

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 NOx, 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 1LEU 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 RGCU 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 RGCU 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 its 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).

- G.G.G.** 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".
- H.H.H.** 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.C4, Title V Permit No. 2795-V6, and La. R.S. 30:2057(A)(2).
- J.J.J.** 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).
- K.K.K.** 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.
- L.L.L.** 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 implement 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 agrees:

- A. To submit for Department approval, within ninety (90) days of the effective date of this Settlement Agreement, a "SPCC Project Work Plan" detailing the above-referenced SPCC projects. The SPCC Project Work Plan shall specify, at a minimum: 1) the scope of work associated with these SPCC projects; 2) a proposed construction and implementation schedule; and 3) initial cost estimates associated with the construction and implementation of these SPCC projects.
- B. To begin implementing the SPCC Project Work Plan within thirty (30) days of receiving the Department's approval.
- C. To submit quarterly progress reports detailing the Respondent's progress in the implementation of the SPCC Project Work Plan. Quarterly reports shall be due on the 15th day of the month following the end of each calendar quarter (i.e., each

three (3) month period ending on March 31st, June 30th, September 30th and December 31st.)

- D. To submit, within thirty (30) days of the complete implementation of the SPCC Project Work Plan, a final report describing all SPCC projects constructed/implemented in accordance with the approved SPCC Project Work Plan. This report shall include documentation/records demonstrating the Respondent's expenditures associated with the implementation the SPCC Project Work Plan.
- E. To expend no less than ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) to implement the SPCC projects specified in the approved SPCC Project Work Plan.

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 "LDEQ and ExxonMobil Stipulated Penalty Agreement" (Attachment O). Respondent shall submit an annual report for any violation(s) subject to this paragraph for the 2013 calendar year in accordance with one of the reporting options below and shall be postmarked by March 31, 2014. The Respondent shall report any violation(s) for the 2014 calendar year and for the duration of the LDEQ and ExxonMobil Stipulated Penalty Agreement that are subject to this paragraph utilizing one 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 semiannual report and annual report that clearly identifies each violation, monetary amount, and the section(s) to which the violation is applicable. The semiannual report shall be postmarked by March 31 for the preceding period encompassing July through December, and by September 30 for the preceding period encompassing January through June in which the non-compliance giving rise to the stipulated penalty occurs. The annual 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 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 THOUSAND AND NO/100 DOLLARS (\$1,029,000.00), to fund or perform the BEPs listed in paragraphs XXIII 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. This Settlement Agreement is voidable at the Department's option should the Respondent fail to materially comply with the obligations and requirements of Paragraphs XIX –XXIII of this Settlement Agreement. In the event of such non-compliance, the Department shall provide written notice to Respondent and Respondent shall be afforded a reasonable amount of time to cure prior to the Department exercising its option to void this Settlement Agreement.

XXVII

The Department does not, by its consent to this Settlement Agreement, warrant or aver in any manner that the Respondent's complete compliance with the Settlement Agreement will result in compliance with the provisions of the Louisiana Environmental Quality Act. Notwithstanding the review or approval by the Department of any plans, reports, policies or procedures formulated pursuant to the Settlement Agreement, the Respondent shall remain solely responsible for compliance with the terms of this Settlement Agreement, all applicable permits, and all applicable federal, state and local laws and regulations.

XXVIII

Except as specifically provided by this Settlement Agreement, nothing in this Settlement

Agreement shall relieve the Respondent of its obligations to comply with all applicable federal, state and local laws and regulations. Except for alleged violations resolved and released herein, nothing contained in this Agreement shall be construed to prevent or limit the rights of the Department to seek or obtain other remedies or sanctions available under other state statutes/regulations, by virtue of the Respondent's failure to comply with the terms of this Settlement Agreement, applicable state statutes/regulations and/or any applicable provision of law.

XXIX

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.

XXX

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).

XXXI

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

XXXII

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

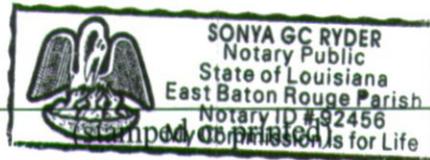
BY: [Signature]
(Signature)

Mark E. Northcutt
(Printed)

TITLE: Baton Rouge Refinery Manager

THUS DONE AND SIGNED in duplicate original before me this 20th day of December, 20 13, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 92456)



EXXON MOBIL CORPORATION

BY: [Signature]
(Signature)

Paul F. STRATFORD
(Printed)

TITLE: Baton Rouge Chem Plant Mgr.

THUS DONE AND SIGNED in duplicate original before me this 20th day of December, 20 13, at Baton Rouge, Louisiana

[Signature]
NOTARY PUBLIC (ID # 92456)



EXXON MOBIL CORPORATION

BY: J. Charles Dabadie III
(Signature)
J. Charles Dabadie III
(Printed)
TITLE: BRPP Manager

THUS DONE AND SIGNED in duplicate original before me this 7th day of January, 20 14, at Baton Rouge, Louisiana

Sonya Gc Ryder
NOTARY PUBLIC (ID # 92456)



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Peggy M. Hatch Secretary

BY: C. S. Nolan
Cheryl Sonnier Nolan, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 9th day of January, 20 14, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 20456)

Terrell R. Payne, II
(stamped or printed)

Approved: C. S. Nolan
Cheryl Sonnier Nolan, Assistant Secretary

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 33:1.807.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 33:1.807.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.

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

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.