2007, and October 9 through 12, 2007, inspections of the Respondent's facility were performed to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the inspections:

- A. The Department received an unauthorized discharge notification report from the Respondent dated January 10, 2007. According to the Respondent, the sulfur dioxide, nitrogen dioxide, and nitrogen oxide emissions during this incident were as follows:

Compound	Quantity (lbs)
Sulfur Dioxide	8,752
Nitrogen Dioxide	19
Nitrogen Oxide	139

According to this report, "On 1/3/2007 at 17:00, an electrical fault occurred in the Coker facilities and the power supply system failed to switch to the backup supply as designed. Consequently, this resulted in a loss of electrical power for some equipment within the Far East Coker Unit, including two furnaces, a compressor, and various other instrumentation. The loss of the compressor led to coker gas being sent to the refinery gas recovery system, thence to the refinery flares #5, #7, #17, and #19. There were no injuries or complaints." According to an e-mail that the Department received from the Respondent dated July 9, 2008, flares #5, #8, #9, and #17 did not exceed the visible emission limit standards set forth in 40 CFR 60.18. In this e-mail, the Respondent also reported that "The Root Cause of the flaring was the failure of the electrical power transfer mechanism for the C-551[Compressor 551] driver motor exciter power supply. Specifically, the Root cause of the failure was a dirty transfer switch contact which prevented electrical continuity and the loss of power to C-551 motor exciter primary power supply." The Respondent reported that this unauthorized discharge was preventable. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." Control equipment as defined by LAC 33:III.111 is "any device or contrivance, operating procedure or abatement scheme used to prevent or reduce air pollution." This unauthorized discharge is also a violation of La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- B. The Department received an unauthorized discharge notification report from the Respondent dated January 29, 2007. According to the Respondent, the highly reactive volatile organic compound and butenes emissions during the incident were as follows:

Compound	Quantity (lbs)
Highly Reactive VOC	295
Butenes	290

According to this report, "On January 23, 2007, at approximately 9:15 a.m., personnel discovered a small leak from the #10 depropanizer reboiler (E-19) located in the #5 Light Ends Unit. The leak was determined to be caused from a loose flange bolt on a split-ring reboiler. There were no injuries or complaints associated with this release." The Respondent

reported that this unauthorized discharge was preventable. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." Control equipment as defined by LAC 33:III.111 is "any device or contrivance, operating procedure or abatement scheme used to prevent or reduce air pollution." This unauthorized discharge is also a violation of La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- C. The Department received an unauthorized discharge notification report from the Respondent dated June 11, 2007. According to the Respondent, the benzene, toluene, and flammable vapor emissions during the incident were as follows:

Compound	Quantity (lbs)
Benzene	64
Toluene	140
Flammable Vapor	3,940

According to this report, "On June 4, 2007, at approximately 6:13 AM, while attempting to reset an electrical breaker, a tank farm employee inadvertently deactivated the vapor recovery system on the mixed gas oil tanks (99, 100, 101). The vapor pressure in the tanks were sufficiently low where no release occurred immediately. At approximately 7:30 AM that same morning, the tank pressures had increased to the point where the safety relief devices (pressure/vacuum vents) started releasing the vapor contents of the tanks to the air. . . . The tank vapor recovery system was found to be deactivated at approximately 10:27 AM, and was immediately restarted. . . . There were no injuries or external complaints associated with this release." The Respondent reported that this unauthorized discharge was preventable. This is a violation of 40 CFR 61.343, which language has been adopted as a Louisiana regulation in LAC 33:III.5116, 40 CFR 63.647(a), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Title V Permit No. 2795-V2, LAC 33:III.501.C.4, LAC 33:III.905, LAC 33:III.5109.A, LAC 33:III.2103.B, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- D. The Department received an unauthorized discharge notification report from the Respondent dated September 10, 2007, regarding releases that occurred on or about September 4, 2007, and September 5, 2007. According to this report, "On September 4, 2007 at approximately 1:54 PM, the cooling tower pumps for the #30 cooling tower on the Alkylation Unit shutdown, causing the downstream drum to overpressure and vent to the flare system. Due to the limited capacity of the flare

system at this time, the excess hydrocarbons that could not be recovered were flared in the #5, #9, #17, and #23 flares. The flaring lasted for approximately 9 minutes. Additionally, the steam valve on the #23 flare was not operating properly and resulted in smoking for the duration of the flaring event. The #23 flare smoking resulted in an exceedence according to 40 CFR [sic] 60.18 (5 minutes per 2 hour period)." Additionally, according to the Respondent's e-mail dated July 9, 2009, flares #5, #9, and #17 exceeded the visible emission standards set forth in 40 CFR 60.18. According to the September 10, 2007, unauthorized discharge report, "... on September 5, 2007 at approximately 11:50 AM, the Hydroprocessing unit experienced an upset causing the safety valve on the second stage of the C-801 [Compressor 801] hydrogen compressor to lift and send hydrogen gas to the flare system. The flaring incident . . . last approximately 13 minutes . . . There were no injuries or complaints associated with either of these releases." The failure to operate flares #5, #9, #17, and #23 so that visible emissions did not exceed a total of five (5) minutes during any two (2) consecutive hours is a violation of 40 CFR 60.18(c)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Part 70 Specific Condition No. 7 of Title V Permit No. 2589-V3, LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported that this unauthorized discharge was preventable. The Respondent also reported this deviation in its Part 70 General Condition M Annual Compliance Certification Report dated March 31, 2008.

- E. The Department received an unauthorized discharge notification report from the Respondent dated September 19, 2007. According to the Respondent, the volatile organic compounds, benzene, hydrogen sulfide, nitrogen dioxide, nitrogen oxide, sulfur dioxide, and flammable vapor emissions during the incident were as follows:

Compound	Quantity (lbs)
VOC	112,639
Benzene	313
Hydrogen Sulfide	3,891
Nitrogen Dioxide	17
Nitrogen Oxide	127
Sulfur Dioxide	7,176
Flammable Vapor	108,748

According to this report, "On September 12, 2007, at approximately 12:40 PM, the C-101 Recycle Compressor on the HCLA unit shut down due to an instrumentation tubing failure. The recycle gas from the compressor is used as a cold quench for temperature control in the reactors. The compressor trip activated the unit's emergency

depressurization procedure, which caused gases in the HCLA reactor system to be vented to the atmosphere via the condensable blow down drum. As a result, the reportable quantities for flammable vapors, volatile organic compounds, benzene, and hydrogen sulfide were exceeded. . . . In addition to the hydrocarbon release, flaring also occurred during this incident. The #5, 8, 9, 17 and 23 flares burned for 18 minutes. . . . There were no complaints or injuries associated with this release." According to the Respondent's e-mail dated July 9, 2009, flares #5, # 8, #9, #17, and #23 did not exceed the visible emission standards set forth in 40 CFR 60.18. The Respondent reported that this unauthorized discharge was preventable. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." Control equipment as defined by LAC 33:III.111 is "any device or contrivance, operating procedure or abatement scheme used to prevent or reduce air pollution." This unauthorized discharge is also a violation of La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- F. The Department received an unauthorized discharge notification report from the Respondent dated September 26, 2007. According to the Respondent, the volatile organic compounds, benzene, hydrogen sulfide, and flammable vapor emissions during the incident were as follows:

Compound	Quantity (lbs)
VOC	109,917
Benzene	313
Hydrogen Sulfide	3,891
Flammable Vapor	106,026

According to this report, "On September 20, 2007, at approximately 2:10 PM, the C-101 Recycle Compressor on the HCLA unit shut down. The compressor trip activated the unit's emergency depressurization procedure, which caused gases in the HCLA reactor system to be vented to the atmosphere via the condensable blow down drum." The Respondent reported that this unauthorized discharge was preventable. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." Control equipment as defined by LAC 33:III.111 is "any device or contrivance, operating procedure or abatement scheme used to prevent or reduce air pollution." This unauthorized discharge is also a violation of La. R.S. 30:2057(A)(1)

and 30:2057(A)(2). The Respondent reported that there were no complaints or injuries associated with this release.

VI.

On or about July 3, 2008, an investigation of unauthorized discharges which occurred on or about June 6, 2008 and June 7, 2008, at the facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

While the Department's investigation is not yet complete, the following violations were noted during the course of the investigation:

- A. The Department received an unauthorized discharge notification report from the Respondent dated June 13, 2008. According to this report, "On June 6, 2008, at approximately 10:03 AM, the H₂S [hydrogen sulfide] analyzer for the NSPS [New Source Performance Standards] fuel gas system indicated that the H₂S levels in the fuel gas system increased. . . . the analyzer was checked and a draegar sample was taken at 10:45 AM and both confirmed that H₂S levels in the NSPS system were above the allowable limit. The source of the high H₂S was traced back to a valve misalignment on the T-301 MEA [monethanolamine] scrubber at the #2 Light Ends Unit. Sour gas was inadvertently lined up through the scrubber, which had been down for repairs, without introducing MEA into the tower. The unscrubbed gas entered the NSPS fuel gas system and caused . . . furnaces in the NSPS system to exceed their maximum permitted limits for SO₂ [sulfur dioxide] emissions. There were no injuries or complaints associated with this release." According to the Part 70 General Condition K Semiannual Monitoring and Deviation Report dated September 26, 2008, the Respondent reported that on June 6, 2008, the following hydrogen sulfide and sulfur dioxide emissions were emitted from the below furnaces:

Source ID Number	3-hr averaging periods of Deviation for NSPS J (Fuel Gas > 160 ppm H ₂ S 3 hr average)	3-hr averaging period(s) of Deviation for Permitted SO ₂ Emissions	Actual SO ₂ (lbs/hr) 3-hr Average	Permitted Maximum SO ₂ Emission Rate (lbs/hr) 3-hr average
PSLA7/F1	NSPS J N/A*	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	20.42, 34.06, 34.29, 15.97	12.89
PSLA7/F2	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	9.04, 15.10, 15.21, 7.09	5.00

Source ID Number	3-hr averaging periods of Deviation for NSPS J (Fuel Gas > 160 ppm H ₂ S 3 hr average)	3-hr averaging period(s) of Deviation for Permitted SO ₂ Emissions	Actual SO ₂ (lbs/hr) 3-hr Average	Permitted Maximum SO ₂ Emission Rate (lbs/hr) 3-hr average
PSLA8/F1	NSPS J N/A*	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	17.09, 28.53, 28.74, 13.37	10.13
PSLA8/F2	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	5.79, 9.66, 9.73, 4.53	3.94
PSLA9/F1	NSPS J N/A*	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	21.37, 35.73, 35.98, 16.77	12.92
PSLA9/F2	NSPS J N/A*	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	7.34, 12.24, 12.33, 5.73	5.10
PSLA10/F1	NSPS J N/A*	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	18.81, 31.30, 31.51, 14.61	12.44
PSLA10/F2	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	27.72, 46.38, 46.71, 21.79	7.07
PSLA10/F101	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	N/A	No Exceedance	18.87
PSLA10/F102	NSPS J N/A*	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	10.82, 18.06, 18.178, 8.441	6.56
LELAN/ FINX	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	1.40, 2.34, 2.36, 1.10	1.05
LELAN/F301	8:00-11:00, 9:00-12:00, 10:00-13:00	N/A	No Exceedance	1.29

Source ID Number	3-hr averaging periods of Deviation for NSPS J (Fuel Gas > 160 ppm H ₂ S 3 hr average)	3-hr averaging period(s) of Deviation for Permitted SO ₂ Emissions	Actual SO ₂ (lbs/hr) 3-hr Average	Permitted Maximum SO ₂ Emission Rate (lbs/hr) 3-hr average
LELAN/F301	11:00-14:00			
**LELAS/F3	NSPS J N/A*	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	13.49, 22.52, 22.68, 10.54	7.31
WHLA/F150	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	9:00-12:00, 10:00-13:00	0.90 0.91	0.58
LEU2/F501	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	8:00-11:00, 9:00-12:00, 10:00-13:00	10.25, 17.11, 17.23	9.62
LEU4/F101	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	14.39, 24.12, 24.29, 11.34	8.13
CKRFE/501A	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	11.07, 18.67, 18.81, 8.86	7.48
CKRFE/501B	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	12.82, 21.72, 21.91, 10.21	7.48
CKRE/F1	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	23.81, 40.05, 40.36, 18.94	13.12
CKRW/F101	NSPS J N/A*	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	13.51, 22.58, 22.74, 10.59	9.66
PCLA2/F2	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	29.58, 49.38, 49.71, 23.12	12.92
PCLA3/F3	8:00-11:00, 9:00-12:00	8:00-11:00, 9:00-12:00	28.02, 46.75	12.92

Source ID Number	3-hr averaging periods of Deviation for NSPS J (Fuel Gas > 160 ppm H ₂ S 3 hr average)	3-hr averaging period(s) of Deviation for Permitted SO ₂ Emissions	Actual SO ₂ (lbs/hr) 3-hr Average	Permitted Maximum SO ₂ Emission Rate (lbs/hr) 3-hr average
PCLA3/F3	10:00-13:00, 11:00-14:00	10:00-13:00, 11:00-14:00	47.07, 21.90	
HCN/F201	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	4.10, 6.76, 6.80, 3.13	2.11
RHLA2/F600	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	6.31, 10.66, 10.74, 5.05	2.55
RHLA1/F700	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	9:00-12:00, 10:00-13:00	6.93 6.97	4.76
HCN/F202	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	5.13, 8.60, 8.66, 4.05	2.91
HHLA S/F201	NSPA J N/A*	8:00-11:00, 9:00-12:00, 10:00-13:00	2.29, 3.82, 3.85	2.07
HHLA N/F401	NSPA J N/A*	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	1.96, 3.34, 3.36, 1.63	1.56
HHLA E/F501	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	9:00-12:00, 10:00-13:00	4.48 4.51	2.72
PCLA2/F201	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00 (Auxiliary fuel gas for CO Furnace)	N/A	N/A- COF exhaust permitted through WGS stack	N/A
PCLA3/F301	8:00-11:00, 9:00-12:00, 10:00-13:00,	N/A	N/A- COF exhaust permitted	N/A

Source ID Number	3-hr averaging periods of Deviation for NSPS J (Fuel Gas > 160 ppm H ₂ S 3 hr average)	3-hr averaging period(s) of Deviation for Permitted SO ₂ Emissions	Actual SO ₂ (lbs/hr) 3-hr Average	Permitted Maximum SO ₂ Emission Rate (lbs/hr) 3-hr average
PCLA3/F301	11:00-14:00 (Auxiliary fuel gas for CO Furnace)		through WGS stack	
PHLA2/F7	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	8:00-11:00, 9:00-12:00, 10:00-13:00, 11:00-14:00	3.06, 5.10, 5.14, 2.39	2.18

*Furnaces are not subject to 40 CFR 60 Subpart J.

**Effective January 1, 2009, Source ID Number LELA/F3 will be subject to 40 CFR 60 Subpart J, according to Title V Permit No. 2341-V1.

Each period of burning fuel gas containing an excess of 0.10 gr/dscf (160 ppmv) of hydrogen sulfide in any fuel gas combustion device is a violation of Paragraph 59 of the Consent Decree, 40 CFR 60.104(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.905, LAC 33:III.501.C.4, Title V Permit Nos. 2755-V2, 2341-V1, 2589-V3, 2234-V3, 2385-V3, 2176-V3, 2261-V1, or 2447-V1, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Paragraph 182 of the Consent Decree sets forth stipulated penalties for this type of violation. Additionally, each sulfur dioxide permit limit exceedance of the maximum pounds per hour is a violation of LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported that this unauthorized discharge was preventable. The Respondent also reported this deviation in its Part 70 General Condition M Annual Compliance Certification Report dated April 27, 2009.

- B. The Department received an unauthorized discharge notification report from the Respondent dated June 13, 2008. According to the Respondent, the VOC, benzene, hydrogen sulfide, and flammable vapors emissions during this incident were as follows:

Compound	Quantity (lbs)
VOC	93,904
Benzene	275
Hydrogen Sulfide	3,415
Flammable Vapors	108,206

According to this report, "On June 7, 2008, at approximately 7:10 PM, the C-101 Recycle Compressor on the HCLA unit shut down due to a fault in the transformer that supplies power to the compressor motor. The

compressor trip automatically activated the unit's emergency depressurization procedure, which caused gases in the HCLA reactor system to be vented to the atmosphere via the condensable blow down drum." The Respondent reported that this unauthorized discharge was preventable. This is a violation of LAC 33:III.905 which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." Control equipment as defined by LAC 33:III.111 is "any device or contrivance, operating procedure or abatement scheme used to prevent or reduce air pollution." This unauthorized discharge is also a violation of La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported that there were no injuries or complaints associated with this release.

VII.

On or about May 15, 2009, and January 8, 2010, file reviews of the Respondent's facility were performed to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the reviews:

- A. According to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 30, 2007, the Respondent reported that in the first quarter of 2006, thirteen (13) instances of open-ended lines were discovered. Each open-ended line is a violation of Subsection H of the Louisiana MACT Determination for Refineries dated July 26, 1994, LAC 33:III.5109, and/or 40 CFR 63 Subpart H, which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Title V Permit Nos. 2795-V0, 2755-V2, or 2589-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent also reported these deviations in its Part 70 General Condition R Quarterly Report dated June 28, 2006, and Part 70 General Condition K Semiannual Monitoring and Deviation Report dated September 29, 2006.
- B. According to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 30, 2007, the Respondent reported that in the second quarter of 2006, twenty-one (21) instances of open-ended lines were discovered. Each open-ended line is a violation of Subsection H of the Louisiana MACT Determination for Refineries dated July 26, 1994, LAC 33:III.5109, Title V Permit Nos. 2589-V3, 2385-V3, or 2755-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent

also reported these deviations in its Part 70 General Condition K Semiannual Monitoring and Deviation Report dated September 29, 2006.

- C. According to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 30, 2007, the Respondent reported that in the third quarter of 2006, nine (9) instances of open-ended lines were discovered. Each open-ended line is a violation of Subsection H of the Louisiana MACT Determination for Refineries dated July 26, 1994, LAC 33:III.5109, Title V Permit Nos. 2234-V3, 2755-V2, or 2261-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent also reported these deviations in its Part 70 General Condition R Quarterly Report dated December 20, 2006.
- D. According to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 30, 2007, the Respondent reported that in the fourth quarter of 2006, eight (8) instances of open-ended lines were discovered. Each open-ended line is a violation of Subsection H of the Louisiana MACT Determination for Refineries dated July 26, 1994, LAC 33:III.5109, Title V Permit Nos. 2589-V3, 2385-V3, or 2296-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- E. According to the Respondent's Part 70 General Condition R Quarterly Report dated December 20, 2006, the Respondent reported that "On 1/12/2006, a routine inspection revealed that the vent pipe of the carbon canister used for control of the refinery Corrugated Plate Separator (CPS) was cracked and disconnected, apparently due to freeze damage. An internal investigation team was formed to examine the operation of this unit. The team concluded that the CPS was not performing as designed and recommended immediately removing the corrugated plates and associated oil removal equipment. It was felt that this would eliminate oil separation. This step has been implemented; however, it is our belief that additional changes to this unit are appropriate. It should also be noted that the investigation concluded that due to design and operability issues with the CPS, the unit was consistently liquid full, and therefore did not have appreciable amounts of vapor routing the carbon bed, even when the piping was properly connected. On September 28, 2006, ExxonMobil had a meeting with the appropriate LDEQ staff to discuss our findings as well as the path forward and timing. Use of agency approved models for estimating emissions from wastewater (Toxchem) show that this change had no effect on emissions. Given that this unit is no longer functioning as an oil/water separator, the

references to LAC 33:III.2109 need to be deleted from the Title V permit. . . ." The Respondent submitted a minor modification application dated October 31, 2006, to remove the LAC 33:III.2109 references from the Water Clarification Unit's (WCLA) Title V Permit No. 2363-V0. Title V Permit No. 2363-V1 was issued on January 25, 2007. On or about June 19, 2007, the Department issued a Letter of No Objection that stated, "By letter dated May 31, 2007, ExxonMobil's Baton Rouge Refinery (BRRF) requested an approval to retrofit the Corrugated Plate Separator (CPS) by removing the overflow weir and installing a concrete cover at the Water Clarification Unit (WCLA). In original configuration, the CPS functioned as an inclined plate oil-water separator. In 1996, the CPS was retrofitted with a carbon canister to ensure compliance with LAC 33:III.2109. In recent years, CPS is having operational problems due to calcium carbonate plugging which affected flow throughput and oil removal efficiency. Last year, BRRF reported that the vent pipe to the carbon canister on the CPS was cracked due to freeze damage. With this retrofit, actual and permitted emissions are expected to be reduced. Based on the above information, the Air Permits Division has no objection to retrofit the CPS at the WCLA." The failure to maintain vapor loss control devices in good working order is a violation of LAC 33:III.2109, Title V Permit No. 2363-V0, LAC 33:III.501.C.4, LAC 33:III.905 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported this deviation in its Part 70 Condition K Semiannual Monitoring and Deviation Report dated September 29, 2006.

- F. According to the Respondent's Part 70 General Condition XI Quarterly Report dated June 28, 2006, and Part 70 General Condition M Annual Compliance Certification Report dated March 30, 2007, on February 3, 2006, the "F-1 furnace on PSLA-9 exceeded the permit limit for CO while switching the furnace to natural draft for preheater cleaning." "This item has since been authorized as a case-by-case Insignificant Activity." The CO emissions exceedance is a violation of Title V Permit No. 2755-V2, LAC 33:III.501.C.4, LAC 33:III.905, and La R.S. 30:2057(A)(1) and 30:2057(A)(2).
- G. According to the Respondent's Part 70 General Condition R Quarterly Report dated June 28, 2006, the Respondent reported that "During an annual seal gap measurement on 3/9/06, found Tank 746 had the wrong primary seal. Began draining tank in preparation for seal repair. By 3/15/06, the tank was completely drained and prepared for seal replacement. Primary and secondary seals were replaced." The failure to equip Tank 746 with a primary seal that consist of either a mechanical seal or a liquid mounted seal is a violation of 40 CFR 63.119(c), which language has been adopted as a Louisiana

regulation in LAC 33:III.5122, 40 CFR 63.646(a), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, LAC 33:III.2103, Title V Permit No. 2795-V0, LAC 33:III.501.C.4, LAC 33:III.5109, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported this deviation in its Part 70 General Condition K Semiannual Monitoring and Deviation Report dated September 29, 2006, and Part 70 General Condition R Annual Compliance Certification Report dated March 30, 2007.

- H. According to the Respondent's Part 70 General Condition K Semiannual Monitoring and Deviation Report dated September 29, 2006, "F-30 furnace on the Feed Prep section of the Reformer unit was returned to service following a turnaround on 4/24/06. The excess O2 monitor was reading high at the time; however, this furnace is normally operated at minimal firing conditions, and high excess O2 is not unusual. The high O2 reading existed from 4/24/06 until 6/7/06, when it was discovered that the O2 analyzer sample tubing had plugged, and the analyzer sample was contaminated with instrument air, the cause of the high excess O2 reading. The sample tubing was then unplugged and the O2 reading decreased. It is assumed that the tubing was plugged from the time of startup on 4/24/06 until the tubing was unplugged on 6/7/06. . . . Although the maximum O2 reading that was input into these monitoring calculations during this event did not result in a NOx excursion, the O2 monitor failed to provide an accurate account of actual excess oxygen for a period of 1,059 hours, which resulted in <90% data availability for the months of April, May, and June 2006." The failure to maintain a minimum degree of data availability of at least 90% for the months of April, May, and June 2006 is a violation of Title V Permit No. 2261-V1, LAC 33:III.501.C.4, LAC 33:III.2201(H)(2)(a), LAC 33:III.2201(I)(2), and La. R.S. 30:2057(A)(2). The Respondent also reported this deviation in its Part 70 General Condition M Annual Compliance Certification Report dated March 30, 2007.
- I. According to the Respondent's Part 70 General Condition R Quarterly Report dated December 20, 2006, the Respondent reported that on July 14, 2006, "The East Coker Furnace F-1 exceeded the maximum hourly permitted CO emissions for 1 hour." The CO emissions exceedance is a violation of Title V Permit No. 2234-V3, LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported these deviations in its Part 70 General Condition M Annual Compliance Certification Report dated March 30, 2007.
- J. According to the Respondent's Part 70 General Condition R Quarterly Report dated December 20, 2006, the Respondent reported

that on July 18, 2006, "The East Coker Furnace F-1 exceeded the maximum hourly permitted CO emissions for 1 hour. This was due to O₂ analyzer sample line plugging." The CO emissions exceedance is a violation of Title V Permit No. 2234-V3, LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported these deviations in its Part 70 General Condition M Annual Compliance Certification Report dated March 30, 2007.

- K. According to the Respondent's Part 70 General Condition R Quarterly Report dated December 20, 2006, the Respondent reported that on July 24, 2006, "The East Coker Furnace F-1 exceeded the maximum hourly permitted CO emissions for 1 hour." The CO emissions exceedance is a violation of Title V Permit No. 2234-V3, LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported these deviations in its Part 70 General Condition M Annual Compliance Certification Report dated March 30, 2007.
- L. According to the Respondent's Part 70 General Condition R Quarterly Report dated December 20, 2006, the Respondent reported that "The PCLA Wet Gas Scrubber exceeded the maximum MACT II hourly CO emissions for 1 hour. On September 5, 2006, it was discovered that a MACT II CO violation on the WGS occurred during the 11:00 to 12:00 hour on August 7, 2006 (11:00 to 11:30). This was due to a failure of the daily calibration cycle for the CEMS CO analyzer, and had occurred while the analyzer was off-line for manual calibration. The incident was not discovered until a month later because the computer tag that analyzes the CEMS CO data requires greater than 30 minutes of data before the data is used to calculate an hourly average. There was only 30 minutes of data; therefore, the computer program did not flag the CO violation." The exceedance of the maximum MACT II hourly CO emissions is a violation of Part 70 Specific Condition No. 8 of Title V Permit No. 2385-V3, LAC 33:III.501.C.4, 40 CFR 63 Subpart UUU, which language has been adopted as a Louisiana regulation in LAC 33:III.5122, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported this deviation in its Part 70 General Condition R Annual Compliance Certification Report dated March 30, 2007.
- M. According to the Respondent's Part 70 General Condition R Quarterly Report dated December 20, 2006, the Respondent reported that on September 19, 2006, "The PSLA-9 Furnace F-1 exceeded the maximum hourly permitted CO emissions for 1 hour during startup." The CO emissions exceedance is a violation of Title V Permit No. 2755-V2, LAC 33:III.501.C.4, LAC 33:III.905, and

La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported these deviations in its Part 70 General Condition M Annual Compliance Certification Report dated March 30, 2007.

- N. According to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 30, 2007, the Respondent reported that it is required to perform semiannual monitoring for particulate matter and ammonia on the Catalytic Cracking Wet Gas Scrubber, Source ID CAT/WGS. "On June 12-14, 2006, BRRF contracted an emission testing company to perform this service, during which multiple testing difficulties were encountered. BRRF contracted an emission testing company to perform further engineering studies on June 21-23. After evaluating the results on the tests from June 12-14 and June 21-23, BRRF concluded that the results of some of these tests were potentially erroneous. In light of this BRRF chose to discard all test results from both of these dates. BRRF then contracted an emission testing company to repeat all testing at the first available opportunity. This testing was completed August 23-25, 2006." The Department received the test results of the August 23-25, 2006, testing for the Catalytic Cracking Wet Gas Scrubber via e-mail on June 3, 2010. The failure to submit the test results to the Department within sixty (60) days after the completion of testing is a violation of Louisiana General Condition VIII of Title V Permit No. 2385-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- O. The Department received an unauthorized discharge notification report from the Respondent dated August 14, 2006. According to this report, "On August 8, 2006, at 8:37 AM, the C-30 compressor at the Refinery Gas Compression Unit automatically shutdown due to a high vibration alarm. Preliminary investigation results indicate that the high vibration alarm was due to work activities from nearby maintenance personnel. As a result of the shutdown, the refinery flared for 20 minutes from # 5, 23, 17, and 19 flares. . . . During the 20 minute flaring event, the #17 flare experienced a 5 minute duration during which instrumentation indicated that a flame was not present. According to the Light Ends Title V operating permit #2589-V3, issued April 11, 2006, flares must be continuously monitored to confirm the presence of a flame. It is conservatively estimated that during this 5 minute period when the pilot and flame were extinguished, hydrocarbons were being emitted to the air via the unlit flare. . . . The compressor was restarted. The flare pilot was restarted 5 minutes after instrumentation indicated no flame." The failure to operate and maintain flare #17 so that a flame is present at all times is a violation of Part 70 Specific Condition No. 7 of Title V Permit No. 2589-V3, LAC 33:III.501.C.4, LAC 33:III.905, 40 CFR 60

- Subpart A, which language has been adopted as a Louisiana regulation in LAC 33:III.3003, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported that this unauthorized discharge was preventable. The Respondent also reported this deviation in its Part 70 General Condition R Annual Compliance Certification Report dated March 30, 2007.
- P. According to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 30, 2007, the Respondent reported that on September 7, 2006, it discovered that it failed "to monitor 52 connectors in the Dock MVR piping system once per year." Each failure to monitor is a violation of Subsection O of the Louisiana MACT Determination for Refineries dated July 26, 1994, LAC 33:III.5109, Title V Permit No. 2047-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent also reported these deviations in its Part 70 General Condition R Quarterly Report dated December 20, 2006.
- Q. The Department received an unauthorized discharge notification report from the Respondent dated September 29, 2006. According to this report, "On September 27, 2006, at 12:20 PM, the F-202 furnace on the Heavy Cat Naphtha unit was noticed to have smoke coming from the stack for a period of approximately 2 minutes. . . . The F-202 furnace was operating normally when a pressure sensor on the inlet air system failed. The sensor is designed to ensure that there is adequate airflow to the furnace burners, and if low flow is detected, automatically open the furnace drop out doors thereby introducing air directly to the furnace. When the pressure sensor failed, the system falsely detected low air flow to the furnace and the furnace drop-out doors functioned as designed. When the drop-out doors functioned, the hot flue gas that was being sent to the air preheater should have been automatically diverted from the air preheater directly to the stack thus protecting the air preheater from overheating. Due to incorrect wiring in the emergency shutdown system, the hot flue gas continued to flow through the air preheat section. Since the furnace drop-out doors were open, there was no cold air to cool the air preheater and associated ducting. Without a medium to remove the heat, the air preheater overheated resulting in smoke to the stack." Additionally, according to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 30, 2007, the Respondent reported that the "Furnace stack smoked, opacity >20%". The failure to control smoke so that the shade or appearance of the emission is not darker than 20 percent average opacity is a violation of LAC 33:III.1101.B, Title

V Permit No. 2176-V3. LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported that this unauthorized discharge was preventable.

- R. According to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 30, 2007, on October 8, 2006, Emission Point No. PSLA 9/F1 (PSLA-9 F-1 Furnace) exceeded the maximum hourly permitted CO emissions limit for two (2) hour during startup. The CO emissions exceedance is a violation of Title V Permit No. 2755-V2, LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- S. According to the Respondent's 40 CFR 60 Subpart J Excess Emissions Report dated January 30, 2007, the Respondent reported that "The event which occurred on 10/19/06 resulted from a level instrument failure at the #2 Light Ends Unit which caused hydrocarbon carry-over to the MEA Regeneration Unit and subsequently to the Sulfur Recovery Unit. Most of the high H₂S gas was diverted to the SRLA incinerators, but not all was diverted to the incinerators due to concerns about exceeding the maximum allowable back pressure. The gas that continued to flow to the TGPU vent exceeded the 10 ppm limit (12-hr average) for H₂S for 12 reporting periods, peaking at 20.31 ppm (12-hr average)." The exceedance of the 10 ppm H₂S twelve (12) hour limit is a violation of Specific Requirement No. 6 of Title V Permit No. 2300-V0, LAC 33:III.501.C.4, 40 CFR 60 Subpart J, which language has been adopted as a Louisiana regulation in LAC 33:III.3003, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported these deviations in its Part 70 General Condition R Quarterly Report dated March 30, 2007.
- T. According to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 30, 2007, the Respondent reported that "The reliability / data availability of the Wet Gas Scrubber NO_x and SO₂ CEMS analyzers was less than 90% . . . for the month of December 2006." The failure to maintain a minimum degree of data availability of at least 90% is a violation of Part 70 General Condition V of Title V Permit No. 2385-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- U. According to the Respondent's State General Condition XI.C Quarterly Report dated June 29, 2007, the Respondent reported that an ". . . investigation found an error occurred in the design of the Access query at the time of original permit development that incorrectly set the permit limit lower than it otherwise would have been (0.05 ton vs. 0.07 ton)" for Polynuclear Aromatic Hydrocarbon

(PAH) emissions for Emission Source RTF/BLUFF. The failure to accurately quantify, in the permit application for Title V Permit Nos. 2795-V0, 2795-V1, and 2795-V2, each pollutant for Emission Source RTF/BLUFF is a violation of LAC 33:III.517.D.3.d, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- V. According to the Respondent's State General Condition XI.C Quarterly Report dated June 29, 2007, the Respondent reported that "BRRF is required to calculate Polynuclear Aromatic Hydrocarbon (PAH) emissions from source Refinery Tank Farm (RTF)/Bluff (tank cap) on a 12-month rolling average basis. A review of actual emissions from the Refinery Tank Farm has shown that PAH emissions from the RTF/Bluff Tank Cap were 0.06 ton vs. 0.05 ton permitted for the following time periods: January 2006-Dec 2006, February 2006-January 2007, and March 2006-February 2007." The exceedance of the annual emission rate for PAH is a violation of Title V Permit No. 2795-V0, LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- W. According to the Respondent's Part 70 General Condition M Certification Report dated March 31, 2008, the Respondent reported that "Option 4 in Table 7 to Subpart UUU requires a weekly record of equilibrium catalyst nickel concentration. The record was not available for 5 weeks between January & October 2007." The failure to record equilibrium catalyst nickel (Ni) concentrations at least once a week for the Catalytic Cracking Unit is a violation of 40 CFR 63 Subpart UUU, which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Title V Permit No. 2385-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(2).
- X. According to the Respondent's Part 70 General Condition R Quarterly Report dated June 29, 2007, the Respondent reported that "The WGS SO₂ CEMS analyzer data availability / reliability was <90% for February & March 2007 as required by Part 70 General Condition V (vee), and it was also <95% for 1Q07 as required by a specific permit monitoring requirement listed in Table 3 of the permit." Each failure to meet the monitoring requirements is a violation of Title V Permit No. 2385-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(2). The Respondent also reported these deviations in its Part 70 General Condition M Annual Compliance Certification Report dated March 31, 2008.
- Y. According to the Respondent's Part 70 General Condition R Quarterly Report dated June 29, 2007, the Respondent reported that "WGS NO_x CEMS analyzer data availability / reliability was <90% for February 2007 as required by Part 70 General Condition V (vee),

and it was also <95% for 1Q07 as required by a specific permit monitoring requirement listed in Table 3 of the permit." Each failure to meet the monitoring requirements is a violation of Title V Permit No. 2385-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(2). The Respondent also reported these deviations in its Part 70 General Condition M Annual Compliance Certification Report dated March 31, 2008.

- Z. According to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 31, 2008, the Respondent reported that "The following open-ended lines (OELs) were found and corrected:

3Q07: 1 in the 2795-V2, Refinery Tank Farm & 1 in the 2447-V1,
Hydroprocessing Unit

4Q07: 1 in the 2795-V2, Refinery Tank Farm"

Each open-ended line is a violation of Subsection H of the Louisiana MACT Determination for Refineries dated July 26, 1994, LAC 33:III.5109, and/or 40 CFR 63 Subpart H, which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Title V Permit Nos. 2795-V2 or 2447-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent also reported this deviation in its Part 70 General Condition R Quarterly Report dated December 20, 2007.

- AA. According to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 31, 2008, the Respondent reported that on April 26, 2007, the "Furnace stack smoked, opacity >20% for approximately five minutes on #9 Pipestills F-2 Furnace, PSLA9/F2." The failure to control emissions of smoke so that the shade or appearance of the emission is not darker than 20 percent average opacity is a violation of LAC 33:III.1101, Title V Permit No. 2755-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported this deviation in its Part 70 General Condition K Semiannual Monitoring and Deviation Report dated September 28, 2007.
- BB. According to the Respondent's Part 70 General Condition K Semiannual Monitoring Deviation Report dated September 28, 2007, on April 26, 2007, the "#9 Pipestills F-1 Furnace, PSLA/F1, exceeded the maximum hourly permitted CO for 1 hour during a heavy rainfall as the furnace control system attempted to correct for high excess O2." The CO emissions exceedance is a violation of Title V Permit No. 2755-V2, LAC 33:III.501.C.4, LAC 33:III.905, and

La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported this deviation in its Part 70 General Condition M Annual Compliance Certification Report dated March 31, 2008.

- CC. According to the Respondent's Part 70 General Condition K Semiannual Monitoring Deviation Report dated September 28, 2007, on June 5, 2007, the "#10 Pipestills F-1 Furnace, PSLA/F1, exceeded the maximum hourly permitted CO for 1 hour as the furnace Induced Draft fan was being returned to service and the dropout doors were being closed." This CO emissions exceedance is a violation of Title V Permit No. 2755-V2, LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported this deviation in its Part 70 General Condition M Annual Compliance Certification Report dated March 31, 2008.
- DD. According to the Respondent's Part 70 General Condition R Quarterly Report date December 20, 2007, the Respondent reported that on July 19, 2007, "The East Coker Furnace F-1 CKRE/F1 exceeded the maximum hourly permitted CO emissions for 1 hour. During maintenance on the air supply regulators and an operability check of the furnace dropout doors, the M&I technician performing this work closed the dropout doors without notifying the operations controller, resulting in decreased O₂ level and CO emissions of 43.7 #/hr vs. 31.65 #/hr permitted. The operations controller manually increased air flow to the furnace passes, restoring O₂ level to normal." The CO emissions exceedance is a violation of Title V Permit No. 2234-V3, LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- EE. According to the Respondent's Part 70 General Condition R Quarterly Report dated December 20, 2007, the Respondent reported that "The PCLA WGS exceeded the maximum hourly MACT II and permitted CO limit for one hour. On Sept. 4 at approximately 9:19 AM, while unit Operations and Mechanical personnel were performing a check of the Emergency Shut Down (ESD) segment of the No. 3 PCLA CO Furnace (F-301) Burner Management System (BMS), the BMS suddenly shut down F-301 due to a loss of combustion air. Approximately 10 minutes later at ~9:30 AM, the furnace was brought back online and operations returned to normal. The investigation determined that the root cause of this incident was a break down in communications between the Process personnel in command of the task and also the Mechanical personnel participating in the work. The hourly average CO emissions in the 09:00 hour exceeded the MACT II regulatory limit of 500 ppmvd (3140 ppmvd) and the Title V permitted Max #/hr CO limit of 846 #/hr (4700 #/hr)."

Each CO emissions exceedance of 500 ppmv is a violation of 40 CFR 63.1565(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Title V Permit No. 2385-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported this deviation in its Part 70 General Condition M Annual Compliance Certification Report dated March 31, 2008.

- FF. According to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 31, 2008, the Respondent reported that "As a follow-up from the 8/4/07 F-201 CO Furnace (COF) trip . . . maintenance/instrument improvement activities were being conducted on the COF. During this work, a blower damper unexpectedly closed, causing the flame scanners to read low and trip the COF. As a result, during the 12:00-13:00 hour [on November 6, 2007], the CO concentration at the WGS was 13,941 ppm vs. the 500 ppm maximum hourly permitted and MACT II CO limit, and resulted in 22,235 lb/hr vs. 846 lb/hr permitted CO limit." Each CO emissions exceedance is a violation of 40 CFR 63.1565(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Title V Permit No. 2385-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- GG. The Department received an unauthorized discharge notification report from the Respondent dated December 21, 2007. According to this report, "On December 19, 2007 at approximately 11:55 AM, the #21 flare lit while a butane pump was being prepared for maintenance work. The work activity which caused the flaring is covered under the permit for the spheres in Knoxfield. However, the steam valve did not immediately open when the flaring began and resulted in the flare smoking for approximately 6 minutes. It is believed that a problem with the flame detector caused the steam valve to open slower than designed. The #21 flare smoking resulted in an exceedance according to 40 CFR 60.18, which does not allow a flare to smoke for more than [sic] 5 minutes in a 2 hour period. No reportable quantities were exceeded as a result of this incident. There were no injuries or complaint with either of these releases." The failure to operate flare #21 so that visible emissions did not exceed a total of five (5) minutes during any two (2) consecutive hours is a violation of 40 CFR 60.18(c)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Specific Requirement No. 526 of Title V Permit No. 2795-V3, LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported that this unauthorized discharge was preventable. The Respondent

also reported this deviation in its Part 70 General Condition M Annual Compliance Certification Report dated March 31, 2008.

HH. According to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 31, 2009, the Respondent reported that "The data availability for A-2686 SO₂ CEMS analyzer for F-101 (EQT 146; SRLA/F101) & F-201 (EQT 147, SRLA/F201) incinerators was <95% for 1Q08 and 2Q08, and it was also <90% for the months of January, March, and May 2008." The failure to have a minimum degree of data availability of at least 90% is a violation of Part 70 General Condition V of Title V Permit No. 2300-V0, LAC 33:III.501.C.4, 40 CFR 60 Subpart J, which language has been adopted as a Louisiana regulation in LAC 33:III.3003, and La. R.S. 30:2057(A)(2). The Respondent also reported this deviation in its Part 70 General Condition K Semiannual Monitoring and Deviation Report dated September 26, 2008, Monitoring Systems Performance Quarterly Report for CEMS Analyzers dated April 30, 2008, and Part 70 General Condition M Annual Compliance Certification Report dated April 27, 2009.

II. According to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 31, 2009, the Respondent reported that "On 3/12/08, the 160 ppm 3-hr average H₂S concentration limit for F-810 [Intermediate Cat Naphtha F-810 Furnace] & F-820 [Intermediate Cat Naphtha F-820 Furnace] fuel gas was exceeded for 3 consecutive averaging periods as follows:

10:00 to 13:00, 295 ppm 3-hr average H₂S

11:00 to 14:00, 348 ppm 3-hr average H₂S

12:00 to 15:00, 321 ppm 3-hr average H₂S

In addition, F-820 permit limit of 6.93 lb/hr 3-hr average SO₂ in flue gas was exceeded for 2 consecutive averaging periods as follows:

12:00 to 15:00 7.54 lb/hr 3-hr average (actual) vs. 6.93 lb/hr 3-hr average permit limit

13:00 to 16:00 8.60 lb/hr 3-hr average (actual) vs. 6.93 lb/hr 3-hr average permit limit

This was the result of low temperature on T-202 Stripper Tower which led to reduced H₂S removal and allowed higher H₂S content in the fuel gas generated from the process for Furnaces F-810 and F-820. When the cause of the problem was identified, the temperature profile was raised on T-202, increasing the H₂S removal in T-202 and reducing the H₂S in the fuel gas to F-810 & F-820 to meet the required emission limits." Each period of burning fuel gas containing

an excess of 0.10 gr/dscf (160 ppmv) of hydrogen sulfide in any fuel gas combustion device is a violation of Paragraph 59 of the Consent Decree, 40 CFR 60.104(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Title V Permit No. 2176-V3, LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Additionally, each sulfur dioxide permit limit exceedance of the maximum pounds per hour is a violation of LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Paragraph 182 of the Consent Decree sets forth stipulated penalties for this type of violation. The Respondent also reported this deviation in its Part 70 General Condition K Semiannual Monitoring and Deviation Report dated September 26, 2008, and Monitoring Systems Performance Quarterly Report for CEMS Analyzers dated April 30, 2008, and Part 70 General Condition M Revised Annual Compliance Certification Report dated April 27, 2009.

- JJ. According to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 31, 2009, the Respondent reported that "From 3/14/08 through 3/20/08, for 7 consecutive daily validation periods . . . , the daily auto validation did not occur for the A-1843 NSPS fuel gas H₂S CEMS analyzer due to a validation programming error. This resulted in a failure to perform daily zero and span calibration drift checks as required by 40 CFR 60.13(d)(1). On the seventh day, following the missed daily auto validation/calibration, the analyzer technician performed a manual validation/calibration, and the CEMS passed this check." Each failure to calibrate the CEMS is a violation of 40 CFR 60.13(d)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(2). The Respondent also reported this deviation in its Part 70 General Condition K Semiannual Monitoring and Deviation Report dated September 26, 2008, and Monitoring Systems Performance Quarterly Report for CEMS Analyzers dated April 30, 2008, and its revised Part 70 General Condition M Annual Compliance Certification Report dated April 27, 2009:
- KK. According to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 31, 2009, the Respondent reported that the permitted CO emissions were exceeded for the following:

Source ID Number	Date	Time	Reported CO Emissions (lbs/hr)	Maximum CO Permit Emission Rate (lbs/hr)	Cause
CKRE/F1	4/28/2008	15:00-16:00	83.9	31.65	A failure of the dropout doors to open fast enough
PSLA9/F1	5/14/2008	19:00-20:00	188.7	31.16	Loss of the O ₂ analyzer (false high reading) during a rain event
PSLA10/F101	5/30/2008	8:00-9:00	153.45	45.51	Problem with the draft on the furnace which resulted in low O ₂
PSLA10/F1	6/27/2008	8:00-9:00	45.08	30.01	A sudden loss of O ₂ occurred when, an instrument air leak on the controls for the furnace dropout doors was stopped, which caused the doors to simultaneously close
CKRE/F1	9/15/2008	10:00-11:00	65.1	31.65	Online furnace maintenance
PSLA9/F1	9/21/2008	7:00-8:00	41.35	31.16	While swapping feed pumps on PSLA-9, flow was temporarily lost to F-1 Furnace, causing oxygen to swing

Each CO permit limit exceedance of the maximum pounds per hour is a violation of Title V Permit Nos. 2234-V3 or 2755-V2, LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported this deviation in its Part 70 General Condition K Semiannual Monitoring and Deviation Report dated September 26, 2008, Part 70 General Condition R Report dated December 24, 2008, and Part 70 General Condition M Annual Compliance Certification Report dated April 27, 2009.

- LL. According to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 31, 2009, the Respondent reported that "On 5/3/08 for approximately 6-7 minutes over a 30 minute time span, PHLA-2 F-2 Furnace (Source ID PHLA2/F2) smoked, opacity >20%, due to a problem with the preheat system. The preheat system was shut down and the smoking stopped." The failure to control smoke emissions so that the shade or appearance of the emission is not darker than 20 percent average opacity is a violation of Title V Permit No. 2261-V1, LAC 33:III.501.C.4, LAC 33:III.1101, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported this deviation in its

Part 70 General Condition K Semiannual Monitoring and Deviation Report dated September 26, 2008, and Part 70 General Condition M Annual Compliance Certification Report dated April 27, 2009.

- MM. According to the Respondent's Part 70 General Condition R and K Semiannual Report dated September 30, 2009, "The Baton Rouge Complex gasoline dispensing facilities must be equipped with a Stage II Vapor Recovery System that reduces emissions to the atmosphere by 95%. The VRS must be routinely tested initially upon installation and subsequently every 5 years to verify its effectiveness, including a test called *Liquid Blockage Test (San Diego Test Procedure TP-91-2)*. The test was completed 5/21/2003 and should have been repeated 5/21/2008. Due to an oversight, the test was not completed until May 15, 2009. Test results indicated compliance with applicable regulatory requirements." The Respondent reported the date of occurrence to be May 21, 2008, and the date of discovery to be May of 2009. The failure to conduct testing every five (5) years is a violation of LAC 33:III.2123.B.5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- NN. According to the Respondent's Part 70 General Condition R and K Semiannual Report dated September 30, 2009, "During an internal review [at the Stage II Vapor Recovery System located at the Baton Rouge Complex gasoline dispensing facilities], it was discovered that required *daily* inspections were only occurring Monday through Friday. No deviations were noted during this time period. Inspections are now occurring on Saturday and Sunday as well." The Respondent reported the date of occurrence to be May 21, 2008, and the date of discovery to be May of 2009. Each failure to perform daily inspections is a violation of LAC 33:III.2132.F.2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- OO. According to the Respondent's Part 70 General Condition M Annual Compliance Certification Report dated March 31, 2009, the Respondent reported that on or about September 23, 2008, F-301 (Source ID PCLA3/F301) exceeded the 500 parts per million by volume (ppmv) of CO (dry basis) from the 13:00 to 14:00 hour. The Respondent reported that this CO emissions exceedance was due to a furnace trip. Each CO emission exceedance of 500 ppmv is a violation of 40 CFR 63.1565(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Title V Permit No. 2385-V4, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported this deviation in its Part 70 General Condition R Report dated December 24, 2008, and Part 70 General Condition M Annual Compliance Certification Report dated April 27, 2009.

- PP. According to the Respondent's Refinery 40 CFR 63 Subpart UUU Periodic Compliance Report dated January 31, 2009, the Respondent reported that on September 23, 2008, the "Hourly CO 500 ppm std [standard was] exceeded for a 1-Hour period on PCLA 3 F-301 due to an unexpected and sudden shutdown system trip on a blower startup after the annual steam turbine inspection. The blower tripped due to an incorrect setup on the control instrumentation resulting from an incorrect and out of date procedure. The incorrect setting was immediately corrected and the blower restarted allowing the COF to be restarted and resume normal operations. The exceedance lasted for ~32 minutes and resulted in excess emissions of ~14,000 ppmvd CO (~12.1 tons) during the 01:00 PM to 02:00 PM period." The Respondent also reported that "The procedure for performing the annual turbine inspection is being revised and will be implemented after the 1Q09 PCLA 3 T/A [turnaround]." Each CO emission exceedance of 500 ppmv is a violation of 40 CFR 63.1565(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Title V Permit No. 2385-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- QQ. According to the Respondent's Part 70 General Condition R and K Report dated March 31, 2009, the Respondent reported that "During an internal audit, 3 open-ended lines were discovered at the Cokers" on November 11, 2008. Each open-ended line is a violation of Subsection H of the Louisiana MACT Determination for Refineries dated July 26, 1994, LAC 33:III.5109, Title V Permit No. 2234-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- RR. According to the Respondent's State General Condition XI.C Excess Emission Report dated March 31, 2009, the Respondent reported that "During 1Q09, the following exceedances for cooling tower emissions were discovered via compliance verification activities and/or emission inventory calculations:
- At LEU-4, CT-32 [EQT 0658] exceeded the annual emission limit of benzene (75 lbs per year vs. 20 lbs per year) and of ethylbenzene (130 lbs per year vs. 20 lbs per year).
 - At LEU-5, CT-33 [EQT 0659] exceeded the annual emission limit of benzene (93 lbs per year vs. 20 lbs per year), toluene (180 lbs per year vs. 20 lbs per year), and of xylene (103 lbs per year vs. 20 lbs per year).
 - At LEU-6, CT-35 [EQT 0660] exceeded the annual emission limit of benzene (35 lbs per year vs. 20 lbs per year)."

On or about October 13, 2009, the Department issued an Administrative Amendment to Title V Permit No. 2589-V4, which increased the permit limits for EQT 0658, EQT 0659, and EQT 0660. Each permit limit exceedance is a violation of Title V Permit No. 2589-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- SS. According to the Respondent's Part 70 General Condition R and K Semiannual Report dated September 30, 2009, "The NO_x CEMS analyzer for F-501B at the Far East Coker (*Source ID CKR/F501B*) was not maintained in accordance with Permit Specific Requirement #114 [40 CFR 60.13(d), 40 CFR 60 Appendix F] on 1/17/09 and 1/18/09. On Monday 1/19/09, it was determined that the span check gas cylinder had run out of gas, resulting in the excessive NO_x span CDs [calibration drifts]. Therefore the span gas cylinder was replaced, and the CD checks were repeated. All CD checks were within the limit of the applicable Performance Specifications." The failure to maintain and operate the NO_x CEMS analyzer is a violation of Specific Requirement No. 114 of Title V Permit No. 2234-V4, 40 CFR 60.13(d), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent also reported this deviation in its NSPS J Excess Emissions Report and CEMS Performance Report dated April 30, 2009.
- TT. According to the Respondent's Part 70 General Condition R and K Semiannual Report dated September 30, 2009, "During startup on March 19, 2009, a process unit upset caused six exceedances of the 250 ppm, 12-hour rolling average for the SO₂ concentration on F-201 Incinerator [*Source ID SRLA/F201*]. It was determined that the event was the result of foaming in the absorber tower. An anti-foaming agent was used to correct the problem." The exceedance of the 250 ppm by volume of SO₂ is a violation of Paragraph 59 of the Consent Decree, 40 CFR 60.104(a)(2)(i), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Title V Permit No. 2300-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Paragraph 182 of the Consent Decree sets forth stipulated penalties for this type of violation. The Respondent also reported this deviation in its 40 CFR 60 Subpart J Excess Emissions Report dated April 30, 2009.
- UU. According to the Respondent's Part 70 General Condition R and K Semiannual Report dated September 30, 2009, "The SO₂ CEMS analyzer at the SRLA F-101 and F-201 Incinerators (*Source ID SRLA/F101 & SRLA/F201 or GRP071*). The CEMS analyzer was not

maintained in accordance with 40 CFR 60.13(d)(1) or 40 CFR 60, Appendix F on 4/11/09. It was later determined that the span CD [calibration drift] check filter failed to rotate into place, resulting in an out-of-control span CD without any alarm indication. Subsequently, discovered a programming error responsible for the alarm failure under this specific condition. The problem self-corrected the following day when the next auto CD check was completed. Software updates were also completed to correct the programming error associated with the alarm function." The failure to maintain the SO₂ CEMS analyzer is a violation of 40 CFR 60.13(d)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Title V Permit No. 2300-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent also reported this deviation in its Continuous Emissions Monitoring System Performance Quarterly Report dated July 30, 2009.

- VV. According to the Respondent's Part 70 General Condition R and K Semiannual Report dated September 2009, "On May 11, 2009, the H₂S concentration of fuel gas in the High Pressure Burner Line exceeded the 3-hour rolling average 160 ppm limit for three consecutive 1-hour time blocks between 6-7 AM (170 ppm), 7-8 AM (187 ppm), and 8-9 AM (167 ppm) due to complications during sulfiding activities at the Baton Rouge Chemical Plant. The Respondent reported that this event involved the following fourteen (14) furnaces:

<i>Permit No.</i>	<i>Source Description</i>
2261-V2	FEED PREP F-30
2261-V2	FEED PREP F-31
2261-V2	PHLA-2 F-1
2261-V2	PHLA-2 F-2
2261-V2	PHLA-2 F-3
2261-V2	PHLA-2 F-4
2261-V2	PHLA-2 F-5
2261-V2	PHLA-2 F-6
2589-V4	4LEU-W F-1

<i>Permit No.</i>	<i>Source Description</i>
2589-V4	4LEU-W F-2
2341-V1	LELA-E F-1
2341-V1	LELA-S F-4
2341-V1	KDLA F-425
2341-V1	KDLA F-451"

Each period of burning fuel gas containing an excess of 0.10 gr/dscf (160 ppmv) of hydrogen sulfide in any fuel gas combustion device is a violation of Paragraph 59 of the Consent Decree, 40 CFR 60.104(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.905, LAC 33:III.501.C.4, Title V Permit Nos. 2261-V2, 2589-V4, or State Only Specific Condition of Title V Permit No. 2341-V1, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Paragraph 182 of the Consent Decree sets forth stipulated penalties for this type of violation. The Respondent also reported this deviation in its Semiannual Consent Decree Report dated August 21, 2009.

WW. According to the Respondent's Part 70 General Condition R and K Semiannual Report dated September 2009, "SO₂ CEMS data availability was less than 90% for the months of January and June 2009 for both F-101 and F-201 (*Source ID SRLA/F101 & SRLA/F201 [sic]*). It should be noted that a number of CEMS downtime events in this and previous quarters were due to A/C failures, and that a significant project to replace the existing A/C system with a larger capacity system was completed June 23, 2009. BRRF had originally planned to upgrade the A/C system sooner. However, the manufacturing facilities contracted to construct and install the new system were damaged by hurricanes in 2008, resulting in delayed execution of the A/C replacement project." The failure to maintain a minimum degree of data availability of at least 90% for the months of January and June of 2009 is a violation of Part 70 General Condition V of Title V Permit No. 2300-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent also reported these deviations in its 40 CFR 60 Subpart J Excess Emissions Report dated April 30, 2009, and July 30, 2009.

XX. According to the Respondent's Part 70 General Condition R and K Semiannual Report dated September 30, 2009, during May and June of 2009 "Excess moisture in the sample line resulted in out-of-control

daily calibration drift (CD) checks for the SO₂ CEMS analyzer at the PCLA Wet Gas Scrubber (EQT 0087). This caused less than 22 of 30 valid days of data to be available for that analyzer during 8 successive rolling 30-day periods." The failure to obtain a minimum of 22 valid days of data every 30 rolling successive calendar days is a violation of 40 CFR 60.104(d), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Part 70 General Condition V of Title V Permit No. 2385-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent also reported this deviation in its Continuous Emissions Monitoring System Performance Quarterly Report dated July 30, 2009.

- YY. According to the Respondent's Part 70 General Condition R and K Semiannual Report dated September 30, 2009, on May 3, 2009, the "F-1 Furnace at PHLA-2 smoked for 11 minutes due to an analyzer malfunction. No reportable quantities were exceeded." The failure to operate Powerforming 2 F-1 Furnace (ID No. PHLA2/ F1) so that visible emissions did not exceed a total of five (5) minutes during any two (2) consecutive hours is a violation of 40 CFR 60.18(c)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Title V Permit No. 2261-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- ZZ. According to the Respondent's Part 70 General Condition R and K Semiannual Report dated September 30, 2009, during the first half of 2009, "During an internal audit, the following open-ended lines were discovered:

Unit	No. of OELs
Alky	3
East Area Tank Field	2
HCLA	2
3-LEU	1
PHLA-2	1

Each open-ended line is a violation of Subsection H of the Louisiana MACT Determination for Refineries dated July 26, 1994, LAC 33:III.5109, Title V Permit Nos. 2447-V2, 2589-V4, 2261-V2, or 2795-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent also reported this deviation in its Consolidated Fugitive Emission Program Semiannual Report dated August 13, 2009.

- AAA. According to the Respondent's Part 70 General Condition R and K Semiannual Report dated September 30, 2009, "On May 30, 2009, while attempting to adjust O₂ content, a CO excursion of 1397 lbs vs. the maximum hourly permit limit of 33.54 lbs occurred at F-1 in PSLA-9." Each CO permit limit exceedance of the maximum pounds

per hour is a violation of Title V Permit No. 2755-V3, LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

BBB. On or about April 14, 2010, the Department issued an Administrative Amendment to Title V Permit No. 2755-V3, which incorporated the criteria pollutant emission rates for the Pipestill 8 F-2 Furnace (EQT 0621, Source ID FSLA8/F2) that were left out of the permit. The failure to submit a complete permit application is a violation of LAC 33:III.501.C.1, LAC 33:III.517.D, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with the Act and the Air Quality Regulations.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Tonya Landry
Enforcement Tracking No. AE-CN-10-00263
Agency Interest No. 2638

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the **Enforcement Tracking Number** and **Agency Interest Number**, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. AE-CN-10-00263
Agency Interest No. 2638

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Tonya Landry at (225) 219-3785 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of

noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 20 day of October, 2010.



Beau James Brock
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Tonya Landry

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

Office of Environmental Compliance
Attention: Enforcement
P.O. Box 4012
Baton Rouge, LA 70821-4312

NOV 01 2018
Environmental Compliance



Attachment H

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

January 18, 2011

CERTIFIED MAIL (7002 2030 0002 8909 6444)
RETURN RECEIPT REQUESTED

EXXON MOBIL CORPORATION
c/o Corporation Service Company
Agent of Service
320 Somerulos Street
Baton Rouge, Louisiana 70802-6129

RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-10-01561
AGENCY INTEREST NO. 286

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **EXXON MOBIL CORPORATION (RESPONDENT)** for the violation described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Mary Caldwell at (225)-219-3072.

Sincerely,

A handwritten signature in black ink that reads "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/MJC/mjc
Alt ID No.0840-00014
Attachment

c: Exxonmobil Chemical Company
Baton Rouge Chemical Plant
c/o Derek Reese, Environmental Manager
Post Office Box 241
Baton Rouge, Louisiana 70821-0241

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**EXXON MOBIL CORPORATION
EAST BATON ROUGE PARISH
ALT ID NO. 0840-00014**

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R.S. 30:2001, ET SEQ.**

*	
*	
*	ENFORCEMENT TRACKING NO.
*	
*	AE-CN-10-01561
*	
*	AGENCY INTEREST NO.
*	
*	286
*	
*	

**CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **EXXON MOBIL CORPORATION (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Baton Rouge Chemical Plant, a synthetic organic chemical manufacturing facility, located at 4999 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The Respondent's facility currently operates under approximately twenty-eight (28) individual Title V permits.

II.

On or about February 4, 2010, the Respondent was issued **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY NO. AE-CN-09-0197**. This action was amended on or about March 16, 2010, when **AMENDED**

CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY NO. AE-CN-09-0197A was issued. The order provided the Respondent with interim limits for sulfur dioxide (SO₂) and toluene and other air contaminants. The order was not appealed and is considered final.

III.

On or about October 25, 2010, the Department performed a file review to determine the degree of compliance with the Act and the Air Quality Regulations.

While the investigation by the Department is not yet complete, the following violations were noted during the file review:

According to the Flare Gas Analysis Report dated September 15, 2010, the Respondent exceeded the SO₂ and toluene interim limits. Each exceedance is a violation of Title V Permit No. 2390-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), La. R.S. 30:2057(A)(2) and a violation of **AMENDED CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WITH ENFORCEMENT TRACKING NO. AE-CN-09-0197A**.

IV.

On or about September 15, 2010, the Respondent requested that the interim limits for sulfur dioxide and toluene be increased.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to ensure compliance with all applicable federal and state Air Quality Regulations.

II.

To protect the air quality, the Respondent is required to comply with the following at the Respondent's facility:

- A. If the Respondent chooses to emit any air contaminant in the State of Louisiana from the Baton Rouge Chemical Plant the following interim limitations shall apply for Emission Point M-1000, Flare CAP:

Flare CAP	Average Lb/hr	Interim Limits in TPY
Sulfur Dioxide	9.13	40
Toulene	0.12	0.50

The Respondent shall also operate its facility in accordance with all other emission limitations, terms, and conditions stated in Title V Permit No. 2390-V1 unless otherwise notified in writing by the Department. The interim limitations supersede the interim limits established in AE-CN-09-0197A and shall remain in effect until the issuance of the new permit, or unless otherwise notified by the Department.

- B. If the Respondent does not choose to emit any air contaminants in the State of Louisiana from its facility, the Respondent shall, within thirty (30) days after receipt of the **COMPLIANCE ORDER**, provide written documentation to the Department that no activities exist at the Respondent's facility resulting in any unauthorized discharges to the air.
- C. The Respondent shall at all times properly operate and maintain all facilities and systems of control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of these interim limitations.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Mary Caldwell
Enforcement Tracking No. AE-CN-10-01561
Agency Interest No. 286

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the **Enforcement Tracking Number** and **Agency Interest Number**, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: **Hearings Clerk, Legal Division**
Re: **Enforcement Tracking No. AE-CN-10-01561**
Agency Interest No. 286

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Mary Caldwell at (225) 219-3072 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 18 day of January, 2011.



Beau James Brock
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Mary Caldwell

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:

Exxon Mobil Corporation
 c/o Corporation Service Company
 Agent of Service
 320 Somerulos Street
 Baton Rouge, LA 70802-6129

AE-CN-10-01561 CRO
 AI# 286 MJC

2. Article Number 7002 2030 0002 8909 6444
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X 

- Agent
- Addressee

B. Received by (Printed Name)

ALVIN BRUCE

C. Date of Delivery

- D. Is delivery address different from Item 1?** Yes
 If YES, enter delivery address below: No

JAN 25 2011

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

Sender: Please print your name, address, and ZIP+4 in this box

RECEIVED

FEB 2011

Environmental Compliance

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Attention: Mary Caldwell
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312



Attachment I

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 17, 2011

CERTIFIED MAIL (7004 2510 0005 5767 4755)
RETURN RECEIPT REQUESTED

EXXON MOBIL CORPORATION
c/o Corporation Service Company
Agent of Service
320 Somerulos Street
Baton Rouge, Louisiana 70802

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-10-00263A
AGENCY INTEREST NO. 2638**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **EXXON MOBIL CORPORATION (RESPONDENT)** for the violation described therein.

Any questions concerning this action should be directed to Tonya Landry at (225) 219-3785.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/TBL/tbl
Alt ID No: 0840-00015
Attachment

c: Exxon Mobil Corporation
c/o Derek Reese
4045 Scenic Highway
Baton Rouge, Louisiana 70805

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**EXXON MOBIL CORPORATION
EAST BATON ROUGE PARISH
ALT ID NO. 0840-00015**

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R.S. 30:2001, ET SEQ.**

*
*
*
*
*
*
*
*
*
*

ENFORCEMENT TRACKING NO.

AE-CN-10-00263A

AGENCY INTEREST NO.

2638

**AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY**

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-10-00263** issued to **EXXON MOBIL CORPORATION (RESPONDENT)** on October 20, 2010, in the above-captioned matter as follows:

I.

The Department hereby amends Paragraph VII of the Findings of Fact portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-10-00263 to remove Paragraph VII.BBB.

II.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-10-00263** and **AGENCY INTEREST NO. 2638** as if reiterated herein.

III.

This **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 17 day of February, 2011.



Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
Post Office Box 4312
Baton Rouge, LA 70821-4312
Attention: Tonya Landry

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Exxon Mobil Corporation
 c/o Corporation Service Company
 Agent of Service
 320 Somerulos Street
 Baton Rouge, Louisiana 70802

AE-CN-10-0026JA CRO
 AI# 2638 TBL

2. Article Number
(Transfer from service label)

7004 2510 0005 5767 4755

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Handwritten Signature]

- Agent
- Addressee

B. Received by (Printed Name)

RENE BRUN

C. Date of Delivery

2-23-11

D. Is delivery address different from item 1?

- Yes
- No

If YES, enter delivery address below:

FEB 23 2011

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Environmental Compliance

MAK 01 2011

Office of Environmental Compliance
Attention: Enforcement
P.O. Box 4312
Baton Rouge, LA 70821-4312



Attachment J

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

September 30, 2011

CERTIFIED MAIL (7003 2260 0000 5826 4898)
RETURN RECEIPT REQUESTED

EXXON MOBIL CORPORATION
c/o Corporation Service Company
Agent of Service
320 Somerulos Street
Baton Rouge, Louisiana 70802-6129

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-11-00892
AGENCY INTEREST NO. 286**

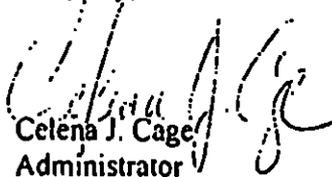
Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **EXXON MOBIL CORPORATION (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Michelle McCarthy at (225) 219-4468.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/MMM/mmm
Alt ID No. 0840-00014
Attachment

c:Exxonmobil Chemical Company
Baton Rouge Chemical Plant
c/o Derek Reesc, Environmental Manager
Post Office Box 241
Baton Rouge, Louisiana 70821-0241

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**EXXON MOBIL CORPORATION
EAST BATON ROUGE PARISH
ALT ID NO. 0840-00014**

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R.S. 30:2001, ET SEQ.**

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **AE-CN-11-00892**
*
* **AGENCY INTEREST NO.**
*
* **286**
*

**CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **EXXON MOBIL CORPORATION (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Baton Rouge Chemical Plant (facility), a synthetic organic chemical manufacturing facility, located at 4999 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The Respondent's facility currently operates under approximately twenty-eight (28) individual Title V permits.

II.

On or about February 4, 2010, the Respondent was issued Consolidated Compliance Order and Notice of Potential Penalty, Enforcement Tracking No. AE-CN-09-0197. This action was amended on or about March 16, 2010, and provided the Respondent with interim limits for sulfur dioxide (SO₂), toluene and other air contaminants. On or about January 18, 2011, the Department issued Consolidated Compliance Order and Notice of Potential Penalty, Enforcement Tracking No. AE-CN-10-01561, which

included revised interim limits for sulfur dioxide and toluene. On or about June 28, 2011, a file review was performed to determine the degree of compliance with the Act, the Air Quality Regulations, and Consolidated Compliance Order and Notice of Potential Penalty AE-CN-10-01561.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the file review:

- A. On or about May 31, 2011, the facility submitted to the Department correspondence requesting an increase of the interim limits authorized under Enforcement Tracking No. AE-CN-09-0197. According to the facility, the flare gas sampling of EIQ# M-1000 flare cap, ordered by Enforcement Tracking No. AE-CN-09-0197 indicated the presence of four (4) previously unpermitted compounds. The previously approved interim limits for flare cap M-1000 are as follows:

Interim Limits-Enforcement Tracking No. AE-CN-09-0197

Flare CAP	Average Lb/hr	Interim Limits in TPY
Sulfur Dioxide	4.57	20
Nitrogen Dioxide	22.83	100
2,2,4-Trimethylpentane	0.01	0.05
Acetonitrile	0.02	0.10
Ammonia	0.02	0.10
Biphenyl	0.02	0.10
Cumene	0.02	0.10
Ethylbenzene	0.02	0.10
Hydrogen Cyanide	0.05	0.20
Methanol	0.23	1.00
Methyl Ethyl Ketone	0.01	0.05
Methyl Isobutyl Ketone	0.01	0.05
Methyl Tert-Butyl Ether	0.02	0.05
N-Butyl Alcohol	0.02	0.10

Flare CAP	Average Lb/hr	Interim Limits in TPY
Napthalene	0.07	0.30
Phenol	0.02	0.10
Polynuclear Aromatic Hydrocarbons	0.23	1.00
Toulene	0.09	0.40
Total Reduced Sulfur	0.02	0.10

Interim limits-Enforcement Tracking No. AE-CN-10-01561:

Flare CAP	Average Lb/hr	Interim Limits in TPY
Sulfur Dioxide	9.13	40
Toulene	0.12	0.50

The failure to submit a timely permit application prior to emitting previously unpermitted compounds is a violation of LAC 33:III.501.C.1, La R.S. 30:2057(A)(1), and 30:2057(A)(2).

- B. According to the facility, the flare gas sampling of FIQ# M-1000 flare cap, ordered by Enforcement Tracking No. AE-CN-09-0197, indicated the presence of four (4) previously unpermitted compounds. The compounds include: chloroethane, chloroform, methyl bromide, methylene chloride. The emission of unpermitted compounds is a violation LAC 33:III.501.C.2, La R.S. 30:2057(A)(1), and 30:2057(A)(2).

III.

In the letter dated May 31, 2011, the Respondent requested interim limitations to operate the M-1000 flare cap until such time that the facility's air permit is issued.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Air Quality Regulations and Title V Permit No. 2390-VI.

II.

To protect the air quality, the Respondent is required to comply with the following at the Respondent's facility:

- A. If the Respondent chooses to emit any air contaminant in the State of Louisiana from the Baton Rouge Chemical Plant, the following interim limitations shall apply for Emission Point M-1000, Flare CAP:

Flare CAP	Average Lb/hr	Interim Limits in TPY	Requested Limits in TPY	Comments
Sulfur Dioxide	9.13	40	40	
Toulene	0.23	1.0	1.0	
Hydrogen Sulfide	0.23	1.0	1.0	
Total Reduccd Sulfur	0.23	1.0	1.0	
Xylenes	0.23	1.0	1.0	
Ethylbenzene	0.11	0.5	0.5	
Naphthalene	0.11	0.5	0.5	
n- Hexane	1.94	8.5	8.5	
Chloroethane*	0.11	0.5	0.5	
Chloroform*	0.008	0.035 (69.5 lbs/yr)	0.5	MER
Methyl Bromide*	0.11	0.5	0.5	
Methylene Chloride*	0.062	0.27 (540 lbs/yr)	0.5	MER
Nitrogen Dioxide	22.83	100	100	
2,2,4-Trimethylpentane	0.011	0.05	0.05	
Acetonitrile	0.023	0.10	0.10	

Ammonia	0.023	0.10	0.10	
Biphenyl	0.011	0.05 (97.5 lbs/yr)	0.10	MER
Cumene	0.023	0.10	0.10	
Hydrogen Cyanide	0.046	0.20	0.20	
Methanol	0.23	1.00	1.00	
Methyl Ethyl Ketone	0.011	0.05	0.05	
Methyl Isobutyl Kctone	0.011	0.05	0.05	
Methyl Tert-Butyl Ether	0.011	0.05	0.05	
N-Butyl Alcohol	0.023	0.10	0.10	
Phenol	0.023	0.10	0.10	
Polynuclear Aromatic Hydrocarbons	0.003	0.0125 (25.0 lbs/yr)	1.00	MER
Styrene	0.35	1.66	2.0	Permit limit

*indicates previously unpermitted compounds; MER Minimum Emission Rate

The Respondent shall also operate its facility in accordance with all other emission limitations, terms, and conditions stated in Title V Permit No. 2390-V1 unless otherwise notified in writing by the Department. These interim limitations supersede the interim limits established in Enforcement Tracking No. AE-CN-09-0197 and Enforcement Tracking No. AE-CN-10-01561, and shall remain in effect until the issuance of the new permit, or unless otherwise notified by the Department in writing.

III.

To submit to the Enforcement Division, within 30 days of receipt of this **COMPLIANCE ORDER**, a report detailing the amounts of the all of the compounds listed in Paragraph IA emitted from M-1000 for the period of January 1, 2011 through July 31, 2011.

IV.

To submit the renewal application for Title V Permit No. 2390-V1 no later than 4:30 p.m. on January 2, 2012.

V.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Michelle McCarthy
Re: Enforcement Tracking No. AE-CN-11-00892
Agency Interest No. 286

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. AE-CN-11-00892
Agency Interest No. 286

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty

in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Michelle McCarthy at (225) 219-4468 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 20 day of September, 2011.



Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Michelle McCarthy

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Exxon Mobil Corporation
 c/o Corporation Service Company
 Agent of Service
 320 Somerulos Street
 Baton Rouge, LA 70802-6129

AE-CN-11-00892 CRO
 AI# 286 MMM

2. Article Number 7003 2260 0000 5826 4898
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 B. Chelsea Aford 10/5/11

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Office of Environmental Compliance
Attention: Enforcement - Air
PO Box 4312
Baton Rouge, LA 70821-4312



Attachment K

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

October 10, 2011

CERTIFIED MAIL (7005 1820 0002 2095 2872/4814)
RETURN RECEIPT REQUESTED

EXXON MOBIL CORPORATION
c/o Corporation Service Company
Agent for Service of Process
320 Somerulos Street
Baton Rouge, Louisiana 70802-6129

RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-PP-11-00654
AGENCY INTEREST NO. 2638

Dear Sir/Madam:

On or about September 22, 2010, and September 23, 2010, inspections of **EXXON MOBIL BATON ROUGE REFINERY**, owned and/or operated by **EXXON MOBIL CORPORATION (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations. The facility is located at 4045 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspections:

- A. The Respondent failed to cover a roll-off box storing hazardous waste, in violation of LAC 33:V.1109.E.1.a.i, as specified in LAC 33:V.2107.A. Specifically, there was a hole in the tarp covering the hazardous waste storage container. The facility provided photographs to the Department on or about September 27, 2010, showing that the tarp was patched and the container was properly closed.
- B. The Respondent failed to determine if discarded paint waste and paint materials were a hazardous waste, in violation of LAC 33:V.1103.B. The Respondent made a determination for the liquid paint waste on September 23, 2010.
- C. The Respondent failed to store used fluorescent lamps in a closed container, in violation of LAC 33:V.3821.D.1. This item was immediately addressed by the Respondent.

Notice of Potential Penalty
Exxon Mobil Corporation
Page 2

- D. The Respondent failed to label the containers storing the used lamps with the words "Universal Waste-Lamps," "Waste Lamps," or "Used Lamps," in violation of LAC 33:V.3823.A.6. This item was immediately addressed by the Respondent.
- E. The Respondent failed to mark the container storing the used lamps with the date on which the universal waste in the container became a waste or was received, in violation of LAC 33:V.3825.C.1. This item was immediately addressed by the Respondent.
- F. The Respondent failed to contain waste batteries that show evidence of leakage in a container that is structurally sound, compatible with the contents of the battery and closed, in violation of LAC 33:V.3821.A.1. The facility provided photographs to the Department on or about September 30, 2010, showing that the batteries were stored, labeled, and dated properly.
- G. The Respondent failed to label used batteries with the words, "Universal Waste-Batteries," "Waste Batteries," or "Used Batteries," in violation of LAC 33:V.3823.A.1. The facility provided photographs to the Department on or about September 30, 2010, showing that the batteries were stored, labeled, and dated properly.
- H. The Respondent failed to demonstrate the length of time that the waste batteries had been accumulated from the date it became a waste or was received, in violation of LAC 33:V.3825.C. The facility provided photographs to the Department on or about September 30, 2010, showing that the batteries were stored, labeled, and dated properly.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Erin Dartz at (225) 219-3636 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement.

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

Notice of Potential Penalty
Exxon Mobil Corporation
Page 3

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Cheryl Sonnier Nolan
Assistant Secretary

CSN/AED

Alt ID No. LAD062662887

c: Exxon Mobil Baton Rouge Refinery
Post Office Box 551 MO Rm 4014
Baton Rouge, Louisiana 70805

English Customer USPS
Service Mobile

Register / Sign In



Search USPS.com or Track Pa

Quick Tools Ship a Package Send Mail Manage Your Mail Shop Business Solutions

Track & Confirm

You entered: 70051820000220952872

Status: Delivered

Your item was delivered at 10:31 am on October 21, 2011 in BATON ROUGE, LA 70821. Additional information for this item is stored in files offline.

You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed momentarily.

I would like to receive notification on this request



Find Another Item

What's your label (or receipt) number?



LEGAL

- Privacy Policy ›
- Terms of Use ›
- FOIA ›
- No FEAR Act EEO Data ›

ON USPS.COM

- Government Services ›
- Buy Stamps & Shop ›
- Print a Label with Postage ›
- Customer Service ›
- Site Index ›

ON ABOUT.USPS.COM

- About USPS Home ›
- Newsroom ›
- Mail Service Updates ›
- Forms & Publications ›
- Careers ›

OTHER USPS SITES

- Business Customer Gateway ›
- Postal Inspectors ›
- Inspector General ›
- Postal Explorer ›

Copyright© 2012 USPS. All Rights Reserved.

English Customer USPS
Service Mobile

Register / Sign In



Search USPS.com or Track Pa

Quick Tools Ship a Package Send Mail Manage Your Mail Shop Business Solutions

Track & Confirm

You entered: 70051820000220954814

Status: Delivered

Your item was delivered at 7:47 am on October 21, 2011 in BATON ROUGE, LA 70821. Additional information for this item is stored in files offline.

You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed momentarily.

I would like to receive notification on this request



Find Another Item

What's your label (or receipt) number?



LEGAL

- Privacy Policy ›
- Terms of Use ›
- FOIA ›
- No FEAR Act EEO Data ›

ON USPS.COM

- Government Services ›
- Buy Stamps & Shop ›
- Print a Label with Postage ›
- Customer Service ›
- Site Index ›

ON ABOUT.USPS.COM

- About USPS Home ›
- Newsroom ›
- Mail Service Updates ›
- Forms & Publications ›
- Careers ›

OTHER USPS SITES

- Business Customer Gateway ›
- Postal Inspectors ›
- Inspector General ›
- Postal Explorer ›

Copyright© 2012 USPS. All Rights Reserved.

Attachment L



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 22, 2011

CERTIFIED MAIL (7004 2510 0005 5767 4816)
RETURN RECEIPT REQUESTED

EXXON MOBIL CORPORATION
c/o Corporation Service Company
Agent of Service
320 Somerulos Street
Baton Rouge, Louisiana 70802

RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-11-00898
AGENCY INTEREST NO. 2638

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **EXXON MOBIL CORPORATION (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Tonya Landry at (225) 219-3785.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/TBL/tbl
Alt ID No. 0840-00015
Attachment

c: Exxon Mobil Corporation
c/o Derek Reese
4045 Scenic Highway
Baton Rouge, Louisiana 70805

II.

On or about May 31, 2011, June 28 through 30, 2011, and July 5, 2011, file reviews of the Respondent's facility were performed to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the reviews:

- A. According to the Respondent's Annual Compliance Certification dated March 31, 2010, the Respondent reported that on July 28, 2009, the 500 parts per million (ppm) hourly average carbon monoxide (CO) emission limit was exceeded twice and on August 3, 2009, the 500 ppm hourly average CO emission limit was exceeded once from the Wet Gas Scrubber (EQT 0087) due to a PCLA shutdown and associated startup. The failure to maintain CO emissions below 500 parts per million volume (ppmv), as required by 40 CFR 63.1565(a)(1), is a violation of LAC 33:III.5122, Specific Requirement No. 24 of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- B. According to the Respondent's Annual Compliance Certification dated March 31, 2010, the Respondent reported that on October 23, 2009, the hourly CO emission limit for the Pipestill 10 F-101 Furnace (EQT 612/RLP 0156) was exceeded. The CO emission limit exceedance is a violation of Title V Permit No. 2755-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- C. According to the Respondent's Annual Compliance Certification dated March 31, 2010, the Respondent reported that on November 12, 2009, an internal audit discovered that Drum SRD-1 was omitted from Title V Permit No. 2926-V0. The failure to submit a permit modification application and receive approval from the permitting authority prior to the construction, modification, or operation of a facility, which ultimately may have resulted in an initiation or increase in emissions of air contaminants is a violation of LAC 33:III.517.A.1, LAC 33:III.501.C.2, LAC 33:III.501.C.1, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- D. According to the Respondent's Annual Compliance Certification dated March 31, 2010, the Respondent reported that on December 1, 2009, the nitrogen oxide (NO_x) and oxygen (O₂) Continuous Emissions Monitoring Systems (CEMS) Analyzers on the Far East Coker F-501B Furnace (EQT 0046) were not maintained and operated in accordance with 40 CFR 60.13(d). On December 2, 2009, the Respondent determined that the sample pump was plugged, which resulted in excessive NO_x span calibration drifts (CD). Each failure to maintain and operate the NO_x and O₂ CEMS analyzer is a violation of Specific Requirement No. 114 of Title V Permit No. 2234-V4, LAC 33:III.3003, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- E. According to the Respondent's Annual Compliance Certification dated March 31, 2010, the Respondent reported that on December 8, 2009, the hourly CO emission limit for the Pipestill 10 F-101 Furnace (EQT 612/RLP 0156) was exceeded. The CO emission limit exceedance is a violation of Title V Permit No. 2755-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- F. According to the Respondent's Annual Compliance Certification dated March 31, 2010, the Respondent reported the following open-ended lines were discovered during the first half of 2009:

Unit	No. of OELs
HCN	1
LEU	1
PHLA-2	5
South Field	1

Each open-ended line is a violation of Subsection H of the Louisiana MACT Determination for Refineries dated July 26, 1994, LAC 33:III.5109, Title V Permit Nos. 2176-V3, 2589-V4, 2261-V2, or 2795-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent also reported this deviation in its Part 70 General Condition K and R Report dated March 31, 2010.

- G. According to the Respondent's Annual Compliance Certification dated March 31, 2010, the Respondent reported the following open-ended lines were discovered during the second half of 2009:

Unit	No. of OELs
Alky.	4
East Coker	2
East Field	1
Knox Field	2
LELA	1
LEU-3	1
LEU-6	1
PHLA-2	1
West Coker	3

Each open-ended line is a violation of Subsection H of the Louisiana MACT Determination for Refineries dated July 26, 1994, LAC 33:III.5109, Title V Permit Nos. 2234-V4, 2589-V4, 2795-V4, 2261-V2, or 2341-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent also reported this deviation in its Part 70 General Condition K and R Report dated March 31, 2010.

- H. According to the Respondent's Annual Compliance Certification dated March 31, 2010, and Benzene Waste Operations National Emission Standards for Hazardous Air Pollutants (BWON) Quarterly Report dated January 26, 2010, the Respondent reported that twenty-four (24) components on a small closed vent system that vents a sump to a carbon control device were not monitored annually in the years 2007, 2008, or 2009. The Respondent also reported that the components were monitored on January 13, 2010, and no leaks were detected. The failure to monitor each component annually, as required by 40 CFR 61 Subpart FF, is a violation of LAC 33:III.5116, Title V Permit No. 2926-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- I. According to the Respondent's Part 70 General Condition K and R Report dated March 31, 2010, the Respondent reported that the annual emissions inventory estimate indicated that the Light Ends Complex Analyzer Emissions (LE/AN; EQT 670) emitted two (2) pounds (lbs) of hydrogen sulfide (H₂S) in 2009. H₂S was not a permitted pollutant for Emission Point EQT 670 in Title V Permit No. 2589-V4. On July 10, 2010, Title V Permit No. 2589-V5 was issued and included H₂S as a pollutant for EQT 670. Emissions of an unpermitted pollutant is a violation of LAC 33:III.501.C.2, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- J. According to the Respondent's Annual Compliance Certification dated March 31, 2011, and Stationary RICE MACT Periodic Report & Initial Notification dated September 30, 2010, the Respondent reported that during the first half of 2010, it discovered two (2) pressure washers were omitted from Title V Permit No. 2363-V2 and were included in the July 2010 permit application update. The July 2010 permit application update included four (4) stationary engines used to hydroblast exchangers: UTIL/HB-1; UTIL/HB-2, UTIL/SS CL-1, and UTIL/SS CL-2. Each failure to submit a permit modification application and receive approval from the permitting authority prior to the construction, modification, or operation of a facility, which ultimately may have resulted in an initiation of increase in emission of air contaminants is a violation of LAC 33:III.517.A.1, LAC 33:III.501.C.2, LAC 33:III.501.C.1, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). UTIL/HB-1, UTIL/HB-2, UTIL/SS CL-1, and UTIL/SS CL-2 were included in Title V Permit No. 2363-V3 that was issued on September 30, 2010.
- K. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported the following open-ended lines were discovered during the first half of 2010:

Unit	No. of OELs
QAL	1

Unit	No. of OELs
Coker West	2
HCLA	4
HHLA-S	1
ALKY	4
C3STG	2
2LEU	1
4LEU	1
5LEU	2
LEMISC	1
OFF FLARE	4
STRATCO	1

Each open-ended line is a violation of Subsection H of the Louisiana MACT Determination for Refineries dated July 26, 1994, LAC 33:III.5109, Title V Permit Nos. 2926-V0, 2234-V4, 2447-V2, or 2589-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- L. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported the following were discovered during the first half of 2010:

Unit	Description
LEMISC	42 valves were not monitored during the first and second quarters of 2010
5LEU	22 valves were not monitored during the first quarter of 2010
HCN	1 valve and 3 connectors were not monitored
WHLA	3 valves were not monitored
HCLA	1 difficult-to-monitor valve was not monitored in 2008 or 2009

Each failure to monitor each component is a violation of the Louisiana MACT Determination for Refinery Equipment Leaks dated July 26, 1994, LAC 33:III.5109.A, Title V Permit Nos. 2447-V2, 2589-V4, 2176-V4, 2755-V3, or 2341-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- M. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that during the first half of 2010 one (1) valve and three (3) connectors at the Heavy Cat Naphtha Facility (HCN) were not included in the Leak Detection and Repair (LDAR) database. The Respondent also reported that 3 valves were not tagged in the Wax Hydrofining Facility (WHLA), and no documentation was available for two (2) visual leakers at the Pipestill Complex distillation unit PSLA-7 and one (1) visual leaker at the WHLA. Each failure to identify each component is a violation of Section C.3 of Louisiana MACT

Determination for Refinery Equipment Leaks dated July 26, 1994, LAC 33:III.5109.A, Title V Permit No. 2755-V3, 2176-V4, or 2341-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- N. According to the Respondent's Annual Compliance Certification dated March 31, 2011, and Semiannual Consent Decree Report dated August 27, 2010, the Respondent reported that during the first half of 2010 the justification for one (1) valve (tag 33:00137) was not signed within fifteen (15) days of the leak being detected. The failure to repair the valve within fifteen (15) calendar days after a leak is detected, except as provided in Section M of the Louisiana MACT Determination for Refinery Equipment Leaks dated July 26, 1994 is a violation of Section I.3.a or Section K.3.a of the Louisiana MACT Determination for Refinery Equipment Leaks dated July 26, 1994, LAC 33:III.5109.A, Title V Permit No. 2447-V2, 2589-V4, 2176-V4, 2755-V3, or 2341-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- O. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that on January 8, 2010, one (1) flare in the Light Ends Complex smoked for approximately twenty (20) minutes, indicating an average opacity in excess of twenty (20) percent for more than one (1) six (6) minute period during one (1) hour. The failure to control particulate matter so that the shade or appearance of the emissions are not denser than twenty (20) percent average opacity for more than one (1) six (6) minute period in any sixty (60) consecutive minutes is a violation of LAC 33:III.1311.C, Title V Permit No. 2589-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- P. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that on January 19, 2010, and January 20, 2010, a process unit trip due to a loss of boiler feedwater resulted in thirteen (13) exceedances of the 250 ppmv twelve (12) hour rolling average for the sulfur dioxide (SO₂) concentration on the SRLA F-201 Incinerator (EQT 147). Each exceedance of the 250 ppm by volume of SO₂ is a violation of LAC 33:III.3003, Specific Requirement No. 18 of 2300-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- Q. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that on February 18, 2010, the CO emission limit for Pipestill 9 F-1/F-2 Air Preheat Stack (RLP 0157) was exceeded. Each CO permit limit exceedance of the maximum pounds per hour is a violation of Title V Permit No. 2755-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 2057(A)(2).

- R. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that on February 25, 2010, the oxygen CEMS on the Cat Complex 2 F-2 Preheat Furnace (EQT 0085, CFG 0037) was not maintained in accordance with 40 CFR 60.13(d)(1) when the oxygen span drift exceeded two (2) times the limit of the applicable performance specification and no adjustments were made to the calibration. The failure to adjust the CEMS calibration whenever the daily zero CD or the daily high-level CD exceeds two (2) times the limit, as required by 40 CFR 60.13(d)(1) and Section 4.1 of 40 CFR 60 Appendix F, is a violation of LAC 33:III.3003, Specific Requirement No. 8 of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- S. According to the Respondent's Annual Compliance Certification dated March 31, 2011, and Semiannual Consent Decree Report dated August 27, 2010, the Respondent reported that on March 3, 2010, it discovered monthly monitoring was not initiated within sixty (60) days of previous monitoring. Monitoring was conducted on March 4, 2010, three (3) days late, for twenty-eighty (28) valves at the Sulfur Recovery Unit. The failure to monitor each valve is a violation of Subsection I.7 of the Louisiana MACT Determination for Refineries dated July 26, 1994, LAC 33:III.5109, Specific Requirement No. 63 of Title V Permit No. 2300-V0, LAC 33:III.501.C.4, and La. R.S. 2057(A)(2).
- T. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that during March 2010 it discovered 200 components in the Alky Feed Prep Unit that were not monitored during the fourth (4th) quarter of 2009. During the annual monitoring that occurred in the third (3rd) quarter of 2009, it was determined that the connector leak rate exceeded two (2) percent which requires the monitoring frequency to increase to quarterly. The failure to monitor each component quarterly when the leak rate exceeds two (2) percent is a violation of Subsection O of the Louisiana MACT Determination for Refineries dated July 26, 1994, LAC 33:III.5109, Title V Permit No. 2589-V4, LAC 33:III.501.C.4, and La. R.S. 2057(A)(2). The Respondent also reported this deviation in its Semiannual Consent Decree Report dated August 27, 2010.
- U. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that on March 2, 2010, March 4, 2010, June, 6, 2010, and June 7, 2010, Flare No. 17 (EQT 0673, CRG 0044) exceeded the H₂S three (3) hour rolling average. Each period of burning fuel gas containing an excess of 0.10 gr/dscf (160 ppmv) of H₂S in any fuel gas combustion device is a violation of Paragraph 73.a.i of the Consent Decree, LAC 33:III.3003, LAC 33:III.501.C.4, Specific Requirement No. 6 of Title V Permit No. 2589-V4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- V. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported the Wet Gas Scrubber (EQT 0087) exceeded the maximum hourly CO permit limit of 846 lbs/hr on the following dates:

Date	Number of Hours Exceeded CO 846 lbs/hr limit
April 20, 2010	1
May 4, 2010	2
May 14, 2010	3
May 17, 2010	1

Each CO emission exceedance of the maximum hourly permit limit is a violation of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- W. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that an automatic bleeder vent on Tank 197 (EQT 0405) was observed in the open position during an internal audit in May 2010, and it was corrected upon discovery. The failure to maintain the automatic bleeder vent in the closed position, as required by 40 CFR 60.112b(a)(2)(ii), is a violation of LAC 33:III.3003, LAC 33:III.905, Specific Requirement No. 346 of Title V Permit No. 2795-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- X. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that in May 2010 it discovered that the vapor tightness record for a vessel from Florida Marine Transporters, Inc. did not contain the date of the inspection. The failure of the owner or operator of an affected source to maintain documentation on file that includes the test date for each marine tank vessel, as required by 40 CFR 63.567(h)(i)(6), is a violation of LAC 33:III. 5122, Title V Permit No. 2047-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1).
- Y. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that on May 8, 2010, and May 25, 2010, Flare No. 5 (EQT 0671, CRG 0044) exceeded the H₂S three (3) hour rolling average. Each period of burning fuel gas containing an excess of 0.10 gr/dscf (160 ppmv) of H₂S in any fuel gas combustion device is a violation of Paragraph 73.a.i of the Consent Decree, LAC 33:III.3003, LAC 33:III.501.C.4, Specific Requirement No. 6 of Title V Permit No. 2589-V4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported this deviation in its Semiannual Consent Decree Report dated August 27, 2010.

- Z. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that from May 22, 2010, through July 22, 2010, the flow meter on Furnace F-1 (EQT 623) was reading incorrectly. The failure to maintain a minimum degree of data availability of at least ninety (90%) percent is a violation of Part 70 General Condition V of Title V Permit No. 2755-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- AA. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that on June 6, 2010, Flare No. 17 (EQT 0673, CRG 0044) exceeded the H₂S three (3) hour rolling average. Each period of burning fuel gas containing an excess of 0.10 gr/dscf (160 ppmv) of H₂S in any fuel gas combustion device is a violation of Paragraph 73.a.i of the Consent Decree, LAC 33:III.3003, LAC 33:III.501.C.4, Specific Requirement No. 6 of Title V Permit No. 2589-V4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent also reported this deviation in its Consent Decree Reports dated August 27, 2010, and September 14, 2010.
- BB. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that a 32-barrel Triton vacuum unit to extract material from equipment for maintenance and subsequently introduce it to a slop system was acquired without first conducting initial LDAR monitoring for Benzene Waste Operations in accordance with 40 CFR 61.345. The failure to initially monitor a container's cover and all openings to ensure operations with no detectable emissions, as required by 40 CFR 61.345, is a violation of LAC 33:III.5116, Title V Permit No. 2795-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:3057(A)(2).
- CC. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that seven (7) tanks (TK-99, TK-100, TK-101, TK-654, Sphere 298, Sphere 921, and Sphere 947) were discovered to have a total of thirteen (13) openings not being monitored for detectable emissions. The tanks were monitored on July 21, 2010, and no leaks were detected. Each failure to monitor all openings, as required by 40 CFR 61.343(a)(1)(i), is a violation of LAC 33:III.5116, Title V Permit Nos. 2589-V5, 2795-V4, or 2363-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- DD. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported the following open-ended lines:

Unit	No. of OELs
COKERE	1
OSD	1

Unit	No. of OELs
PCEA:2	1

Each open-ended line is a violation of Subsection H of the Louisiana MACT Determination for Refineries dated July 26, 1994, LAC 33:III.5109, Title V Permit Nos. 2234-V5, 2795-V5, or 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent also reported that the open-ended lines were corrected during the reporting period.

- EE. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that during September 2010 the data availability for NOx on the Wet Gas Scrubber (EQT 0087) was less than ninety (90%) percent. The failure to maintain the minimum degree of data availability of at least ninety (90%) percent is a violation of Part 70 General Condition V of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- FF. According to the Respondent's Annual Compliance Certification dated March 31, 2011, and the Continuous Emissions Monitoring System Performance and NSPS J Excess Emissions Report dated October 29, 2010, the Respondent reported that on October 1, 2010, the 2010 third (3rd) quarter cylinder gas audit for the Wet Gas Scrubber (EQT 0087) was completed on October 1, 2010, one (1) day late, due to scaffolding that was blocking access to the cylinder gases. The failure to conduct a cylinder gas audit each calendar quarter is a violation of Paragraphs 21, 32, and 42 of the Consent Decree, LAC 33:III.3003, Specific Requirement Nos. 20 and 23 of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1).
- GG. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that on October 4, 2010, the CO emission limit for Pipestill 10 F-1/F-2 Air Preheat Stack (RLP 0155) was exceeded. The CO permit limit exceedance of the maximum pounds per hour is a violation of Title V Permit No. 2755-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 2057(A)(2).
- HH. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported during November 2010 the data availability for CO and SO₂ on the Wet Gas Scrubber (EQT 0087) was less than ninety (90%) percent. The failure to maintain the minimum degree of data availability of at least ninety (90%) percent is a violation of Part 70 General Condition V of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- II. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that the daily CD check was not performed on November 4, 2010, for the Wet Gas Scrubber (EQT 0087). The failure to conduct a CD at least once daily, as required by 40 CFR 60.13(d)(1) and Section 4.1 of 40 CFR 60 Appendix F, is a violation of LAC 33:III.3003, Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1).
- JJ. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that on November 28, 2010, the Wet Gas Scrubber (EQT 0087) exceeded the maximum hourly NOx permit limit twice. Each NOx emission exceedance of the maximum hourly permit limit is a violation of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- KK. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that on "November 30 and December 1, 2010, the High Pressure Burner Line (HPBL) fuel gas system experienced H₂S concentrations in excess of the 162 ppm 3-hour average limit for 14 one-hour time blocks. An MEA scrubbing tower, T-585, lost its MEA liquid level, allowing hydrocarbon vapor to enter the MEA system causing the following SO₂ permit exceedances."

Emission Point	No. of Hours
FDPREP/F30 (EQT 0637)	4
FDPREP/F31 (EQT 0638)	6
PHLA2/F1 (EQT 0639)	10
PHLA2/F2 (EQT 0640)	10
PHLA2/F3 (EQT 0641)	7
PHLA2/F4 (EQT 0642)	10
PHLA2/F5 (EQT 0643)	3
LEU4/F1E (EQT 0663)	10
LEU4/F1W (EQT 0664; CRG 0048)	7
LEU4/F-2 (EQT 0665; CRG 0048)	7
LELAE/F1 (EQT 0106; GRP 0095)	6
LELAS/F4 (EQT 0110; GRP 0096)	7
KDLA/F425 (EQT 0102; GRP 0095)	10
KDLA/F45 (EQT 0103; GRP 0095)	7

Each period of burning fuel gas containing an excess of 0.10 gr/dscf (160 ppmv) of hydrogen sulfide in any fuel gas combustion device is a violation of Paragraph 59 of the Consent Decree, LAC 33:III.3003, LAC 33:III.905, LAC 33:III.501.C.4, Specific Requirement Nos. 32 or 45 of Title V Permit No. 2589-V5, Specific Requirement Nos. 4, 5, 6, 7, 8, 9, or 10 of Title V Permit No. 2261-V2, or Specific Requirement Nos. 107 and 130 of Title V Permit No. 2341-V2, and La. R.S. 30:2057(A)(1) and

30:2057(A)(2). Additionally, each sulfur dioxide permit limit exceedance of the maximum pounds per hour is a violation of Title V Permit Nos. 2589-V5, 2261-V2, or 2341-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- LL. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that on November 30, 2010, and December 1, 2010, "The flare system experienced H₂S concentrations in excess of the 162 ppm 3-hour average limit for 9 one-hour time blocks." Each period of burning fuel gas containing an excess of 0.10 gr/dscf (160 ppmv) of hydrogen sulfide in any fuel gas combustion device is a violation of Paragraph 71 of the Consent Decree, LAC 33:III.3003, Specific Requirement No. 8 of Title V Permit No. 2589-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- MM. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that on December 1, 2010, the maximum SO₂ twelve (12) hour rolling average to be 313 ppm for the SRLA F-101 Incinerator (EQT 146). The exceedance of the twelve (12) hour rolling average for SO₂ is a violation of Specific Requirement No. 6 of Title V Permit No. 2300-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- NN. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that for December 2010 the data availability for NO_x on the Far East Coker F-501B Furnace (EQT 046) was less than ninety (90%) percent. The failure to maintain the minimum degree of data availability of at least ninety (90%) percent is a violation of Part 70 General Condition V of Title V Permit No. 2234-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- OO. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that for December 2010 the data availability for SO₂ and O₂ on the SRLA F-201 Incinerator (EQT 147) was less than ninety (90%) percent. The failure to maintain the minimum degree of data availability of at least ninety (90%) percent is a violation of Part 70 General Condition V of Title V Permit No. 2300-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- PP. According to the Respondent's Annual Compliance Certification dated March 31, 2011, and the Continuous Emissions Monitoring System Performance and NSPS J Excess Emissions Report dated January 24, 2011, the Respondent reported that on December 6, 2010, the daily CD check was not performed for the SRLA F-101 Incinerator (EQT 146) and SRLA F-201 Incinerator (EQT 147) SO₂ and O₂ CEMS analyzers. Each failure to conduct a CD at least once daily, as required by

40 CFR 60.13(d)(1) and Section 4.1 of 40 CFR 60 Appendix F, is a violation of LAC 33:III.3003, Title V Permit No. 2300-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- QQ. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that on December 7, 2010, and December 30, 2010, Flare No. 17 (EQT 0673, CRG 0044) exceeded the H₂S three (3) hour rolling average. Each period of burning fuel gas containing an excess of 0.10 gr/dscf (160 ppmv) of H₂S in any fuel gas combustion device is a violation of Paragraph 73.a.i of the Consent Decree, LAC 33:III.3003, LAC 33:III.501.C.4, Specific Requirement No. 8 of Title V Permit No. 2589-V5, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- RR. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that on December 27, 2010, the flare system (CRG 0044) exceeded the H₂S three (3) hour rolling average. Each period of burning fuel gas containing an excess of 0.10 gr/dscf (160 ppmv) of H₂S in any fuel gas combustion device is a violation of Paragraph 73.a.i of the Consent Decree, LAC 33:III.3003, LAC 33:III.501.C.4, Specific Requirement No. 8 of Title V Permit No. 2589-V5, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- SS. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that on December 29, 2010, the Cat Complex 3 F-3 Preheat Furnace (EQT 0086) exceeded the maximum hourly CO permit limit. Each CO emission exceedance of the maximum hourly permit limit is a violation of Title V Permit No. 2385-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- TT. According to the Respondent's Annual Compliance Certification dated March 31, 2011, the Respondent reported that on December 30, 2010, the Pipestill 9 F-1/F-2 Air Preheat Stack (RLP 0157) exceeded the maximum hourly CO permit limit. The CO emission exceedance of the maximum hourly permit limit is a violation of Title V Permit No. 2755-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- UU. According to the Respondent's Annual Compliance Certification dated March 31, 2011, and the BWON Quarterly Report dated January 28, 2011, the Respondent reported that during the fourth quarter of 2010 and January 2011, a vacuum track was used in BWON service without receiving annual monitoring in accordance with 40 CFR 61.345. The failure to perform annual monitoring, as required by 40 CFR 61.345(a)(1)(i), is a violation of LAC 33:III.5116, Title V Permit No. 2363-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- VV. According to the Respondent's letter dated June 9, 2011, the Respondent reported that "INC/F-810 [Intermediate Cat Naphtha F-810 Furnace (ICN/F810; EQT 0694; CRG 0050)] and ICN/F-820 [Intermediate Cat Naphtha F-820 Furnace (ICN/F820; EQT 0695; CRG 0050)], were designed to provide heat for 1st and 2nd stage hydrofining at ICN. These furnaces were designed with low NO_x burners that allow for the combustion of a low grade fuel in the center of a burner that is supplied with a normal heating value fuel. The purpose of this burner design is to burn a process gas produced at CRLA, the Caustic Regeneration Unit. To save energy and drive overall NO_x down, ICN 2nd stage reactor was bypassed in May 2010. With the 2nd stage bypassed, F-820 fires less than 20 MBTU/hr, primarily to burn the low grade fuel produced at CRLA. At this low firing rate, the NO_x ratio of 0.04 lbs/MBTU can not be maintained. In addition, operation of both furnaces at start of run or low feed rates may result in exceeding the 0.04 lbs/MBTU ratio. . . . Review of operating conditions and NO_x RACT compliance tracking identified that the current performance ranges from 0.04 - 0.05 lb/MMBTU for F810 and 0.06-0.09 lb/MMBTU for F820. . . . the furnace emissions are not exceeding their existing hourly or annual emission limits; only the 24-hour average emission standard of 0.04 lb/MMBTU." The failure to operate CRG 0050 so that the NO_x emissions are less than 0.04 lb/MMBTU during a twenty-four (24) hour average is a violation of Specific Requirement No. 29 of Title V Permit No. 2176-V4, LAC 33:III.509, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent requested interim limits for ICN/F810 and ICN/F820 in its correspondence dated June 9, 2011.
- WW. According to the Respondent's letter dated June 28, 2011, the Respondent reported that the tank inspection conducted on June 1, 2011, revealed the internal floating roof was not resting or floating on the liquid contents of DIST/TK0032 (EQT 0315; GRP 085; CRG 001). The failure to maintain the internal floating roof so that it rests or floats on the liquid surface, as required by 40 CFR 60.112b(a)(1)(i), is a violation of LAC 33:III.3003, Specific Requirement No. 1 of Title V Permit No. 2795-V5, LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 2057(A)(2).
- XX. According to the Respondent's letter dated June 28, 2011, the Respondent reported that the methanol emissions from the RTF/South Refinery Tank Cap-South Field (GRP 085) to be 6.1 tons/year for 2010. The exceedance of the RTF/South Refinery Tank Cap-South Field emission limit of 1.65 tons/year of methanol for 2010 is a violation of Title V Permit Nos. 2795-V4 and 2795-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent requested interim limits for the RTF/South Refinery Tank Cap-South Field (GRP085) in its correspondence dated June 28, 2011.

- YY. According to the Respondent's letter dated June 28, 2011, the Respondent reported that it anticipates the methanol emissions from the RTF/South Refinery Tank Cap-South Field (GRP 085) to be approximately 7.0 tons/year for 2011 due to the internal floating roof of DIST/TK0032 (EQT 0315; GRP 085; CRG 001) not resting or floating on the liquid contents of this tank. The exceedance of the RTF/South Refinery Tank Cap-South Field emission limit of 1.65 tons/year of methanol for 2011 is a violation of Title V Permit Nos. 2795-V5, 2795-V6, and 2795-V6AA, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent requested interim limits for the RTF/South Refinery Tank Cap-South Field (GRP085) in its correspondence dated June 28, 2011.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with the Act and the Air Quality Regulations.

II.

To address the violations identified in the Findings of Fact of Paragraph VV regarding ICN/F810 and ICN/F820, (Emission Point No. CRG 0050), the Respondent shall comply with the following:

- A. If the Respondent chooses to emit any air contaminant in the State of Louisiana from ICN/F810 and ICN/F820 (Emission Point No. CRG 0050) the following interim limitations shall apply:

Pollutant	30 day rolling average (lb/MMBTU)	24 hour maximum (lb/MMBTU)
NOx	0.09	0.15

All emission limitations, monitoring requirements, and permit conditions of Title V Permit No. 2176-V4 shall remain in full force and effect and shall remain enforceable. The interim limitations shall remain in effect until a new or modified Title V Operating Permit is issued or until otherwise notified by the Department in writing.

- B. The Respondent shall at all times properly operate and maintain all facilities and systems of control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the

conditions of the interim limitations.

- C. The Respondent shall report the permit limit exceedance of NOx, as set forth in Title V Permit No. 2176-V4, for ICN/F810 and ICN/F820 in the appropriate reports including, but not limited to, the Annual Compliance Certification and Title V Deviation Reports.

III.

To address the violations identified in Findings of Fact Paragraph XX and YY regarding DIST/TK0032 (CRP 085, RTF/SOUTH), the Respondent shall comply with the following:

- A. If the Respondent chooses to emit any air contaminant in the State of Louisiana from DIST/TK0032 (CRP 085, RTF/SOUTH) the following interim limitations shall apply:

Emission Source	Emission Point	Pollutant	Annual Emission Rate (tons per year)
Refinery Tank Cap-South Field	GRP 0085 RTF/SOUTH	Methanol	9.0

All emission limitations, monitoring requirements, and permit conditions of Title V Permit No. 2795-V6AA shall remain in full force and effect and shall remain enforceable. The interim limitations shall remain in effect until DIST/TK0032 (EQT 0315; GRP 085; CRG 001) has been cleaned or until otherwise notified by the Department in writing. During the cleaning process, the liquid contents will be completely removed and the potential for emitting methanol will no longer exist. Furthermore and according to the Respondent, the tank, DIST/TK0032 (EQT 0315), will be taken out of service no later than March 31, 2012.

- B. The Respondent shall at all times properly operate and maintain all facilities and systems of control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of the interim limitations.

- C. The Respondent shall report the permit limit exceedance of methanol, as set forth in Title V Permit No. 2795-V6AA, for the Refinery Tank Cap-South Field in the appropriate reports including, but not limited to, the Annual Compliance Certification and Title V Deviation Reports.

IV.

By March 31, 2012, complete the cleaning of DIST/TK0032 (EQT 0315; GRP 085; CRG 001) in accordance with all applicable regulations. The Respondent shall also perform any and all inspections, notifications, and repairs (if necessary) in accordance with all applicable regulations.

V.

To submit, within thirty (30) days after cleaning and refilling of DIST/TK0032 (EQT 0315; GRP 085; CRG 001), to the Enforcement Division a written report that includes the following:

- A. The methanol emissions for 2011, in tons/year, for the RTF/South Refinery Tank Cap-South Field (GRP 085).
- B. Verification that the interim limits of 9.0 tons/year, as set forth in Paragraph III of **COMPLIANCE ORDER**, was not exceeded for the RTF/South Refinery Tank Cap-South Field (GRP 085).
- C. Verification that DIST/TK0032 (EQT 0315; GRP 085; CRG 001) is compliant with the applicable regulations, including but not limited to 40 CFR 60.112b(a)(1)(i), the results of the inspections and/or repairs that were conducted as described in Paragraph IV of this **COMPLIANCE ORDER**.
- D. A description of the preventative measures that have been incorporated or will be incorporated into the facility's procedures that will prevent future incidents as described in Paragraphs II.WW of the Findings of Fact portion of this CONOPP from recurrence.

VI.

To submit to the Enforcement Division, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, a technical plan for resolving fuel heating value and operating conditions for the Intermediate Cat Naphtha F-810 Furnace (ICN/F810; EQT 0694; CRG 0050)

and the Intermediate Cat Naphtha F-820 Furnace (ICN/F820; EQT 0695; CRG 0050), as described in Paragraphs II.VV of the Findings of Fact portion of this CONOPP.

VII.

To submit to the Air Permits Division, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, the appropriate permit modification application to include Emission Point Drum SRD-1 in Title V Permit No. 2926-V1, as described in Paragraph II.CC of the Findings of Fact portion of this CONOPP. The Respondent shall submit a copy of the cover letter to the Enforcement Division.

VIII.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes the associated emission point, pollutant, total amount of pollutant, the pollutant's permit limit, and the duration of the event for Paragraphs II.A, II.C, II.E, II.P, II.Q, II.R, II.U, II.V, II.Y, II.AA, II.GG, II.JJ, II.KK, II.LL, II.QQ, II.RR, II.SS, and II.TT of the Findings of Fact portion of this CONOPP.

IX.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Tonya Landry
Enforcement Tracking No. AE-CN-11-00898
Agency Interest No. 2638

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the **Enforcement Tracking Number** and **Agency Interest Number**, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. AE-CN-11-00898
Agency Interest No. 2638

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Tonya Landry at (225) 219-3785 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 22 day of December, 2011.



Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Tonya Landry

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Exxon Mobil Corporation
 c/o Corporation Service Company
 Agent of Service
 320 Somerulos Street
 Baton Rouge, Louisiana 70802

AE-CN-11-00898
 AI# 2638

CRO
 TBL

2. Article Number 7004 2510 0005 5767 4816
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent
 Addressee

B. Received by (Printed Name)

RENÉ BUCAR

C. Date of Delivery

12-28-11

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RECEIVED

JAN 17 2012

Office of
Environmental Compliance

• Sender, please print your name, address, and ZIP+4 in this box •

Office of Environmental
Compliance
P.O. Box 4312
Baton Rouge, LA 70821-4312

Attachment M

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

July 19, 2012

CERTIFIED MAIL (7004 2510 0006 3853 0192)
RETURN RECEIPT REQUESTED

EXXON MOBIL CORPORATION
c/o Corporation Service Company
Agent of Service
320 Somerulos Street
Baton Rouge, Louisiana 70802-6129

RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-12-00835
AGENCY INTEREST NOs. 286 & 2638

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **EXXONMOBIL CORPORATION (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Michelle McCarthy at (225) 219-4468.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/MMM/mimm
Alt ID Nos. 0840-00014 & 0840-00015
Attachment

**c: Exxonmobil Corporation
c/o Derek Reese, Environmental Supervisor
Post Office Box 241
Baton Rouge, Louisiana 70821-0241**

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**EXXONMOBIL CORPORATION
EAST BATON ROUGE PARISH
ALT ID NOs. 0840-00014 & 0840-00015**

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R.S. 30:2001, ET SEQ.**

*
*
*
*
*
*
*
*
*

ENFORCEMENT TRACKING NO.

AE-CN-12-00835

AGENCY INTEREST NOs.

286 & 2638

CONSOLIDATED

COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **EXXONMOBIL CORPORATION (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Baton Rouge Chemical Plant (BRCP; the facility), with assigned Agency Interest No. 286, a synthetic organic chemical manufacturing facility, located at 4999 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The Respondent's facility currently operates under approximately twenty-two (22) individual Title V permits. The Respondent also owns and operates the Aromatics Production Unit, which operates as part of the Baton Rouge Chemical Plant and is permitted under Title V Permit No. 2299-V5, which was issued by the Department on or about July 18, 2008.

II.

On or about June 14, 2012, at approximately 4:35 a.m., the Respondent discovered a leaking bleeder plug at Tank 801, which is located in the BCRP's Aromatics Production Unit. At approximately 5:04 a.m. on June 14, 2012, the Respondent provided notification to the Louisiana State Police (LSP) of a leaking bleeder plug, which allowed an unauthorized release and/or discharge to occur (the Release). The Department was subsequently notified by Single Point of Contact (SPOC) of the release at 5:25 a.m. According to information provided by the Respondent during the initial notification, the unauthorized release was not considered an emergency incident. According to an update submitted by the Respondent at 7:44 a.m., the release and/or events surrounding the unauthorized release had escalated and the Department initiated measures to respond to the release.

III.

At approximately 9:00 a.m. on June 14, 2012, a Department Emergency Responder arrived at the Respondent's facility to conduct fence line monitoring in regards to the Naphtha release which originated at 1:54 a.m. According to information provided to the Department's Emergency Responder by a LSP representative during the investigation, the Respondent reported that the Naphtha had reached the sewer system and all of the spilled material was being contained within the Respondent's Baton Rouge Refinery, (AI# 2638), wastewater treatment facility. Additionally, the Department's Emergency Responder was informed that the release was secured at 5:06 a.m., and the concentration of substances contained in the release, particularly Benzene, was greater than the Reportable Quantity (RQ) of ten (10) pounds. The Respondent provided subsequent notification that the RQ for Toluene of 1000 lbs was exceeded.

IV.

During a conversation on or about June 15, 2012, between representatives of the Department and the Respondent, the Department was informed that the Respondent had determined the amount of benzene emitted from the initiation of the discharge until it was secured to be 1364 pounds (lbs).

V.

On or about June 18, 2012, a meeting occurred with representatives of the Department and the Respondent. According to information presented to the Department during the meeting, the Respondent informed the Department that on June 14, 2012 at 8:42 a.m., the release was deemed to be "Level 2 incident classification", which warranted a significant response by the Respondent. The Respondent failed to make additional notification to the Department on June 14, 2012, when it became aware that

the amount of material released and the quantity of emissions associated with the release was substantially different than what was previously reported to the Department. The Respondent informed the Department on June 21, 2012, that approximately Four Hundred Eleven (411) barrels of Naphtha was released through the bleeder to the sewer system during the incident.

VI.

On or about June 20, 2012, the Respondent submitted to the Department a written notification describing the circumstances surrounding the event. According to information contained in the written notification report, the specific pollutants emitted and the amount(s) released during the June 14, 2012, unauthorized release are as follows: 28,688 lbs of Benzene; 10,882 lbs of Toluene; 1,100 lbs of Cyclohexane; 1,564 lbs of Hexane and 12,605 lbs of additional Volatile Organic Compounds (VOC).

VII.

On or about June 21, 2012, a multi-media compliance evaluation inspection was performed by the Department in order to determine the degree of compliance with the Act, the Air Quality Regulations, the Solid Waste Regulations, the Hazardous Waste Regulations and the Water Quality Regulations. A file review was subsequently performed on or about July 13, 2012. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection and subsequent file review:

- A. The Respondent failed to provide notification of a change in the nature and rate of the discharge. Specifically and according to the Respondent representatives, on June 14, 2012, the Respondent was aware that the amount of pollutants discharged was substantially different (i.e., greater) than what was initially reported to the appropriate agencies. However, the Respondent failed to notify the DPS 24-Hour Louisiana Emergency Hazardous Material Hotline when it became aware of the changes. Each failure to notify of the adverse change in the nature and rate of the discharge is a violation of LAC 33:I.3915.A.3, LAC 33:III.927, La R.S. 30:2057(A)(1), and 30:2057(A)(2).
- B. On or about June 20, 2012, the Respondent submitted to the Department a written notification describing the circumstances surrounding the event. According to information contained in the written notification report, the following pollutants and amounts were emitted during the June 14, 2012, unauthorized release: 28,688 lbs of Benzene; 10,882 lbs of Toluene; 1,100 lbs of Cyclohexane; 1,564 lbs of Hexane and 12,605 lbs of additional Volatile Organic Compounds (VOC). Each unauthorized

incident of emitting pollutants not authorized by a permit is a violation of LAC 501.C.2, and La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

- C. According to correspondence dated on or about June 20, 2012, the Respondent stated that during the investigation of the release that occurred on or about June 14, 2012, it was found that a bleeder plug associated with Tank 801 had failed. It was later determined that an associated valve (tag # 381737) was more than 50% open, causing a pressure increase that ultimately caused the failure of the bleeder plug. The failure to maintain an emission control facility is a violation of LAC 33:III.905, La R.S. 30:2057(A)(1), and 30:2057(A)(2).
- D. During the inspection conducted on or about June 21, 2012, the Department was informed that the release that occurred on or about June 14, 2012, began at approximately 1:54 a.m., when a bleeder plug was dislodged from a one (1) inch bleeder valve (tag# 381737) associated with Tank 801. The failure to maintain a seal on a valve located at the end of a line containing VOCs is a violation of 40 CFR 63.137, which language has been adopted as a Louisiana regulation in LAC 33:III.5122, LAC 33:III.2122.C.2, Specific Condition 311 of Title V Permit No. 2299-V5, LAC 501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

VIII.

The Respondent owns and/or operates the Baton Rouge Refinery (facility) (AI# 2638), an oil and gas refinery, located at 4045 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The Respondent's facility currently operates under multiple individual Title V permits, including Title V Permit Nos. 2795-V6, 2234-V5, 2363-V3, and 2341-V2.

IX.

On or about June 21, 2012, a multi-media compliance evaluation inspection was performed by the Department in order to determine the degree of compliance with the Act, the Air Quality Regulations, the Hazardous Waste Regulations, the Solid Waste Regulations and the Water Quality Regulations. A file review was subsequently performed on or about July 13, 2012. While the investigation by the Department is not yet complete, the following violation was noted during the course of the inspection and subsequent file review:

According to information provided to the Department during the course of the investigation and reported by the Respondent in the June 20, 2012, written report, the Respondent stated that wastewater from the June 14, 2012, release was collected in Tank 778 (EQT 0496), which is owned and

operated by the Baton Rouge Refinery. However, Title V Permit No. 2795-V6, which authorizes the emissions from Tank 778 (EQT 0496) does not authorized the storage and/or emitting of VOC, including benzene from this tank. Each event of unauthorized emissions from Tank 778 (EQT 0496), is a violation of LAC 33:III.501.C.4, La R.S. 30:2057(A)(1), and 30:32057(A)(2).

X.

On or about June 21, 2012, the Department conducted a multi-media compliance evaluation inspection. During the course of the inspection, the Respondent submitted to the Department additional information regarding the unauthorized discharge that occurred on or about June 14, 2012. Included in this data was a chart detailing the dimensions of Tank 801 and the liquid level of the tank, as well as, graph illustrating the T404 feed flow and the T404 feed control valve position.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Air Quality Regulations, including but not limited to, complying with all applicable air quality permits, providing timely and accurate information to the Department that confirms with the Notification Regulations and Procedures for Unauthorized Discharges; meeting and maintaining compliance with permit limitations and properly operating and maintaining equipment and/or systems of control.

II.

To submit to the Department, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, an updated and/or revised timeline of the June 14, 2012, unauthorized release which shall reveal the specific date and time when the **RESPONDENT** became aware of the change in the nature and rate of the discharge. This updated and/or revised timeline shall include the calculations and/or methodologies used to derive at the initial and final amount(s) of pollutants that were emitted and any and all other supporting information/documentation to reveal how the initial and final amounts were derived.

III.

To immediately develop or revise and implement, upon receipt of this **COMPLIANCE ORDER**, procedures to comply with the appropriate notification requirements. A copy of such procedures shall be submitted to the Department within thirty (30) days of receipt of this **COMPLIANCE ORDER**.

IV.

To submit to the Department within thirty (30) days of receipt of this **COMPLIANCE ORDER**, the preventative maintenance schedule for the valves associated with Tank 801 (EQT 0894) for the period of January 1, 2011 through June 30, 2012.

V.

To submit to the Department within thirty (30) days of receipt of this **COMPLIANCE ORDER**, a revised graph showing the liquid height within Tank 801 two (2) days prior to June 13, 2012, as well as a revised graph illustrating the valve position and feed flow for the period of one (1) day prior to incident until the incident conclusion.

VI.

To submit to the Department within thirty (30) days of receipt of this **COMPLIANCE ORDER**, the transfer rates for Tank 801 for the period of June 7, 2012 through June 16, 2012.

VII.

To submit to the Department within thirty (30) days of receipt of this **COMPLIANCE ORDER**, the Leak Detection and Repair (LDAR) data for the valves associated with Tank 801, including but not limited to, any monitoring data obtained after June 14, 2012.

VIII.

To submit to the Department within seven (7) days of receipt of this **COMPLIANCE ORDER**, all calculations of material emitted to atmosphere and captured and controlled in Tanks 22, 26, 778 and the accompanying benzene stripper unit.

IX.

To submit to the Department within thirty (30) days of receipt of this **COMPLIANCE ORDER**, a plan for the comprehensive review of the **RESPONDENT'S** procedures for detection, containment and management of spills and leaks. The plan shall include both short-term and long-term corrective actions to allow for more timely detection, containment, and management of spills and leaks.

X.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order **Portion of this COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Michelle McCarthy
Re: Enforcement Tracking No. AE-CN-12-00835
Agency Interest No. 286 & 2638

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. AE-CN-12-00835
Agency Interest No. 286 & 2638

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Michelle McCarthy at (225) 219-4468 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

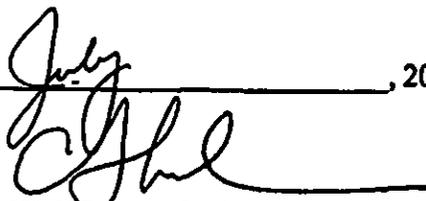
III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 19 day of July, 2012.



Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

**Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Michelle McCarthy**

NOTICE OF SERVICE

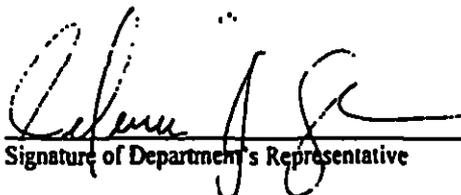
AI #s: 286 & 2638

On this date, July 19, 2012, I, Celena Cage,
Month, Day, Year Print Name

Personally hand delivered AE-CN-12-00835 an official Compliance Order and NOPP
Enforcement. Tracking No. Type of Document

Issued by the STATE OF LOUISIANA, DEPARTMENT OF ENVIRONMENTAL
QUALITY, OFFICE OF ENVIRONMENTAL COMPLIANCE to Exxon Mobil Corporation.
Print Name of Respondent

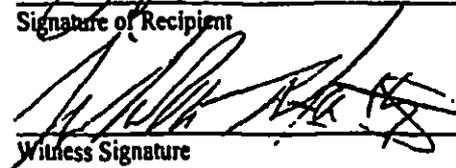
The document is also identified by Certified Mail Number 7004 2510 0006 3853 0192.

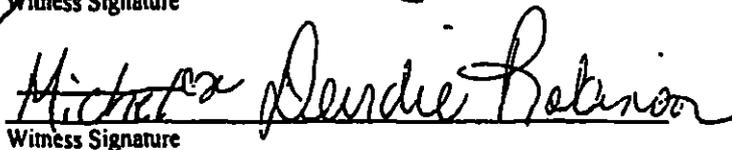

Signature of Department's Representative

This document was received by me J. Derek Reese on
Printed Name of Recipient

7/19/12
Date


Signature of Recipient


Witness Signature


Witness Signature

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Exxon Mobil Corporation
 c/o Corporation Service Company
 Agent of Service
 320 Somerulos Street
 Baton Rouge, LA 70802-6129

AE-CN-12-00835 CRO
 AI#s 286 & 2638 MMM

2. Article Number

(Transfer from service) 70042510 0006 3853 0192

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X 

- Agent
- Addressee

B. Received by (Printed Name)

RENÉ BARK

C. Date of Delivery

7/23/12

- D. Is delivery address different from item 1?** Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

LA Dept. of Environmental Quality
Office of Environmental Compliance
P.O. Box 4312
Baton Rouge, LA 70821-4312

Office of
Environmental Compliance

JUL 27 2012

RECEIVED

Attachment N



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

September 26, 2012

CERTIFIED MAIL (7006 0810 0003 0347 6092)
RETURN RECEIPT REQUESTED

EXXON MOBIL CORPORATION
c/o Corporation Service Company
Agent for Service of Process
320 Somerulos Street
Baton Rouge, LA 70802-6129

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-12-00838
AGENCY INTEREST NOS. 286 & 2638**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **EXXON MOBIL CORPORATION (RESPONDENT)** for the violations described herein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Craig Easley at (225) 219-3735.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/KCE/kce
Alt ID No. LAD062662887; LAD000812818; P-0402
Attachment

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**EXXON MOBIL CORPORATION
EAST BATON ROUGE PARISH
ALT ID NO. LAD062662887; LAD000812818;
P-0402**

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R.S. 30:2001, ET SEQ.**

*
*
*
*
*
*
*
*
*

ENFORCEMENT TRACKING NO.

MM-CN-12-00838

AGENCY INTEREST NOS.

286 & 2638

**CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **EXXON MOBIL CORPORATION (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates a petroleum refining and supply facility known to the Department as the Baton Rouge Refinery (BRR) located at 4045 Scenic Highway, Baton Rouge, East Baton Rouge Parish, Louisiana. The facility operates under EPA Identification No. LAD062662887 [Agency Interest No. 2638] and is classified as a Large Quantity Generator (LQG) of hazardous waste. The Respondent operates a Type I Industrial Solid Waste Surface Impoundment, designated as the Rain Bain 1 (RB-1) as authorized by Solid Waste Standard Permit No. P-0402 and which became effective on May 22, 2009. The Respondent does not have a permit and/or other authority from the Department to dispose of hazardous waste at its BRR facility.

II.

The Respondent owns and/or operates a synthetic chemical manufacturing facility known to the Department as the Baton Rouge Chemical Plant (BRCP) located at 4999 Scenic Highway, Baton Rouge, East Baton Rouge Parish, Louisiana. The facility operates under EPA Identification No. LAD000812818 [Agency Interest No. 286] and is classified as an LQG of hazardous waste.

III.

On June 14, 2012, at approximately 4:35 a.m., the Respondent discovered a leaking bleeder plug at Tank 801, which is located in the Respondent's BRCP Aromatics Production Unit. At approximately 5:04 a.m. on June 14, 2012, the Respondent provided notification to the Louisiana State Police (LSP) of a leaking bleeder plug, which resulted in the unauthorized release/discharge of steam-cracked naphtha. According to the associated material safety data sheet (MSDS) provided by the Respondent during the Department's investigation, the following hazardous constituents are found in significant concentrations in steam-cracked naphtha: 1) benzene; 2) ethyl benzene; 3) N-hexane; 4) naphthalene; 5) styrene; 6) toluene; and 7) various xylene compounds. Section 13 of the MSDS for steam-cracked naphtha also states, "Disposal of unused product may be subject to RCRA regulations (40 CFR 261). Disposal of used product may also be regulated due to ignitability, corrosivity, or toxicity as determined by the Toxicity Characteristic Leaching Procedure (TCLP). Potential RCRA characteristics: IGNITABILITY. TCLP (BENZENE)."

IV.

The Department was subsequently notified of the release by Single Point of Contact (SPOC) at 5:25 a.m. on June 14, 2012. According to information provided by the Respondent during its initial notification, the unauthorized release was not considered an emergency incident. According to an update submitted by the Respondent at approximately 7:45 a.m. on June 14, 2012, the release and/or circumstances surrounding the release had escalated. As a result of this updated notification, the Department initiated measures to respond to and investigate the reported release incident.

V.

On June 14, 2012, at approximately at 9:00 a.m., a Department Emergency Responder arrived at the Respondent's facility in order to conduct ambient air monitoring in connection with the aforementioned steam-cracked naphtha release. According to information provided to the Department's Emergency Responder by a LSP representative during the investigation, the Respondent reported that the steam-cracked naphtha release had reached the facility's sewer system and that all of the spilled

material was being contained within units located at the Respondent's BRR facility. The Department's Emergency Responder was also informed that the amount of specific hazardous materials released during the incident, particularly benzene, exceeded their respective Reportable Quantities (RQs).

VI.

On or about June 18, 2012, representatives of the Department and the Respondent met to discuss the circumstances associated with the release incident. According to information presented to the Department during the meeting, the Respondent informed the Department that at approximately 8:42 a.m. on June 14, 2012, the Respondent deemed the release as a "Level 2 incident classification," which warranted a significant response on the part of the Respondent. The Respondent failed to make additional notification to the Department on June 14, 2012, when it became aware that the amount of released materials and the quantities of emissions associated with the release of those materials were significantly greater than what had been initially reported to the Department. On or about June 16, 2012, the Respondent provided verbal notification to the Department that approximately four-hundred and eleven (411) barrels (approximately 12,741 gallons) of steam-cracked naphtha were spilled and/or released during the incident.

VII.

On or about June 20, 2012, the Respondent submitted to the Department a written notification describing the facts and circumstances associated with the release incident. According to the information contained in the written notification report, the specific pollutants emitted during the unauthorized discharge event were as follows: 28,688 lbs. of benzene; 10,882 lbs. of toluene; 1,100 lbs. of cyclohexane; 1,564 lbs. of hexane; and 12,605 lbs. of additional volatile organic compounds (VOCs).

VIII.

As a result of the release incident, the Respondent generated a large volume of wastewater (a regulated solid waste) contaminated with significant concentrations of hazardous constituents contained within the steam-cracked naphtha discharged from Tank 801. According to information included in the Respondent's Unauthorized Discharge Written Report (Incident No. 12-03755) dated June 21, 2012, this contaminated wastewater flowed through an underground, concrete-lined wastewater collection system originating at the Respondent's BRCP facility and ultimately into a series of wastewater conveyances and management units at the Respondent's BRR facility that are collectively known as the Water Clarification of Louisiana (WCLA). This contaminated wastewater ultimately flowed to an oil/water separator within the Respondent's BRR facility's wastewater collection system designated as the 13/14

Separator. Based upon operator observations and air monitoring data in the vicinity of the 13/14 Separator, this contaminated wastewater reached the 13/14 Separator in the early morning hours of June 14, 2012. These operator observations and air monitoring data led the Respondent to determine that the severity of the steam-cracked naphtha release was more significant than it had initially estimated. According to the Respondent, all wastewaters being managed in the WCLA system at the time of and the hours immediately following the release were being transferred from the 13/14 Separator to WCLA wastewater Tank-22. At approximately 6:05 a.m. on June 14, 2012, the Respondent terminated all wastewater influents to WCLA wastewater Tank-22 except for those originating from 13/14 Separator. All other process wastewater influents to the WCLA system were diverted to WCLA wastewater Tank-21.

IX.

At its BRR facility, the Respondent operates a Type I Industrial Solid Waste Surface Impoundment, designated as the Rain Bain 1 (RB-1) governed by Solid Waste Standard Permit No. P-0402. According to the Respondent, at approximately 5:35 p.m. on June 14, 2012, a rain event occurred that resulted in WCLA wastewater Tank-22 to reach capacity. After Tank 22 reached capacity, the Respondent diverted wastewater contaminated with significant concentrations of organic contaminants (e.g., benzene, toluene, hexane, cyclohexane, and other VOCs) from the 13/14 Separator to RB-1, a Type I Industrial Solid Waste Surface Impoundment. RB-1 does not meet the design and/or construction criteria to be designated as a "tank" (as defined in LAC 33:V.109.*Tank*) or a "wastewater treatment unit" (as defined in LAC 33:V.109.*Wastewater Treatment Unit*). Therefore, any hazardous wastes managed within RB-1 would be subject to full regulation under the Resource Conservation and Recovery Act (RCRA). The Respondent does not have a permit and/or other authority from the Department to dispose of and/or treat hazardous waste in RB-1. Additionally, Solid Waste Standard Permit No. P-0402 prohibits the receipt, treatment, and/or storage of hazardous waste in RB-1.

X.

During its response to the steam-cracked naphtha spill/release incident, the Respondent collected numerous samples of wastewater contaminated by the steam-cracked naphtha from various locations and units within the Respondent's WCLA system. Samples were collected from the 13/14 Separator (previously described in Findings of Fact Paragraphs VIII and IX) and the surface impoundment RB-1 (previously described in Findings of Fact Paragraph IX). The 13/14 Separator is a WCLA unit located upstream from RB-1. In correspondence dated June 20, 2012, the Respondent reported total

concentrations of the hazardous constituents benzene and toluene at specific locations within the Respondent's WCLA collected at specific times during the course of the spill/release incident. The reported total concentrations for benzene and toluene are summarized in the following table:

Date/Time	13/14 Separator		RB-1	
	Benzene	Toluene	Benzene	Toluene
6/14/12; 1200 hrs.	620 mg/L	101 mg/L	Not reported	Not reported
6/16/12; 0400 hrs.	44.9 mg/L	18.0 mg/L	Not reported	Not reported
6/16/12; 1130 hrs.	30.7 mg/L	21.5 mg/L	29.4 mg/L	7.2 mg/L

XI.

Based upon the benzene concentrations in contaminated wastewater discharged to and managed within the surface impoundment designated as RB-1 (as described in Findings of Fact Paragraphs X) this wastewater was characteristically hazardous for benzene (D018). Additionally, the compounds benzene and toluene, which were documented in significant concentrations in wastewater generated as a result of the steam-cracked naphtha spill/release, are identified as "underlying hazardous constituents" (as defined in LAC 33:V.2203.A) listed in LAC 33:V.2299.Appendix, Table 7, Universal Treatment Standards.

XII.

On or about June 21, 2012, the Department conducted a focused multi-media compliance inspection of the Respondent's BRR and BRCP facilities to determine the Respondent's compliance with the Act, the Air Quality, Water Quality, Solid Waste, and Hazardous Waste Regulations prior to, during, and immediately after the release incident. The Department performed a subsequent file review on or about June 23, 2012, and June 24, 2012, regarding the steam-cracked naphtha spill described in Findings of Fact Paragraphs III - X. While the Department's investigation is not yet complete, the following violations were revealed as a result of the aforementioned inspection and file review:

- A. The Respondent disposed and/or treated regulated hazardous waste without a permit or other authorization, in violation of LAC 33:V.303.B, LAC 33:VII.315.J, LAC 33:V.709.B.6.a, LAC 33:V.713.D.1, LAC 33:V.901.A, and Solid Waste Standard Permit No. P-0402. Specifically, based upon the benzene concentrations in contaminated wastewater discharged to and managed within the surface impoundment designated as

RB-1 (as described in Findings of Fact Paragraphs X), the Respondent disposed and/or treated wastewater characteristically hazardous for benzene (D018) in RB-1 without a hazardous waste operating permit or other authorization. RB-1 is a permitted Type I Industrial Solid Waste Surface Impoundment that is not authorized to receive, store, treat, and/or dispose of hazardous waste.

- B. The Respondent failed to determine if generated solid waste was a hazardous waste, in violation of LAC 33:V.1103. Specifically, the Respondent failed to make an adequate hazardous waste determination for wastewater contaminated with steam-cracked naphtha resulting from the spill/release. According to information specified in the steam-cracked naphtha MSDS (as described in Findings of Fact Paragraph III), the contaminated wastewater generated as a result of the spill/release had the potential to be characteristically ignitable and/or toxic hazardous waste.
- C. The Respondent caused and/or allowed the land disposal of characteristic hazardous wastewater (D018) containing underlying hazardous constituents (as defined in LAC 33:V.2203) that failed to meet applicable treatment standards specified in LAC 33:V.2223.E, in violation of LAC 33:V.1109.E.1.e. Specifically, based upon the results of analysis summarized in Findings of Fact Paragraph X, the Respondent failed to meet the universal treatment standards for the underlying hazardous constituents benzene (i.e., 0.14 mg/kg) and toluene (i.e., 0.08 mg/kg) for the D018 characteristic hazardous wastewater land disposed in RB-1.
- D. The Respondent failed to determine whether a generated characteristic hazardous waste (D018) met applicable land disposal treatment standards prior to land disposal of that waste, in violation of LAC 33:V.2245.A. Specifically, the Respondent failed to analyze whether D018 characteristic hazardous wastewater met the universal treatment standards benzene (i.e., 0.14 mg/kg) and toluene (i.e., 0.08 mg/kg) specified in LAC 33:V.2299.Appendix, Table 7 prior to the land disposal of that wastewater in RB-1.
- E. The Respondent failed to control air pollutant emissions from a surface impoundment utilized for the treatment, storage, and/or disposal of hazardous waste in accordance with the applicable requirements specified in LAC 33:V.Chapter 43, Subchapters R and V, in violation of LAC 33:V.4456. Specifically, the Respondent failed to comply with the applicable air pollutant emission standards specified in LAC 33:V.Chapter 43,

Subchapters R and V for the D018 characteristic hazardous wastewater treated, stored, and/or disposed within RB-1.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, the unauthorized treatment and/or disposal of hazardous waste.

II.

To conduct, within ninety (90) days after receipt of this **COMPLIANCE ORDER**, an audit of the Respondent's procedures, protocols, and employee training pertaining to the testing, characterization, and management of its generated solid and hazardous waste to ensure that the wastes are managed in compliance with all applicable solid and hazardous waste regulations. This audit shall specifically address those wastes that are generated as a result of spill, discharge, and/or emergency response events. The Respondent shall submit the results of this audit to the Department's Enforcement Division within thirty (30) day of the audit's completion.

III.

To conduct, within ninety (90) days after receipt of this **COMPLIANCE ORDER**, an audit of all facility operations, processes, structures, and units associated with the generation, conveyance, management, and treatment of wastewaters managed within the Respondent's WCLA system. The assessment shall address the necessity for any additional and/or upgraded equipment, as well as any new and/or revised operational procedures and protocols that will mitigate the potential for future unauthorized discharges, treatment, and or disposal of hazardous wastes. The Respondent shall submit the results of this audit to the Department's Enforcement Division within thirty (30) day of the audit's completion.

IV.

To submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report: 1) describing the contributing factors resulting in the unauthorized disposal and/or treatment of wastewater characteristically hazardous for benzene; 2) providing an estimate on the volume (including supporting calculations) of wastewater characteristically hazardous for benzene that was discharged to RB-1; 3) the results of sampling and analysis of wastewater samples collected from RB-1 after June 16,

2012; 4) describing the potential for impacts to soil, surface water, groundwater, and air quality due to elevated benzene concentrations discharged to and managed within RB-1; and 5) any and all corrective actions and/or measures taken by the Respondent to prevent and/or mitigate the potential for future events resulting in the unauthorized treatment and/or disposal of hazardous wastes and/or wastes which fail to meet applicable land disposal restriction treatment standards.

V.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Hazardous Waste Regulations.

VI.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Craig Easley
Re: Enforcement Tracking No. MM-CN-12-00838
Agency Interest No. 286 & 2638

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. MM-CN-12-00838
Agency Interest No. 286 & 2638

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty

in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Craig Easley at (225) 219-3735 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

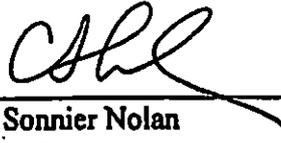
III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 26 day of September, 2012.



Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Craig Easley

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

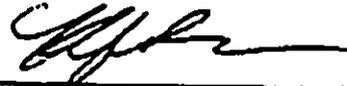
1. Article Addressed to:

**EXXON MOBIL CORPORATION
 C/O CORPORATION SERVICE COMPANY
 320 SOMERULOS ST.
 BATON ROUGE, LA 70802-6129**

**MM-CN-12-00838
 AI Nos. 286 & 2638
 Kce**

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X 

- Agent
- Addressee

B. Received by (Printed Name)

Kyle Burns

C. Date of Delivery

1/01/12

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number

(Transfer from service label)

7006 0810 0003 0347-6092

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Attention: Craig Easley
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312



2899 4890 0003 0347 6892

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent to: **East Baton Rouge**
 Recipient: **Exxon Mobil Corp**
 Street, Apt. No., P.O. Box No.: **MM-CD-12-00838**
 City, State, ZIP+4: **LAD 012662887 / LA 0008280 AI # 2638 & 286**

7006 0810 0003 0347 6892

PS Form 3800, June 2002 See Reverse for Instructions

Attachment O

ExxonMobil Baton Rouge Complex Stipulated Penalty Agreement

Introduction:

ExxonMobil is a responsible member of the communities in which it operates, and is committed to operating its facilities in compliance with all applicable laws and regulations. As such, ExxonMobil believes this stipulated penalty agreement will help to expedite corrective actions and penalty settlements for events meeting agreed upon criteria, as more fully set forth below.

Definitions

“Deviation” – This term shall have the meaning set forth in 40 CFR 71.6 (a)(3)(iii)(C).

“Exceedance” – This term shall have the meaning set forth in 40 CFR 64.1.

“Economic benefit of non-compliance” - The economic benefit accrued from delaying a capital investment, delaying a one-time expenditure, and/or avoiding recurring costs (such as operation and maintenance costs) over a period of non-compliance.

“Excursion” – This term shall have the meaning set forth in 40 CFR 64.1.

“Per site,” “per unit,” “per valve,” “per drain” and the like shall mean each site, each unit, each valve, or each drain, etc. that is in non-compliance with a specific requirement under this Agreement.

“Environmental Incident” – One that causes or has the potential to cause the following:

- (a) Adverse impact to the quality of air, land or water, wildlife, aquatic species, or species at risk
- (b) Exceedance of a permit or external reporting requirement
- (c) Notification of external agencies due to emergency/beyond normal circumstances

Incidents Not Subject to This Agreement

This Agreement acknowledges that there could be incidents that, because of their significance, fall outside of this stipulated penalty structure. “Significant Compliance Incidents” are incidents that result in:

- (a) Emergency conditions beyond the resources of the facility;
- (b) Actual and significant measurable harm, or substantial risk of harm, to the environment and/or public health; or
- (c) Significant deviations from the requirements of applicable statutes, regulations, and/or permits to such an extent that little or no implementation of requirements of such statutes, regulations, and/or permits can be said to have occurred.

General Terms and Conditions

ExxonMobil Baton Rouge (“ExxonMobil”) shall pay stipulated penalties to the Louisiana Department of Environmental Quality (“LDEQ”) for each failure to comply with the limits set forth in ExxonMobil’s permits and/or applicable federal and state regulations, in accordance with the penalty structure outlined below:

1. Stipulated penalties shall be calculated in the amounts specified in sections A through FF.
2. Stipulated penalties for failure to comply with concentration-based, rolling average emission limits shall accrue when there is non-compliance for greater than 5% of the applicable unit’s operating time during any calendar year. The preceding sentence shall not apply to a single event that results in non-compliance for greater than 5% of the unit’s operating time. For example, if a single flaring event occurs for greater than 5% of the unit’s operating time in a year, the event will begin to accrue stipulated penalties from the time the flaring begins until the flaring ends.
3. Stipulated penalty costs for deviations shall not exceed \$10,000 per day for any individual violation, incident, or event (exclusive of any benefit of noncompliance assessed against ExxonMobil pursuant to paragraph 4 below) unless otherwise specified herein.
4. For any incident giving rise to stipulated penalties under this Agreement that results in an economic benefit of non-compliance to ExxonMobil, the total penalty due shall be equal to 1.2 multiplied by the associated stipulated penalty set forth herein. In no event, however, shall any benefit of noncompliance assessed against ExxonMobil (i.e., the additional 20% penalty assessed for economic benefit of noncompliance) exceed \$10,000 per day for any individual violation, incident, or event except as otherwise specified herein. If an incident covered by the terms of this Agreement does not give rise to an economic benefit of noncompliance, then this paragraph shall not apply. If applicable, the economic benefit of non-compliance is in addition to the \$10,000 per day penalty cost listed above in General Terms and Conditions 3.
5. Penalties assessed pursuant to this agreement shall be paid upon written demand by LDEQ no later than sixty (60) days after ExxonMobil receives such demand. The cost of any corrective actions and/or beneficial environmental projects may be utilized to offset the cost of any such stipulated penalties.
6. Where a single event triggers more than one stipulated penalty provision, the provision providing the lower stipulated penalty may, in LDEQ’s discretion, be applied.
7. Nothing in this agreement shall be deemed to create any obligation on the part of ExxonMobil that does not otherwise exist under a currently enforceable consent decree, state or federally issued permit and/or applicable law or regulation, nor shall anything in this Agreement be construed as a waiver of any affirmative defense(s) otherwise available to ExxonMobil. Rather, this agreement only acts to establish an agreed upon penalty with regard to the matters set forth herein.

8. Notwithstanding anything in this Agreement to the contrary, to the extent the LDEQ enters a compliance order, interim limit, or otherwise authorizes emissions that, absent such authorization, could be subject to the stipulated penalty structure set forth herein, it is agreed that ExxonMobil will not be subjected to penalties for such emissions, so long as ExxonMobil complies with the terms and conditions of any such compliance order, interim limit or other applicable authorization.

9. This agreement shall remain in effect for three (3) years from the date of entry and may be renewed annually prior to expiration of the initial term or any annual renewal thereof, if agreed in writing by the Parties.

10. The parties to this agreement acknowledge that the terms and conditions set forth herein shall be subject to that certain Consent Decree, entered on or about December 6, 2005 by the United States District court for the Northern District of Illinois in *United States v. Exxon Mobil Corp.*, case number 05-CV-05809, for as long as such Consent Decree is in effect. The parties further acknowledge that any penalties paid by ExxonMobil to the United States Environmental Protection Agency pursuant to the terms and conditions of such Consent Decree shall be in lieu of, not in addition to, any penalties that could be assessed by LDEQ for alleged violations covered by this agreement. To the extent there is a conflict between the terms of the Consent Decree and the terms of this agreement, the terms of the Consent Decree shall govern.

A. Requirements for NOx Emission Limits

For failure to meet NOx limits set forth by either state and/or federal regulation or operating permit (1-hr average, 7-day rolling average, 365-day rolling average, & maximum hourly permit limit) the following penalty shall apply:

Period of Noncompliance (days)	Penalty (per excursion or per ton that exceeds the applicable limit)*
1 st through 30 th day	\$250
31 st through 60 th day	\$500
Beyond 60 days	\$1000

*The lesser of the two may apply at the department's discretion.

B. Requirements for CO Emission Limits

For failure to meet CO limits set forth by either state and/or federal regulation or operating permit (1-hr average, 24-hr rolling average, 365-day rolling average, & maximum hourly permit limit) the following penalty shall apply:

Period of Noncompliance (days)	Penalty (per excursion or per ton that exceeds the applicable limit)*
1 st through 30 th day	\$150
31 st through 60 th day	\$300
Beyond 60 days	\$450

*The lesser of the two may apply at the department's discretion.

C. Requirements for SO2 Emission Limits

For failure to meet SO2 limits set forth by either state and/or federal regulation or operating permit (1-hr average, 3-hr rolling average, 12-hour rolling average, 24-hr rolling average, & maximum hourly permit limit) the following penalty shall apply:

Period of Noncompliance (days)	Penalty (per excursion or per ton that exceeds the applicable limit)*
1 st through 30 th day	\$250
31 st through 60 th day	\$500
Beyond 60 days	\$1000

*The lesser of the two may apply at the department's discretion.

D. Requirements for VOC Emission Limits

For failure to meet VOC limits set forth by either state and/or federal regulations or operating permits the following penalty shall apply:

Period of Noncompliance (days)	Penalty (per excursion or per ton that exceeds the applicable limit)*
1 st through 30 th day	\$250
31 st through 60 th day	\$500
Beyond 60 days	\$1000

*The lesser of the two may apply at the department's discretion.

E. Requirements for PM_{10/2.5} Emission Limits

For failure to meet PM_{10/2.5} limits set forth by either state and/or federal regulations or operating permits the following penalty shall apply:

Period of Noncompliance (days)	Penalty (per excursion or per ton that exceeds the applicable limit)*
1 st through 30 th day	\$150
31 st through 60 th day	\$300
Beyond 60 days	\$450

*The lesser of the two may apply at the department's discretion.

F. Requirements for Toxic Air Pollutants

For failure to meet Louisiana Toxic Air Pollutant limits set forth in the federal operating permits the following penalty shall apply:

Period of Noncompliance (days)	Penalty (per excursion or per ton that exceeds the applicable limit)*
1 st through 30 th day	\$250
31 st through 60 th day	\$500
Beyond 60 days	\$1000

*The lesser of the two may apply at the department's discretion.

G. Requirements Related to NSPS J and/or Ja Emission Limits

For failure to meet the H2S 162 ppm 3 hr average limit the following penalty shall apply:

Period of Noncompliance (days)	Penalty (per excursion or per ton that exceeds the applicable limit)*
1 st through 30 th day	\$250
31 st through 60 th day	\$500
Beyond 60 days	\$1000

*The lesser of the two may apply at the department's discretion.

H. Requirements for Chapter 22 NOx Factor

For failure to meet the NOx factor 30-day average and/or 365-day average the following penalty shall apply:

Period of Noncompliance (days)	Penalty (per excursion)
1 st through 30 th day	\$250
31 st through 60 th day	\$500
Beyond 60 days	\$1000

I. Requirements for Title V Permit Limits Not Otherwise Listed in Paragraphs A-H

For failure to comply with the Title V permit limits not otherwise listed in paragraphs A-H, the following penalty shall apply.

Period of Noncompliance (days)	Penalty (per excursion or per ton that exceeds the applicable limit)*
1 st through 30 th day	\$150
31 st through 60 th day	\$300
Beyond 60 days	\$450

*The lesser of the two may apply at the department's discretion.

J. Requirements for Leak Detection and Repair Program

For failure to prevent open ended lines in the fugitive emissions program: \$150 per open ended line discovered.

For failure to perform monitoring at the frequency required: \$150 per missed monitoring event and/or inadequate monitoring per component, but no more than \$10,000 per month.

For failure to include regulated components in the LDAR monitoring program: \$150 per component per monitoring period for no more than 12 missed monitoring periods, but no more than \$1,000 per component per year.

For failure to perform monitoring utilizing the lower internal leak rate: \$150 per component, but no more than \$10,000 per month.

For failure to implement the procedures for quality assurance/quality control reviews of all data generated by LDAR monitoring technicians: \$500 per incident, but no more than \$10,000 per month per site.

For failure to implement the initial repair attempt within 5 days of detection: \$150 per component. No more than \$10,000 per month, and no more than \$1,000 per incident, per day.

For failure to implement final repairs as soon as possible, but no later than 15 calendar days after a leak is detected: \$150 per component. No more than \$10,000 per month, and no more than \$1,000 per incident, per day, per site.

For failure to meet LDAR monitoring program delay of repair requirements: \$150 per component. No more than \$10,000 per month, and no more than \$1,000 per incident per day per site.

For failure to maintain the required LDAR records according to the applicable regulations: \$150 per record

For failure to conduct and record the calibrations and the calibration drift assessments or remonitor valves and pumps based on calibration drift assessments: \$150 per missed event.

K. Requirements for Continuous Emissions Monitoring Systems (CEMS)

For failure to install, certify, calibrate, maintain, and/or operate a CEMS as required by the applicable regulations the following penalty shall apply:

Period of Non-compliance	Penalty (\$/day)
1 st through 30 th day	\$100
30 th through 60 th day	\$200
Beyond 60 th day	\$300

For failure to maintain the required minimum data availability defined in the applicable regulatory requirement (monthly & quarterly) the following penalty shall apply:

Data Availability (%)	Penalty
>90%	\$0
89.9% - 79.9%	\$100
79.8% - 69.9%	\$500
69.8% - 59.9%	\$1000
Less than 59%	\$1500

For failure to maintain the CEMS according to specifications in the Quality Assurance Program (analyzer specific) the following penalty shall apply:

Period of Non-compliance	Penalty (\$/day)
1 st through 30 th day	\$100
30 th through 60 th day	\$200
Beyond 60 th day	\$300

For failure to perform necessary adjustments when the analyzers drift values exceed the allowable drift per regulation or permit the following penalty shall apply:

Period of Non-compliance	Penalty (\$/day)
1 st through 30 th day	\$100
30 th through 60 th day	\$200
Beyond 60 th day	\$300

For failure to perform quarterly audits within the required frequency (Cylinder Gas Audits & Relative Accuracy Test Audits): \$250 per day after the required audit date.

L. Analyzers (excluding CEMS Analyzers)

For failure to maintain the analyzer according to the applicable federal/state requirement:
\$100 per event per analyzer

For failure to maintain the analyzer with the required minimum data availability defined
in the applicable regulatory requirement: \$100 per specified period per analyzer.

M. Requirements for Flaring Devices

For failure to maintain flares so that a flame is present at all times: \$100 per day for any individual violation or event.

Acid Gas Flaring & Tail Gas Flaring (SO₂)

- < 3 hrs with 5 tons or less emitted \$250 per ton
- > 3 hrs < 24 hrs with 5 tons or less emitted \$500 per ton
- > 24 hrs with 5 tons or less emitted \$750 per ton

Acid Gas Flaring & Tail Gas Flaring (SO₂)

- < 3 hrs with greater than 5 tons, but less than 15 tons \$350 per ton
- > 3 hrs < 24 hrs with greater than 5 tons but less than 15 tons emitted \$700 per ton
- > 24 hrs with greater than 5 tons but less than 15 emitted \$900 per ton but no more than \$15,000 per event

Acid Gas Flaring & Tail Gas Flaring (SO₂)

- < 3 hrs with greater than 15 tons emitted \$500 per ton
- > 3 hrs < 24 hrs with greater than 15 tons emitted \$1000 per ton
- > 24 hrs with greater than 15 tons emitted \$1500 per ton, but not to exceed \$30,000 per event.

Hydrocarbon Flaring (NO_x)

- < 3 hrs with 5 tons or less emitted \$250 per ton
- > 3 hrs < 24 hrs with 5 tons or less emitted \$500 per ton
- > 24 hrs with 5 tons or less emitted \$750 per ton

Hydrocarbon Flaring (NO_x)

- < 3 hrs with greater than 5 tons, but less than 15 tons \$350 per ton
- > 3 hrs < 24 hrs with greater than 5 tons but less than 15 tons emitted \$700 per ton
- > 24 hrs with greater than 5 tons but less than 15 emitted \$900 per ton but no more than \$15,000 per event

Hydrocarbon Flaring (NO_x)

- < 3 hrs with greater than 15 tons emitted \$500 per ton
- > 3 hrs < 24 hrs with greater than 15 tons emitted \$1000 per ton
- > 24 hrs with greater than 15 tons emitted \$1500 per ton, but not to exceed \$30,000 per event.

N. Requirement for Smoking Flares and/or Furnaces

For failure to maintain flares and/or furnaces without smoking during operation: \$250 per smoking incident per combustion device. (This is not applicable to a single event greater than 24 hours)

O. Requirements for Routine Testing and/or Monitoring (excludes CEMS analyzers)

For failure to conduct routine testing, monitoring, and/or sampling per site per equipment per analyzer: \$100 per specified period beyond the scheduled testing or monitoring date, but may not exceed \$1,000 per event.

For failure to submit test results within the required time frame specified in the applicable Title V permit and/or the applicable federal/state regulations: \$100 per test result submitted beyond the required time frame.

For failure to include all required information on testing and/or monitoring records: \$100 per item omitted.

P. Requirements for Engines

For failure to have a regulated engine on site in the same location and in the same use for longer than 12 months not included as a permitted source at the facility: \$250 per day per engine.

Q. Administrative Requirements

For failure to maintain adequate records as specified in state, federal regulations and/or Title V Permit requirements: \$100 per record not maintained. If multiple records of the same kind (e.g. DMR's) are not maintained the penalty shall not exceed \$500.

For failure to submit timely periodic reports (monthly, quarter, semiannual, or annual) as specified in either state or federal requirements and/or Title V Permit requirements: \$500 per occurrence. This penalty is in consistent with LAC 33:I.807.A

For failure to submit notification reports as required by the Title V permit, state regulations, and/or federal regulations: \$100 per day beyond the required date of submittal.

For failure to include an emission source in the Title V Permit: \$500 per source excluded or \$250 per ton that exceeds the applicable limit never to exceed \$10,000.

For failure to submit the Title V permit renewal application at least six months prior to the date of expiration, applicable only when the renewal application is submitted prior to permit expiration and a renewal permit is issued on or before the expiration date: \$1,000 per occurrence. This penalty is consistent with LAC 33:I.807.A

R. Requirement for Instrumentation

For failure to maintain instrumentation (i.e. flow meters, analyzers, etc.) the following penalty shall apply:

Period of Non-compliance	Penalty (\$/day)
1 st through 30 th day	\$100
30 th through 60 th day	\$200
Beyond 60 th day	\$300

For failure to maintain vapor loss control devices according to the applicable regulations: \$500 per incident.

For failure to have a car seal properly installed: \$100 per car seal not installed properly.

S. Requirement for Certain Unauthorized Discharges

For unauthorized discharges of oil or a listed TRI chemical to soil and/or waters of the state the following penalty shall apply as a percentage of the previous 5 year rolling average.

Percent of previous 5 year average	Penalty (\$/Barrell)
< 89.9%	\$100
90% - 199.9%	\$250
> 200 %	\$1000

T. Requirement for Environmental Releases

For preventable environmental releases to air greater than the reportable quantity specified by the LDEQ per site:

If the annual amount released is < 75% of the amount released in the previous 3 year rolling average - \$100 per ton

If the annual amount released is 90% of the amount released in the previous 3 year rolling average - \$200 per ton

If the annual amount released is 100% of the amount released in the previous 3 year rolling average - \$300 per ton

If the annual amount released is 110% of the amount released in the previous 3 year rolling average - \$400 per ton

If the annual amount released is 120% of the amount released in the previous 3 year rolling average - \$500 per ton

If the annual amount released is 130% of the amount released in the previous 3 year rolling average - \$600 per ton

If the annual amount released is 140% of the amount released in the previous 3 year rolling average - \$700 per ton

If the annual amount released is 150% of the amount released in the previous 3 year rolling average - \$800 per ton

If the annual amount released is 200% of the amount released in the previous 3 year rolling average - \$900 per ton

If the annual amount released is > 200% of the amount released in the previous 3 year rolling average: The amount per ton can not exceed \$1,000 per pollutant.

*Released quantities are based on emissions reporting in ERIC

Pollutant = Louisiana Toxic Air Pollutants, Criteria Pollutants, and CERCLA

To determine the monetary penalty for this section, the amount released shall be segregated into categories of Criteria Pollutants (VOC, SO₂, NO_x, PM) and Louisiana Air Toxics Pollutants (LTAP), per LAC 33:III.Chapter 51, and then compared to the three-year rolling average emissions per category. LTAPs which are also VOCs shall be excluded from VOC penalty determination. For example:¹

Category	3-Year Rolling Average (tons/yr)	Current Year Emissions (tons/yr)	% of 3-Year Rolling Average	Penalty	Total Penalty
VOC	40	44	110%	400	\$17,600
LTAP	25	20	80%	100	\$2,000
SO ₂	8	8	100%	300	\$2,400
NO _x	2.5	3.0	120%	500	\$1,500
PM	10	2	20%	100	\$200
				Total Penalty	\$23,700

The average annual amount released may not exceed 110% of the previous year's average for subsequent year's performance assessment.

¹ Submittal will be made in this form to LDEQ.

U. Requirement for Environmental Releases

For non-preventable environmental releases, as determined by LDEQ, to air greater than the reportable quantity specified by the LDEQ:

If the annual amount released is < 75% of the amount released in the previous 3 year rolling average - \$0 per ton

If the amount released is 90% of the amount released in the previous 3 year rolling average - \$100 per ton

If the amount released is 100% of the amount released in the previous 3 year rolling average - \$150 per ton

If the amount released is 110% of the amount released in the previous 3 year rolling average - \$200 per ton

If the amount released is 120% of the amount released in the previous 3 year rolling average - \$250 per ton

If the amount released is 130% of the amount released in the previous 3 year rolling average - \$300 per ton

If the amount released is 140% of the amount released in the previous 3 year rolling average - \$350 per ton

If the amount released is 150% of the amount released in the previous 3 year rolling average - \$400 per ton

If the amount released is 200% of the amount released in the previous 3 year rolling average – \$450 per ton

If the annual amount released is > 200% of the amount released in the previous 3 year rolling average: The amount per ton can not exceed \$500.

*Released quantities are based on emissions reporting in ERIC

Pollutant = Louisiana Toxic Air Pollutants, Criteria Pollutants, and CERCLA

To determine the monetary penalty for this section, the amount released shall be segregated into categories of Criteria Pollutants (VOC, SO₂, NO_x, PM) and Louisiana Air Toxics Pollutants (LTAP), per LAC 33:III.Chapter 51, and then compared to the three-year rolling average emissions per category. LTAPs which are also VOCs shall be excluded from VOC penalty determination. For an example, refer to the table in paragraph T above.

The average annual amount released may not exceed 110% of the previous year's average for subsequent year's performance assessment.

V. Requirements for Tanks

For failure to maintain facility tanks according to the applicable state, federal, and/or permit requirement: \$250 per event or \$250 per ton of excess emissions. The amount per event shall not exceed \$5,000.

For failure to install the required seals and fittings on facility tanks according to the applicable state, federal, and/or permit requirement: \$500 per incorrect seal and/or fitting installed.

For failure to perform routine inspections of tanks: \$100 per day after the required inspection date.

For failure to have bleeder valve plugged unless sampling or maintenance is taking place: \$100 per bleeder valve.

W. Requirements for Start-up, Shut-down, and Malfunctions

For failure to reduce emissions from the process unit during start-up, shut-down, and/or malfunctions: \$100 per pollutant averaging period of non-compliance or \$250 per ton that exceeds the applicable limit.

X. LPDES Permit Discharge Limitations

For failure to meet the storm water overflow/discharge limitations set forth in the LPDES Permit:

Period of Non-compliance	Penalty (\$/day)
<2X the specified discharge limitation	\$200
2X-10X the specified discharge limitation	\$400
>10X the specified discharge limitation	\$600

For failure to meet the treated water discharge limitations set forth in the LPDES permit:

Period of Non-compliance	Penalty (\$/day/quarter/or year) ¹
<2X the specified discharge limitation	\$200
2X-10X the specified discharge limitation	\$400
>10X the specified discharge limitation	\$600

¹ Based on monitoring frequency (daily, quarterly, or annually)

For failure to pass whole effluent toxicity wet sample testing: \$100 per failed test per monitoring parameter per specified sampling frequency.

Y. Representative Sampling

For failure to conduct representative sampling as required by the LPDES permit: \$400 per sample.

For failure to conduct sampling and analysis according to the specified test and/or sample method: \$500 per sample.

AA. Monitoring

For failure to conduct monitoring at the required frequency specified in the permit or required regulation: \$250 per missed monitoring period.

BB. Unauthorized Discharge

For an unauthorized discharge of a waste stream through a permitted outfall: \$250 per mg/L (ppm), not to exceed \$1,500 per event. This does not include the discovery and discharge of a new waste stream. This stipulated penalty does not permit the site to discharge an unauthorized waste stream through a permitted outfall. ExxonMobil is permitted to discharge only through a permitted outfall. All others will be considered an unauthorized discharge.

CC. Recordkeeping

For failure to maintain and/or provide records of the quantity and types of clarifying agents used at the water treatment clarification system during the sampling month the following penalty shall apply (only applicable to BRRF outfall 002):

Period of Non-compliance	Penalty (\$/day)
1 st through 30 th day	\$100
30 th through 60 th day	\$200
Beyond 60 th day	\$300

For failure to maintain records summarizing the results inspections and certification that the facility is in compliance with the Storm Water Prevention Plan (SWP3) for a minimum of three years: \$250 per item not maintained

For failure to maintain monitoring reports for a minimum of three years from the date the sample measurements were completed: \$250 per monitoring report not maintained.

For failure to retain all monitoring records for a minimum of three (3) years: \$250 per monitoring record not maintained.

Monitoring information includes:

- a) calibrations
- b) maintenance records
- c) original strip chart recordings from continuous monitoring instrumentation
- d) copies of all reports required by the LPDES permit
- e) all records of data use to complete the LPDES permit application

For failure to maintain the monitoring information as specified in the LPDES permit the following penalty shall apply:

Data Availability (%)	Penalty
>90%	\$0
89.9% - 79.9%	\$100
79.8% - 69.9%	\$500
69.8% - 59.9%	\$1000
Less than 59%	\$1500

Monitoring records include:

- a) Date, place, and time of sampling or measurements
- b) Who performed the sampling or measurements
- c) Date(s) the analyses were performed
- d) Time analyses began
- e) Who performed the analyses
- f) Analytical methods used
- g) Results
- h) Results of quality control procedures
- i) Language describing procedure errors by the lab (if applicable)

DD. Reporting

For failure to make twenty-four hour verbal reports to the Office of Environmental Compliance for violations of the daily maximum limitations listed by the state per LAC 33:IX.2707.G: \$100 per event.

For failure to submit the discharge monitoring report (DMR) form by the date specified in the LPDES permit: \$250 per DMR form submitted after the required date.

For failure to submit a notice of anticipated bypass within at least 10 days prior to the anticipated bypass date: \$250.

FF. Visible Sheens or Stains

For failure to maintain the drainage area downstream from the permitted outfall with no visible sheen or stains: \$250 per event.

Attachment P

SETTLEMENT PAYMENT FORM

Please attach this form to your settlement payment
and submit to:

Department of Environmental Quality
Financial Services Division
P. O. Box 4303
Baton Rouge, Louisiana 70821-4303
Attn: Accountant Administrator

Payment # _____

Respondent: EXXON MOBIL CORPORATION

Settlement No: SA-MM-13-0030

Enforcement Tracking No(s): AE-CN-08-0017, AE-CN-08-0017A, AE-CN-08-0017B, AE-CN-10-00275, AE-CN-10-00877, AE-PP-08-0132, AE-CN-10-00263, AE-CN-10-00263A AE-CN-10-01561, , AE-CN-11-00892, HE-PP-11-00654, AE-CN-11-00898, MM-CN-12-00838

Payment Amount: \$300,000.00

AI Number: 286, 2638, 3230, 858

Alternate ID No(s):

TEMPO Activity Number:

For Official Use Only. Do Not write in this Section.	
Check Number:	Check Date:
Check Amount:	Received Date:
PIV Number:	PIV Date:
Stamp "Paid" in the box to the right and initial.	
Route Completed form to: Celena Cage, Administrator Enforcement Division	
And copy Perry Theriot Legal Division	