STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-AE-12-0007**
MOTIVA ENTERPRISES, LLC	*	
	*	**Enforcement Tracking No.**
AI # 1406 & 2719	*	**AE-CN-10-00121**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	**Docket No. 2010-4763-EQ**
LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between Motiva Enterprises, LLC ("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 limited liability company that owns and/or operates a petroleum refinery located at 15536 River Road in Norco, St. Charles Parish, Louisiana ("the Norco Facility"; AI No. 1406). The Respondent also owns and/or operates a petroleum refinery located at or near Louisiana Highway 44 in Convent, St. James Parish, Louisiana ("the Convent Facility"; AI No. 2719).

II

On March 23, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-10-00121, which was based upon the following findings of fact:

The Respondent owns and/or operates the Norco Refinery (facility), a petroleum refinery. The facility is located at 15536 River Road in Norco, St. Charles Parish, Louisiana. The Respondent is operating a Residue Catalytic Cracking Unit (RCCU) in that facility. The facility currently operates the RCCU under Title V Permit No. 2602-V3 issued on November 10, 2009. The RCCU previously operated under Title V Permit No. 2602-V1, issued on January 13, 2004, and Title V Permit No. 2602-V2 issued on April 9, 2009.

On or about February 15, 2010, a file review of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

The following violations were noted during the course of the file review:

A. According to RCCU Improvement Project- Retrospective PSD Review Report, submitted by the Respondent on June 15, 2009, the Respondent began modifying the RCCU in March of 2003 and ended in March of 2004. The following table summarizes emissions associated with the RCCU Improvement Project:

RCCU Improvement Project **Actual to Potential Project Emissions Increase Summary**			
Pollutant	**Project -Related Emission Increase (tpy)**	**PSD Significance Threshold**	**Project Increase Significant?**
PM_{10}	12.16	15	NO
SO_2	**185.29**	**40**	**YES**
NO_X	**188.40**	**40**	**YES**
CO	56.53	100	NO
VOC	**46.20**	**40**	**YES**
H_2SO_4	**83.59**	**7**	**YES**

The facility failed to apply for a PSD review before the beginning of the RCCU project. This is a violation of LAC 33:III.509.I.1 (2004 Edition), La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

B. The facility submitted a permit renewal application for the RCCU (Permit No. 2602-V0) in July 2003. The facility failed to address the RCCU Improvement Project modification in their renewal application. This is a violation of LAC 33:III.507.D.2, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

C. The facility operated the modified RCCU unit without approval from the permitting authority prior to operation of a facility which ultimately may result in an initiation or increase in air contaminants. This is a violation of LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

On or about December 6-10, 2010, and January 12, 2012, file reviews of the Norco Facility were performed to determine the degree of compliance with the Act and the Air Quality Regulations. Although not included in the foregoing enforcement action, the violations contained in Appendix A to this document were identified during the file reviews and are included within the scope of the settlement herein. These violations have not been cited in any previous enforcement action. The Department acknowledges that the Respondent has implemented measures that addressed the violations identified by the Department and they are being resolved through this settlement agreement.

On or about December 6-10, 2010, and January 12, 2012, file reviews of the Convent Facility were performed to determine the degree of compliance with the Act and the Air Quality Regulations. The violations contained in Appendix B to this document were noted during the

course of the file review. Although not included in the foregoing enforcement action, the violations contained in Appendix B are included within the scope of the settlement herein. These violations have not been cited in any previous enforcement action.

The Department acknowledges that the Respondent has implemented measures that addressed the violations identified by the Department and they are being resolved through this settlement agreement.

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing. Respondent's hearing request stated that the RCCU Report indicated that the project potentially would have been subject to PSD review under the LDEQ's pre-Reform PSD rules in effect at the time, but would not have triggered PSD review under the federal Reform PSD rules (40 C.F.R. Part 52) already in effect at that time, and as subsequently adopted and enforced by LDEQ under LAC 33:III.509. The RCCU Report indicated that actual-to-actual emissions increases were not above the respective PSD significance threshold for any pollutant except NO_x, and that part of such increase was attributable to the demand growth exclusion. In addition, the RCCU Report noted for the one emissions unit physically modified, that a preliminary BACT analysis indicates that no additional control would have been determined as BACT.

IV

Regarding the matters cited in Paragraph II (A-C) of the Findings of Fact, the Department acknowledges that the Respondent has implemented measures that addressed the violations identified by the Department and they are being resolved through this settlement agreement.

V

On June 14, 2011 and again on March 22, 2012, Respondent notified the Department of circumstances concerning five (5) flares that do not meet the requirements of 40 C.F.R Part 60, Subpart J (hereafter, NSPS Subpart J). Specifically, Respondent notified the Department that Shell Chemical LP (Shell Chemical), operates five (5) flares located entirely on Shell Chemical's chemical manufacturing facility that are permitted for refinery vent streams that are routed from Respondent's facility.

Respondent takes the position that these flares are not subject to NSPS Subpart J and that Respondent is not responsible or otherwise required to address NSPS Subpart J with regard to any of these five (5) flares. Nonetheless, Respondent has agreed to voluntarily address NSPS Subpart J with regard to these five (5) flares consistent with Appendix C and agrees to execute an Administrative Order on Consent consistent with Appendix C. The Department has determined that the circumstances concerning the OL-5 Ground Flare, OL-5 Elevated Flare, GO-1 Elevated Flare, West Ops Elevated Flare, and Utilities East Elevated Flare reported to the Department and as described in Paragraph V herein are not violations and/or are considered circumstances or other events that do not warrant enforcement actions and will not be subject to further enforcement proceeding by the Department.

VI

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

VII

Nonetheless, Respondent, without making any admission of liability under state of federal statue or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FIVE HUNDRED THOUSAND AND NO/100 ($500,000.00) of which Thirty Four

Thousand Seven Hundred Seven Dollars and 48/100 ($34,707.48) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement.

VIII

Respondent, in addition to the penalty amount specified in Paragraph VIII above and as part of this Settlement, agrees to expend the amount of $153,876.00 to implement and/or perform the following Beneficial Environmental Projects (BEPS):

A. Within 60 days from the effective date of this Settlement, to donate an amount of $103,876.00 to the St. Charles Parish Department of Homeland Security and Emergency Preparedness for Purchase of Two (2) Low Emission Vehicles. To the extent that there are funds left after the purchase of these two vehicles, any remaining funds shall be used for operation and/or maintenance of the two Low Emission Vehicles.

B. Within 60 days from the effective date of this Settlement, to donate an amount of $50,000.00 to the Louisiana Department of Environmental Quality for improvements to the Early Warning Organic Compound (EWOC) Detection System Program (for a description of the EWOC Program, see http://www.deq.louisiana.gov/portal/DIVISIONS/Inspection/EarlyWarningOrganicCompoundDetectionSystem.aspx .

C. If Respondent does not spend the amount of $153,876.00, then it shall, in its final report, propose additional projects for the Department's approval [or pay to the Department] in an amount equal to the difference between the amount of money agreed to be spent and the amount of money actually spent.

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

IX

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Order & Notice of Potential Penalty and this Settlement 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.

X

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.

XI

This settlement 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 LSA- R. S. 30:2025(E) of the Act.

XII

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. Charles Parish and St. James Parish, Louisiana. The advertisements, in form, wording, and size approved by the Department, announced the availability of this settlement 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 from the newspaper of each affected parish to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XIII

Payment is to be made within thirty (30) 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 (Exhibit A).

XIV

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

XV

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.

MOTIVA ENTERPRISES LLC

BY: _____
(Signature)

_____
(Print)

TITLE: _____

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

_____
NOTARY PUBLIC (ID #_____)

_____
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Peggy M. Hatch, Secretary

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

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

_____
NOTARY PUBLIC (ID # _____)

_____
(stamped or printed)

Approved: _____
Cheryl Sonnier Nolan, Assistant Secretary

APPENDIX A (Norco Facility)

1. On June 10, 2006, Shell Chemical's G0-1 Process Unit experienced an unexpected shutdown of a process gas compressor. This resulted in flaring of process gases at Motiva's West Operations Ground Flare from June 10, 2006 through June 13, 2006. Motiva flared 1750 lbs of carbon monoxide, 12 lbs of benzene, and 319 lbs of toluene from Emission Point No. 9-84. This is a violation of Title Permit No. 2912-V2, LAC 33:III.501.C.4. La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

2. On or about June 19, 2006, the facility released 0.5lbs of benzene above the permitted limit from Emission Point No. 9-84. In addition, 0.16 lbs of toluene was released above the permitted limit. This is a violation of Title V Permit No. 2912-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2). 3

3. On August 6, 2006, Shell Chemical GO-1 Process Unit experienced a process upset that led to the increase in the pressure of the pyro-fract column. The increased pressure led to the opening of a relief device used to protect the column. Some of the material from the relief device was flared at the Motiva West Operations Ground Flare. Motiva flared 0.57 lbs of benzene and 0.38 lbs of toluene from Emission Point No. 9-84. This is a violation of Title V Permit No. 2912-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

4. For the time period encompassing August 20, 2006 through August 30, 2006, Shell Chemical's GO-1 unit upset exceeded the permit limits for sulfur dioxide, benzene, hexane, and toluene at Motiva's West Ops Ground Flare. Motiva flared 10,439 lbs of CO, 896 lbs of SO2, 28lbs of hexane, 140.74 lbs of benzene, and 69.75 lbs of toluene. This is a violation of Title V Permit No. 2912-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

5. On October 3, 2006, Shell Chemical's GO-1 unit upset exceeded the permit limits for benzene and toluene at Motiva's West Ops Ground Flare. The facility is permitted for 0.05 lb/hr of benzene. The total amount of benzene released was 0.69 lbs over a 6 hour duration. The facility is permitted for 0.003 lb/hr of toluene. The total amount of toluene released was 0.07 lbs over a 6 hour duration. This is a violation of Title V Permit No. 2912-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

6. On October 18, 2006, Motiva flared 0.38 lbs of toluene and 1.3 lbs of benzene from Emission Point No. 9-84. These emissions exceeded the facility wide permit limit of toluene and benzene. This is a violation of Title V Permit No. 2912-V2, LAC 33:III.501.C.4 La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

7. From the time period encompassing January 1, 2007, through July 1, 2009, there were 147 open ended lines with a missing cap, blind flange, or plug identified during routine inspections.. This is a violation of LAC 33:III 2121, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

8. According to reports dated December 26, 2006, January 15, 2007, and March 30, 2007, the Respondent is required to check affected emission points for visible emissions on a weekly basis. If visible emissions are detected then the facility are required to perform testing no later than 3 days after detecting visible emissions. DU-5 (19-71, 3-76A, 3-76B) missed a total of 8 out of 13 weekly checks. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

9. According to reports dated 12/17/2008 , 3/26/2009 , 4/30/2006, 6/30/2006, 3/31/2007, 6/29/2007, 9/20/2007, 3/31/2008, 7/28/2006, 1/30/2007, 3/30/2007, 6/26/2008, 9/25/2008, 9/28/2009, and 3/31/2010, the facility exceeded the H2S 160 ppm 3 hour rolling average a total of 363 3 hour rolling averages. This is a violation of 40 CFR 60.104 (a)(1), LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

10. On January 30, 2008, and January 31, 2008, the facility exceeded >20 percent opacity for more than one six-minute period in any 60 consecutive minutes. In addition, excess emissions of NOx, SO2, PM, VOC, CO occurred. Concentration of H2S in excess of the 160 ppm 3-hr rolling average standard. RCCU vented to flare due to an unexpected shutdown of a process gas compressor at Shell Chemical's OL-5 operating unit. This is a violation of LAC 33:III.1311.C, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

11. The facility exceeded >20 percent opacity for more than one six-minute period in any 60 consecutive minutes. In addition, excess emissions of NOx, SO2, PM, VOC, CO occurred. On April 26, 2008, Shell Chemical Utilities discovered that Boiler 7 had tripped causing a swing in the 1300 pound steam header to the RCCU. This resulted in a steam shortage across the site and subsequent load shedding of Shell Chemical and Motiva process units. Motiva's RCCU Wet Gas Compressor (WGC) slowed considerably causing venting of the suction to the RCCU elevated flare. This is a violation of LAC 33:III.1311.C, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

12. On October 20, 2008, and October 23, 2008, the facility's opacity exceeded 20% for a total of 6 minutes in any 60 consecutive minute period. This is a violation of LAC 33:III.1311.C, La. R.S. 30:2057(A)(1), and 30:2057(A)(2)

13. Opacity exceeded 20% for more than 6 minutes in any 60 consecutive minute period. On 12/20/2009, Motiva's RCCU shutdown due to a sudden trip on the wet gas compressor. Upon start-up on 12/21/09, smoke was observed at F-164 due to material being pressured back into the firebox during start-up. It was discovered that the in-line trip valve on the overhead of the treater separator leaked through allowing liquid to flow into the firebox. This is a violation of LAC 33:III.1101.B, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

14. An opacity deviation and H2S in excess of 160 ppm 3-hr rolling average deviation for this incident report in semiannual dated 9/25/08. On January 30, 2008, Operations personnel from Shell Chemical's OL-5 process unit discovered that a shutdown meter for low bearing oil pressure for the OL-5 Process Gas Compressor (PGC) was leaking lube oil from the depressuring connection. When the meter was blocked in by operations, the PGC tripped. When trying to restart the PGC, ten furnaces at the OL-5 process unit tripped on high fuel gas pressure to the burners. This resulted in a steam shortage across the site and subsequent load shedding of Shell Chemical and Motiva process units. Motiva's RCCU Wet Gas Compressor (WGC) slowed considerably causing venting of the suction to the RCCU elevated flare (Emission Point No. 8-84). Motiva flared 93.33 lbs of nitrogen oxides, 1345.75 lbs of sulfur dioxide, 506.96 lbs of carbon monoxide, 17.57 lbs of particulate matter, and 311.95 lbs of volatile organic compounds above the permitted limited. This is a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

15. On September 20, 2007, and March 31, 2008, the West Ops Ground Flare smoked for 61 min. due to Shell Chemical's GO-1 start-up. This is a violation of 40 CFR 60.18, 40 CFR 63.11, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

16. On June 22, 2008, Smoking exceeded a total of 5 minutes in any 120 consecutive minute period. High flare gas flow was routed to the ground flare which caused smoking due to maintenance activities at Shell Chemicals G0-1 unit. This is a violation of 40 CFR 60.18 40 CFR 63.11, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

17. On October 25, 2006 the facility's emissions exceeded the permitted limit for CO (Permitted 38.28 lb/hr; Total over 1 hr= 233 lbs; emission above limit=196 lbs ; SO2 (Permitted = 5.79 lb/hr; Total emitted during 1 hr = 15 lbs; Emissions above limit = 10 lbs). The exceedance of each pollutant is a violation of LAC 33;:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

18. On January 22, 2007, the facility's emissions exceeded the permit limit of hexane, benzene, and toluene. Hexane is permitted for 0.31 lb/hr (actual emissions = 6 lbs total); Benzene permit limit 0.05 lb/hr (actual emissions= 9 lbs total); Toluene permitted 0.003 lbs/hr (actual emissions = 0.4 lbs total). The exceedance of each pollutant is a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

19. On May 20, 2007, the facility emissions exceeded the permitted limit for SO2 (Permitted = 5.79 lb/hr; Total released over 1 hr = 77 lbs; Emissions above Permitted Limit = 71 lbs). This is a violation of LAC 33:III501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

20. On April 26, 2008, Shell Chemical Utilities discovered that Boiler 7 had tripped causing a swing in the 1300 pound steam header to the RCCU. This resulted in a steam shortage across the site and subsequent load shedding of Shell Chemical and Motiva process units. Motiva's RCCU Wet Gas Compressor (WGC) slowed considerably causing venting of the suction to the RCCU elevated flare. All materials were released from the RCCU

Elevated Flare to the atmosphere and dispersed naturally. This resulted in an exceedance of the permit limits for NOx, SO2, CO PM, and VOC. This is a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

21. On February 6, 2006, the facility exceeded the maximum hourly permit limits for CO, NOx, SO2, and VOC's. This incident was due to Shell Chemical boiler 8 trip. This is a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

22. On February 19, 2009 through February 25, 2009, Shell Chemical's GO-1 Process Unit experienced a shutdown of the Propylene Refrigerant Compressor (PRC) due to a malfunction of the compressors speed controller. This incident led to flaring from Emission Point No. 1-90 .The facility flared CO, SO2, Benzene, and Hexane above the permitted limit. Each exceedance of a pollutant is a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

23. On February 19, 2009 through February 25, 2009, Shell Chemical's GO-1 Process Unit experienced a shutdown of the Propylene Refrigerant Compressor (PRC) due to a malfunction of the compressors speed controller. This incident led to flaring from Emission Point No. 7-84. The facility flared CO, NOx, PM, SO2, 1,3-butadiene, benzene, hexane, and toluene above the permitted limit. Each exceedance of a pollutant is a violation of LAC 33:III.501.C.4, La. R.S.30:2057(A)(1), and 30:2057(A)(2).

24. Process data indicates liquid/gas ratio was less than the 10.25 liquid/gas ratio limit established in the unit's OMMP on 2/23/07. This is a violation of 40 CFR 63.1567(a)(1)(ii) and La. R.S. 30:2057(A)(2).

25. HCL sampling of the atmospheric regen vent did not occur on the required frequency of every 4 hours. On 2/25/07 and 3/5/07 one sample was taken 5 hours after the previous sample was taken. Each sample not taken within a 4 hour frequency is a violation of 40 CFR 63.1567(a)(1)(ii) and La. R.S. 30:2057(A)(2).

26. On April 23, 2007, a tank was identified as having the incorrect seal configuration. This is a violation of LAC 33:I.3925 and La. R.S. 30:2057(A)(2).

27. Monitoring data pertaining to the DHT Unit was inadvertently left out of the first semiannual 2007 GGG report. This is a violation of 40 CFR 60 A,40 CFR 60 GGG, Title V Permit No. 2502-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

28. A performance test was missed on the S-3 Tail Gas Incinerator for NOx and CO within 60 days of start-up. This is a violation of LAC 33:III.501.C.6 and La. R.S. 30:2057(A)(2).

29. The six-minute smoking test was not performed within the three-day required period. This is a violation of LAC 33:III.1101.B, La. R.S. 30:2057(A)(2).

30. One regen event occurred during 1Q06, and color tube HCl samples were not taken as required in the unit's OMMP. This is a violation of 40 CFR 63.1567(a)(1)(ii) and La. R.S. 30:2057(A)(2).

31. From the time period encompassing January 1, 2006, through March 31, 2006, quarterly cylinder gas audits for SO2 and O2 were not performed in the 1st quarter 2006. Each failure to audit for SO2 and O2 is a violation 40 CFR 60 Subpart J, and La. R.S. 30:2057(A)(2).

32. Process data indicates pH readings outside of the limits established in the unit's OMMP on 1/3, 1/12, 3/5, 6/23, and 6/29. This is a violation of 40 CFR 63.1567(a)(1)(ii), La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

33. During an internal audit focused on the BWN program, it was discovered that historically through the 2nd quarter of 2007, Baker Tanks (temporary frac tanks) were not treated as containers as defined by 40 CFR 61.341. Thus, the inspections required by 40 CFR 61.345(a)(1)(i) were not performed. This is a violation of 40 CFR 61.34140 CFR 61.345(a)(1)(i), and La. R.S. 30:2057(A)(2).

34. Performance test on West Ops Ground Flare has not yet been conducted. This test should have been conducted during the 2006 calendar year. This is a violation of 40 CFR 63.565 and 63.7 and La. R.S. 30:2057(A)(2).

35. Pump P7213 missed the 15-day repair deadline. The pump was repaired on the 16th day. This is a violation of LAC 33:III.2121, 40 CFR 60 GGG, 40 CFR 6 CC, and La. R.S. 30:2057(A)(2).

36. During an internal audit focused on the BWN program, it was discovered that Various waste streams were not reflected in the 2006 BQ6 quantification and TAB report due to errors in data entry into the facility's benzene waste tracking software. This is a violation of 40 CFR 61.34140 CFR 61.345(a)(1)(i), La. R.S. 30:2057(A)(2).

37. 2Q07 deviation report stated that testing would be completed by 10/07. Testing has not been completed. This is a violation of LAC 33:III.501.C.6 and La. R.S. 30:2057(A)(2).3

38. A permit was not obtained for the reconstruction of the Alky Reactor 9, i.e., replacement of a tube bundle, in 2006. This is a violation of LAC 33:III.501. C1, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

39. Failure to submit initial notification or semiannual reports under Subpart RRR as a result of the Alkyl Reactor 9 project. This is a violation of 40 CFR Part 60 Subpart RRR and La. R.S. 30:2057(A)(2).

40. From the time period encompassing January 1, 2008 through March 31, 2008, the Cylinder Gas Audit (CGA) for H2S analyzer A6824 was not completed for the 1st quarter. RCCU stack analyzers A3255, A3256, and A6824 were entered into SAP

(maintenance work ticket data base) as one ticket. The ticket was inadvertently closed out without completing the CGA for A6824. This is a violation of 40 CFR 60.100, 104-105 and La. R.S. 30:2057(A)(2).

41. From the time period encompassing April 1, 2008 through June 30, 2008, 8 valves were recently discovered as not being documented. Historically, periodic monitoring on these components was missed. This is a violation of 40 CFR 63 CC., LAC 33:III.2121, La. R.S. 30:2057(A)(2).

42. On March 28, 2008, the pH analyzer failed. The daily average pH reported was 8.45 (limit is >8.52). All other indicators point to pH above specified minimum. The analyzer tubing was having plugging problems and the subsequent readings did not coincide with the process. This is a violation of 40 CFR 63.1567(c)(1) and La. R.S. 30:2057(A)(2).

43. On April 4, 2008, the daily average of the liquid-to-gas ration was 10.03 gal/mscf (minimum is >10.25). The pump that supplies flow to the sprays and trays tripped twice. The low l/g ratio was a direct result of the low flow to the trays (FC1761) because of the equipment failure. This is a violation of 40 CFR 63.1567(c)(1) and La. R.S. 30:2057(A)(2).

44. From November 29, 2008, through December 16, 2008, the seal gaps noted at tank F-440 were not repaired within the 45 day repair requirement. Materials needed to complete the repairs were not delivered in time to meet the deadline. There were 17 days past the 45 day repair requirement. This is a violation of 40 CFR 60.120(b)(8) and La. R.S. 30:2057(A)(2).

45. Slop oil service was added to this tank in the new Logistics II permit issued in November 2007 and FF was applied. The tank inspection database was not updated to include the new regulatory inspection requirements associated with FF tanks. Therefore, the annual visual seal inspection was not completed for 2008. This is a violation of 40 CFR 60.113b(a)(3)(ii), Title V Permit No. 2912-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

46. The facility inadvertently failed to submit 60 day progress reports for 2 General Condition R release reports for the period encompassing October 1, 2008 through December 31, 2008. This is a violation of LAC 33.I.Chapter 39, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

47. On February 11, 2009, February 14, 2009, April 2, 2009, May 23, 2009, and June 3, 2009, the operational requirement to keep pH >8.52 was not maintained. The daily average pH reported was 8.45. While the pH analyzer failed, all other indicators point to pH above specified minimum. The analyzer tubing was having plugging problems and the subsequent readings did not coincide with the process. This is a violation of 40 CFR 63.1567(c)(1) and La. R.S. 30:257(A)(2).

48. The operational requirement to maintain the liquid-to-gas ratio >10.25 gal/mscf was not met. On 4/24/2009 the daily average of the liquid-to-gas ratio was 10.03 gal/mscf. The

excursion occurred after the caustic water wash column completed a startup. This is a violation of 40 CFR 63.1567(c)(1) and La. R.S. 30:2057(A)(2).

49. From July 1, 2009 through December 31, 2009, 1 pump (RM 06619) missed the 15 day repair requirement (11/14/09). A scheduling error occurred. This is a violation of 40 CFR 63 CC, LAC 33:III.2121, and La. R.S. 30:2057(A)(2).

50. From July 1, 2009 through December 31, 2009, 1 Instrument System component (H24419) missed the 15 day repair requirement (11/08/09). A scheduling error occurred. This is a violation of 40 CFR 63 CC, 40 CFR 63 GGG, LAC 33:III.2121, and La. R.S. 30:2057(A)(2).

51. From July 1, 2009 through December 31, 2009, 1 flange (H24419) missed the 15 day repair requirement (12/28/09). A scheduling error occurred. This is a violation of 40 CFR 60 GGG,40 CFR 63 CC, LAC 33:III.2121, and La. R.S. 30:2057(A)(2).

52. On September 30, 2009, the pH analyzer failed and subsequently registered a low average pH reading for that day. This is a violation of 40 CFR 63.1567(a)(1)(ii) and La. R.S. 30:2057(A)(2).

53. On January 13, 2006 the RCCU Flare smoked for 21 minutes. This is a violation of 40 CFR 60.18; 40 CFR 63.11 and La. R.S. 30:2057(A)(2).

54. On May 23, 2006, a secondary gap inspection indicated that the tank roof was landed on its legs and that two roof vents were open.

55. On June 2, 2006, the external floating roof was set on its legs for duration of 14 minutes allowing 2 roof vents to open. This is a violation of LAC 33:I.3925 and La. R.S. 30:2057(A)(2).

56. On November 25, 2006, the Coker Flare smoked for 5 minutes. This is a violation of 40 CFR 60.18; 40 CFR 63.11, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

57. On January 23, 2007, the West Ops Ground Flare smoked for 23 min due to vent gas high flow. This is a violation of 40 CFR 60.18, 40 CFR 63.11, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

58. The West Ops Ground Flare smoked for 15 min on 2/6/2006, 15 min on 3/17/2006, and 5 min on 3/18/2006. Each day that the flare smoked is a violation of 40 CFR 60.18; 40 CFR 63.11, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

59. On January 16, 2008, while making routine rounds, operations discovered that the tank's external floating roof was resting on its support legs instead of the liquid surface. While pumping out of tank F-476, the inside operator did not notice that the tank level had fallen below the set minimum level. The low tank level alarm activated, but there was no communication to the outside operator of this event. This is a violation of 40 CFR

60.112b(a)(2), 40 CFR 61.351(a)(2), 40 CFR 63.647(a), LAC 33:III.2103.D, LAC 33:III.2109.A.2.

60. On April 15, 2008, smoking exceeded a total of 5 minutes in any 120 consecutive minute period. Troubleshooting revealed that the West Ops header to the ground flare is the reason for the smoke. Trended the tank car rack and this revealed that they were venting material and ended @ 1:00 pm. This is a violation of 40 CFR 60.18 40 CFR 63.11, and LA. R.S 30:2057(A)(2).

61. On August 28, 2009, and September 15, 2009, smoking exceeded a total of 5 minutes in any 120 consecutive minute period. Intermittent smoking associated with heavy material being vented to the flare. Shell's GO-1 Unit was heavily venting its MAP Reactor during restart of its unit. Each smoking exceedance of a total of 5 minutes in any 120 consecutive minute period is a violation of 40 CFR 60.18, LAC 33:III.1105, and La. R.S. 30:2057(A)(2).

62. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame. The thermocouple sent signals of a flame out condition to the continuous recordkeeping system and to operations. The false readings were not acted on and the monitoring device used to detect presence of a flare pilot flame was not repaired in a timely fashion. This is a violation of 40 CFR 60.18 40 CFR 63.11, and La. R.S. 30:2057(A)(2).

63. The presence of a flare pilot flame recordkeeping by electronic or hard copy during the loading cycle. Keep up-to-date, readily accessible records of the flare pilot flame. The continuous recordkeeping device malfunctioned 2008 and ceased operation. This is a violation of 40 CFR 61.305 and La. R.S. 30:2057(A)(2).

64. On May 25, 2008, smoking exceeded a total of 5 minutes in any 120 consecutive minute period. The pressure controller was set too low allowing material to the ground flare. This is a violation of 40 CFR 60.18, 40 CFR 63.11, and La. R.S. 30:2057(A)(2).

65. On July 6, 2008, September 29, 2008, and September 30, 2008 smoking exceeded a total of 5 minutes in any 120 consecutive minute period. Smoking events correspond with initiation of loading operations associated with the Oversees New York. Each exceedance is a violation of 40 CFR 60.1(c)(1) and La. R.S. 30:2057(A)(2).

66. On October 1, 2008 and October 12, 2008, smoking exceeded a total of 5 minutes in any 60 consecutive minute period. DU5 was hit with an unexpected slug of heavy material requiring rates to be suddenly reduced. The furnace could not react quick enough to the sudden drop in rates and crude leaked into the firebox causing it to burn off creating smoke. Each exceedance is a violation of LAC 33:III.1101.B.

67. On October 20, 2008, October 21, 2008, and October 24, 2008, visible emissions exceeded a total of 5 minutes in any two consecutive hours. Smoking due to S-407

spheres depressuring for maintenance. Smoking due to Ground Flare System high flows. Each exceedance is a violation of 40 CFR 60.18(c)(1) and La. R.S. 30:2057(A)(2).

68. On December 8, 2008, a Smoking event corresponded with loading operations associated with the Oversees New York ship. This is a violation of General Condition C of Title V Permit No. 2602-V3.

69. On November 29, 2008 and November 30, 2008, slop oil was discovered on the roof of tank D-422 due to RCCU start-up activities (duration 37 hours). Each day that stop oil was discovered on the roof of tank D-422 is a violation of 40 CFR 60.113b(a)(2) and La. R.S. 30:2057(A)(2).

70. During the course of t the semi-annual visual / annual secondary seal gap measurement inspection performed on May 20, 2009, a rim vent on the tank was discovered to be open from the time period encompassing May 20, 2009, through June 1, 2009. This is a violation of LAC 33:III.1311.C, 40 CFR 60.18, and La. R.S. 30:2057(A)(2).

71. On March 25, 2009, smoking exceeded a total of 5 minutes in any 120 consecutive minute period. Not enough steam was sent to the flare causing smoking due to depropanizer venting to flare. This is a violation of LAC 33:III.1311.C; 40 CFR 60.18, and La. R.S. 30:2057(A)(2).

72. On June 16, 2009, smoking exceeded a total of 6 minutes in any 60 consecutive minute period. The S3 Unit incinerator tripped. A loss of acid gas feed caused the temperature in the incinerator to drop. Operations had to increase the natural gas feed; however, the dampeners were not open enough for complete combustion. Thus, the incident led to smoking. This is a violation of LAC 33:III.1311.C; 40 CFR 60.18, and La. R.S. 30:2057(A)(2).

73. On June 22, 2009, smoking exceeded a total of 5 minutes in any 60 consecutive minute period. Metal to metal seat on end of tube leaked in the convection section of F36 causing a small fire. This is a violation of LAC 33:III.1101.B.

74. On September 29, 2009, and November 12, 2009 smoking exceeded a total of 5 minutes during any two consecutive hour period. Smoking is possibly due to burner tip scaling. Smoking exceeded a total of 5 minutes during any two consecutive hour period. Smoking is possibly due to burner tip scaling. Each smoking exceedance of a total of 5 minutes during two consecutive hour period is a violation of 40 CFR 60.18 and La. R.S. 30:2057(A)(2).

75. Detailed information surrounding exceedances was not submitted for annual emissions (EIS) exceedances in RY 2006. This is a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

76. Detailed information surrounding exceedances was not submitted for annual emissions (EIS) exceedances in RY 2006. This is a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

77. During the review of permit and permit application it was discovered that the replacement of oil/water separator SP-111 with a new oil/water separator (SP-112), located in the DHT/S2 unit block triggered NSPS Subpart QQQ applicability and subsequent monitoring for SP-112 and the affected individual drain system. In addition, the applicability determination revealed that the notification of construction required by 40 CFR 60.7(a)(1) and the notification of start-up required by 40 CFR 60.7(a)(3) had not been completed for SP-112. This is a violation of 40 CFR 60.692-2(a)(4) and La. R.S. 30:2057(A)(2).

78. During the 2006 calendar year a source was not permitted; emitted VOC and 1,3-butadiene. This is a violation of 40 CFR 70.6(a)(3)(iii)(B) , Part 70 General Condition R and State General Condition XI of Title V Permit No. 2913-V0, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

79. During the 2006 calendar year the annual permit emissions limits were exceeded for VOC & PM due to increased water circulation rates. This is a violation of 40 CFR 70.6(a)(3)(iii)(B), Part 70 General Condition R and State General Condition XI of Title V Permit No. 2601-V1, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

80. Motiva is reporting the potential that it may have triggered the state PSD rules in effect during late 2003/early 2004 for a project involving a physical change to the F-7000 Feed Pre-heater and potential emission increases from other emission points that were not physically modified. This is a violation of LAC 33:III.509, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

81. During the 2006 calendar year, the material used in the permit application is not consistent with the material used for emissions calculation. This is a violation of General Condition C of Title V Permit No. 2628-V2, and La. R.S. 30:2057(A)(2).

82. During the 2006 calendar year, the current permitted allowable emissions limit for SO2 was too low due to a calculation error in the application. This is a violation of General Condition C of Title V Permit Nos. 2902-V1 and 2629-V3, La. R.S. 30:2057(A)(2).

83. Emissions in excess of H2S, SO2, PM10. The number of sulfur tank trucks loaded from the SRU3 loading facility exceeded the permit application basis of 30 trucks per year. This is a violation of General Condition C of Title V Permit No. 2902-V1, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

84. This line was utilized on August 24, 2008, to route DHT feed to the first stage of Motiva's HCU unit during an unplanned upset and subsequent shutdown of the DU-5 unit. This activity was undertaken to avoid an emergency shutdown of Motiva's HCU

unit and flaring associated with de-pressuring of the unit. This is a violation of General Condition C of Title V Permit No. 2629-V3, La. R.S. 30:2057(A)(2).

85. During the 2009 calendar year, a regulatory applicability reconciliation for the RCCU Regenerator with CO Heater (F-7002) & Flue Gas Scrubber (EPN 2-91) identified that the NOX standard of 0.20 lbs/mmBTU applied due to the types of fuels combusted. Prior determinations incorrectly identified refinery fuel gas as non-applicable as it was not considered byproduct/waste with either natural gas or oil. A revised applicability has determined that the plant's refinery fuel gas system meets this definition. Therefore the NOX standard of NSPS Subpart Db Applies. This is a violation of NSPS Subpart Db and La. R.S. 30:2057(A)(2).

86. Replaced two tanks in 2007 prior to submitting and receiving approval of a Case-By-Case Insignificant Activity Notification. The tanks meet the definition of insignificant activities as they are not subject to any federally applicable regulations. Each replacement of a tank is a violation of LAC33.III.501.C.2 and La. R.S. 30:2057(A)(2).

87. During the 2009 calendar year, construction started without submitting a Title I Modification and receiving a permit. Because 40 CFR 60 Subpart GGGa is triggered by the project, a Title V significant permit modification was required; however, this determination wasn't made until there was a project revision and subsequent environmental review. Prior to the revision, initial stages of the project were already complete. Although the construction had commenced, the system was not activated in hydrocarbon service and remained in this condition until the permit modification was received. This is a violation of 40 CFR 60 Subpart III and La. R.S. 30:2057(A)(2)

88. Owners and operators of stationary CI ICE that commence construction after July 11, 2005 where the stationary CI ICE are manufactured after April 1, 2006 and are not fire pump engines are subject to permitting. Engine was deployed in permanent service in 2009 without prior part 70 permitting. This is a violation of 40 CFR 60 Subpart IIII and La. R.S. 30:2057(A)(2).

89. Motiva has exceeded the permit limitations specified in Specific Requirement No. 152 of Part 70 Operating Permit 2502-V4 for the CR-2, NHT, and DHT (CND) Units. Specific Requirement No. 152 limits the heat input to the DHT Heater F-156 to no more than 40 MMBTU/hr and the corresponding NOx emissions to 17.18 tons/yr on a 12-month rolling average. Portions of the Distilling (DU-5) Unit were damaged by a fire that occurred during startup of the DU-5 Unit following a routine turnaround. As a result, the DHT unit was required to process cold feed for an extended period of time (approximately 3 months) as opposed to the typical one month period that occurs during normal DU-5 Unit turnaround. Consequently, these unforeseen process conditions resulted in the need to fire the DHT Heater F-156 at a higher rate than normally expected to heat the cold feed being sent to the DHT Unit. This is a violation of Part 70 General Condition R and General Condition XI, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

90. The level controller (L-2269) which controls the level for DHT's CPI Separator, SP-112 failed at Motiva's Distillate Hydrotreater (DHT). The failed controller caused a loss of level control in the separator, which led to an over-pressure of the DHT's separation section. This resulted in a trip of the vent gas compressor, K-5337, allowing vent gas to be sent to the OL-5 Flare. This is a violation of LAC 33:I.3925.A, LAC 33:III.5107, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

91. On August 23, 2006, there was a permit limit exceedance at the West Ops Elevated Flare from the S-2 incinerator (EPN 23-76) due to the shutdown and subsequent restart of Motiva's Sulfur Plant No.3. This is a violation of LAC 33:I.3925.A LAC 33:III.5107, LAC 33;III.501.C4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

92. The 3/4" drain line on the case of pump P-1983 was broken while decontamination-piping was being installed. As a result, the Coker Unit was shutdown which resulted in flaring. Permit limits for CO, PM, SO2, benzene, and cyclohexane were exceeded. In addition, flushing oil was released from the pump casing to secondary containment but there was no release outside of the containment or to soil or water.

93. On November 26, 2006, excess emissions of VOC, CO, PM, SO2 from flare due to NHT upset. This is a violation of 40 CFR 355.40; LAC 33:I.3925, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

94. On October 4, 2007, a release of SO2 occurred at the S-3 Tail Gas Incinerator as a result of a leaking valve on the unit's DEA Acid Gas Drum. This is a violation of Part 70 General Condition R of Title V Permit No. 2902-V1, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

95. On October 4, 2007, Operations received an alarm indicating high sulfur dioxide concentrations exiting the stack of the Tail Gas Incinerator (EPN 2-90). Earlier, during that same shift, operations identified a low level in the DEA Acid Gas Drum (PV-6304) and blocked in the vessel in an effort to build levels. During this operation a cock valve isolating the vessel was not securely locked, due to insulation material obstructing the locking mechanism. With this being unknown by operations at the time, the incomplete closure of the valve allowed continued lowering of the levels in PV-6304. Once the PV-6304 was void of liquid, vapor carry-under allowed the DEA acid gas to exit the vessel into the Tail Gas Incinerator. This unanticipated flow resulted in the high sulfur dioxide exiting the stack of the Tail Gas Incinerator. The material was released to air and dispersed naturally. No adverse offsite impact occurred. No road closure or evacuation was required. This is a violation of Title V Permit General Condition XI & Part 70 General Condition R of Title V Permit No. 2902-V1, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

96. On March 28, 2006, the facility exceeded the maximum hourly permit limits for sulfur dioxide, carbon monoxide, Hexane and VOC's. Also, exceeded for VOC's, benzene, hexane and H2S. Each exceedance of a pollutant is a violation of LAC 33:I. 3925, 40 CFR 355.40(b)(3), La. R.S. 30:2057(A)(1), and 30:2057(2).

97. On January 3, 2008, January 7, 2008, January 23, 2008, January 25, 2008, and March 12, 2008, the facility exceeded the SO2 maximum hourly permit limit. Each exceedance of SO2 is a violation of General Condition C of Title V Permit No. 2902-V1, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

98. On March 1, 2008, March 4, 2008, March 15, 2008, and March 16, 2008 the facility exceeded the SO2 maximum hourly permit limit. Each exceedance of SO2 is a violation of General Condition C of Title V Permit No. 2902-V1, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

99. On May 11, 2008, the facility exceeded the SO2 maximum hourly permit limit. This is a violation of General Condition C of Title V Permit No. 2902-V1, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

100. On August 8, 2008, August 1, 2008, September 11, 2008, September 16, 2008, and September 21, 2008, there were excess emissions of SO2 at the facility. Each exceedance of SO2 is a violation of General Condition C of Title V Permit No. 2902-V1, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

101. On October 12, 2008, December 15, 2008, December 17, 2008, and December 24, 2008, the facility exceeded the SO2 maximum hourly permit limits. Each exceedance of SO2 is a violation of General Condition C of Title V Permit No. 2902-V1, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

102. On February 6, 2009, February 7, 2009, April 6, 2009, and June 2, 2009, the facility exceeded the maximum hourly permit limit for SO2. Each exceedance of SO2 is a violation of General Condition C of Title V Permit No. 2902-V1, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

103. On May 27, 2009, smoking exceeded a total of 5 minutes in any 120 consecutive minute period. Emissions were in excess of max hourly limits for CO, NOX, PM10, SO2, and VOC. This is a violation of LAC 33:III.1311.C; 40 CFR 60.18, General Condition C of Title V Permit No. 2602-V3, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

104. The CO Heater's Flue Gas Scrubber (FGS) SO2 level was above the max hourly limit of 238.9 lb/hr during the time frame of February 14, 2009 through February 15, 2009. This is a violation of General Condition C of Permit No. 2602-V3, La. R.S. 30:2057(A)(2).

105. The CO Heater's Flue Gas Scrubber (FGS) CO level was above the max hourly limit of 36.00 lb/hr during the time frame of April 13, 2009 through April 14, 2009, and April 22,2009. This is a violation of General Condition C of Title V Permit No. 2602-V3, La. R.S. 30:2057(A)(2).

106. The CO Heater's Flue Gas Scrubber (FGS) NOX level was above the max hourly limit of 405.30 lb/hr on April 9, 2009, April 16, 2009, and April 28, 2009. This is a violation of General Condition C of Title V Permit No. 2602-V3 and La. R.S. 30:2057(A)(2).

107. On 4/22/2009, 5/24/2009, 5/27/2009, and 6/16/2009 the CO Heater's Flue Gas Scrubber (FGS) VOC level was above the max hourly limit of 0.35 lb/hr . This is a violation of General Condition C of Title V Permit No. 2602-V3, La. R.S. 30:2057(A)(2).

108. On 5/3/2009 Title V permit limit for SO2 was exceeded at the S2 Tail Gas Incinerator. This is a violation of LAC 33:III.501.C.4, La. R.S. 330:2057(A)(1), and 30:2057(A)(2).

109. On 6/20/2009 a process upset at the Coker Fractionator resulted in a level increase in the overhead accumulator above the normal control set point which resulted in emissions being sent to the Coker flare. There were excess emissions of SO2, CO, NOx, PM, VOC, 1-3 Butadiene and Benzene. Each exceedance of a pollutant is a violation of General Condition C of Title V Permit No. 2913-V0, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

110. On 9/10, 9/14, 9/27, 10/4, and 10/5/09 the facility exceeded the maximum hourly permit limit of SO2. This is a violation of General Condition C of Title V Permit No. 2902-V1, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

111. On 2/2/2006, an atmospheric leak of flammable gas was identified in Motiva's Alkylation unit on Utility Column PV-1108. While performing sandblasting work on the vessel, a Basic Industries employee discovered a hydrocarbon leak on the vessel, and Motiva Operations was notified. Once Motiva Operations verified the leak, the utility column was shutdown and the leak was plugged. This is a violation of LAC 33:I.3925.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

112. On 2/21/2006, an atmospheric leak of light naphtha gasoline material was identified in Motiva's Distilling unit due to a piping failure on the crude column overhead line. Operations personnel identified the line dripping in two locations, and vaporizing before reaching grade. Operations developed a plan to safely remove insulation so that the leak could be stopped. This is a violation of LAC 33:I.3925.A 40 CFR 355.40(b)(3), La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

113. On 1/12/2007, the RV on the rectifier absorber column PV-822 at the HCU was leaking to the atmospheric vent. The RV was blocked in once the alternate protection for the column was secured. The material was released to air and dispersed naturally. This incident resulted in the Exceedances of RQ: H2S (RQ= 100 lbs; Actual = 744 lbs) Flammable Gas (RQ= 1000 lbs; Actual = 52,737 lbs). This is a violation of LAC 33:I.3925.A, 40 CFR 355.40(b)(3), Part 70 General Condition XI & General Condition R of Title V Permit No. 2629-V3, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

114. On 6/10/07, Motiva's Residual Catalytic Cracking Unit (RCCU) experienced an unexpected release of hydrocarbon to the atmosphere. The release was due to RV-7207 relieving prematurely. RV-7207 has a relief setting of 295psig, and during the time of the event it is noted that the system pressure associated with this RV was at 261psig. Upon

the initial release, operations identified the source to be associated with the RCCU Depropanizer column. A sudden decrease in pressure on the Depropanizer column was observed by operations on the DCS control panel. This pressure was verified by operations by checking additional pressure indicators on the system. Once the determination was made that the Depropanizer RV relieved below its set pressure, RV-7207 was isolated to stop the release. The material was released to the environment and dispersed naturally into the air and from an elevated control device. This incident resulted in emissions above RQ: Flammable Gas (RQ=1000 lbs; Actual = 85445 lbs) HRVOCS (RQ= 64091 lbs; Actual = 64091 lbs); VOC (RQ= 5000 lbs; Actual = 85445 lbs). This is a violation of LAC 33:I. 3925; Title V Permit General Condition XI and R of Title V Permit No. 2602-V3, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

115. On September 12, 2008, the reactor regeneration section of the CR-2 unit developed a hole in the side of a rupture disk flange on the CR-2 chlorine system. All materials were released to the atmosphere and dispersed naturally. This release resulted in a release of 89.3lbs of chlorine. This is a violation of LAC 33:I.3925.A; 40 CFR 302.6; 40 CFR 355.40, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

116. On 12/20/2009, RCCU's relief valve RV-1591 released to atmosphere and was not monitored with a leak detection device within 24 hours after it had vented to the atmosphere. Exceeded RQ for Flammable gas. This is a violation of LAC 33:III.2121, La.R.S.30:2057(A)(1), and La. R.S.30:2057(A)(2).

117. On March 28, 2006, a release of benzene, hydrogen sulfide, nitrogen oxides, sulfur dioxide, and VOC's due to an unexpected electrical outage at the hydrocracker unit. Exceeded CO, VOC, SO2, Hexane and the RQ's for Benzene, VOC's, H2S and Hexane. Each exceedance of a pollutant is a violation of LAC :I:3925.A , 40 CFR 355.40(b)(3), Title V General Condition XI & General Condition R of Title V Permit No. 2913-V0.

118. On April 15, 2006, the facility exceeded the maximum hourly permit limits for sulfur dioxide and VOC's. This is a violation of LAC 33:I. 3925; 40 CFR 355.40(b)(3), La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

119. On April 15, 2006, the RCCU had an unexpected shutdown causing the Main Fractionator overheads and Debutanizer overheads to be vented to the RCCU Flare (EPN 8-84). A release of propylene and butylenes was generated from a RCCU atmospheric relief valve (RV-7205). This is a violation of LAC 33:I. 3925, 40 CFR 355.40(b)(3), Title V General Condition XI and R, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

120. On July 15, 2006, Carbon monoxide was released to the atmosphere through the Residual Cat Cracking Unit's flue gas scrubber stack during the unit shutdown and subsequent restart. During the time of the RCCU shutdown, incomplete combustion of CO was attributed to a high oxygen content in the CO heater firebox. The increase in oxygen was a result of cooling air being directed into the CO heater's CO annulus via the unit's I-5 trip system. This system was tripped (open) during the initial shutdown of the unit, and was not reset (closed) prior to the restart of the RCCU. All materials were released from

the RCCU flue gas scrubber stack to the atmosphere and dispersed naturally. This incident resulted in the release of CO and VOCs. This is a violation of LAC 33:I.3925, 40 CFR 355.40(b)(3), Title V Permit 2602-V3 General Condition XI and R, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

121. On March 12, 2007, an atmospheric release occurred at the Coker Unit due to loss of compressor control valve for the unit's Wet Gas Compressor (K-2178). The incident occurred when the Data Wave lost power. This incident resulted in excess emissions of CO, NOx , PM10, SO2 , VOC, Hexane , Butadiene, Benzene , and Cyclohexane. Each exceedance of a pollutant is a violation of LAC 33:I.3925.A, 40 CFR 355.40(b)(3), Title V General Condition XI and General Condition C of Permit No. 2913-V0, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

122. On October 8, 2008 through October 14, 2008, a controlled shutdown of the CO Heater was necessary due to several tube leaks discovered in the CO Heater. This incident resulted in the release of CO, NOx, SO2, and PM. Each exceedance of a pollutant is a violation of LAC 33:I.3925.A, 40 CFR 355.40(b)(3), La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

123. On July 15, 2006, the facility exceeded the permit limit for SO2, CO, and VOC. Each exceedance of a pollutant is a violation of 40 CFR 60.18, 40 CFR 63.11, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

124. On 9/6/2008 thru 9/15/2008, excess emissions of NOX, SO2, PM, VOC, CO, 1-3, Butadiene, Benzene, and Cyclohexane. On 9/15/2008 at 2115, Motiva Operations discovered hydrocarbon flaring at the Coker Flare (EPN 2-84). The release was caused by an intermittent leak on the unit's Main Fractionator Overhead Accumulator pressure control valve PC0082B. At the time of the release, the unit was being restarted following a controlled shutdown in preparation for Hurricane Gustav. Visual flaring was perceived to be normal for a refinery startup situation, and instrument indicators showed the pressure control valve (PC0082B) as closed at the time of the event. Each exceedance of a pollutant is a violation of General Condition R and XI of 2913-V0, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

125. On 9/12/2008 through 9/15/2008, Motiva Operations discovered hydrocarbon flaring at the Coker Flare (EPN 2-84). The release was caused by an intermittent leak on the unit's Main Fractionator Overhead Accumulator pressure control valve PC0082B. This incident resulted in excess emissions of NOX, SO2, PM, VOC, CO, 1-3, Butadiene, Benzene, and Cyclohexane. Each exceedance of a pollutant is a violation of General Condition R and XI of Permit No. 2913-V0, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

126. On 9/12/2008 through 9/15/2008, Motiva Operations discovered hydrocarbon flaring at the Coker Flare (EPN 2-84). The release was caused by an intermittent leak on the unit's Main Fractionator Overhead Accumulator pressure control valve PC0082B. This incident resulted in excess emissions of NOX, SO2, PM, VOC, CO, 1-3, Butadiene, Benzene, and

Cyclohexane. Each exceedance of a pollutant is a violation of General Condition R and XI of Permit No. 2913-V0, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

127. On 9/12/2008 through 9/15/2008, Motiva Operations discovered hydrocarbon flaring at the Coker Flare (EPN 2-84). The release was caused by an intermittent leak on the unit's Main Fractionator Overhead Accumulator pressure control valve PC0082B. This incident resulted in excess emissions of NOX, SO2, PM, VOC, CO, 1-3, Butadiene, Benzene, and Cyclohexane. Each exceedance of a pollutant is a violation of General Condition R and XI of Permit No. 2913-V0, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

128. "The main air blower for Motiva's RCCU unit tripped unexpectedly which resulted in an emergency shut down of the RCCU and RGHT Units. This trip was the result of a failure of the Triconex system during a routine switch between the primary and secondary controllers. This incident resulted in a release of CO, SO2, VOC, Hexane, Ethylene, Propylene, 1,3-Butadiene, VOCs, Flammable Gas, and HRVOC. This is a violation of LAC 33:I.3925.A, LAC 33:III.5107, 40 CFR 355.40(b)(3), Part 70 General Condition R of Permit Nos. 2794-V2 & 2602-V3.

129. On April 18, 2009, the Feed Preheater's SO2 level was above the max hourly limit of 6.80 lb/hr during this timeframe. An upset occurred in the CR-2 Unit's Fuel Gas Treater that caused high H2S flow to the FGBD and subsequently elevated levels of SO2 at the Feed Preheater. This is a violation of General Condition C of Title V Permit No. 2602-V3.

130. On or about February 6-13, 2009, excess emissions of 1, 3-butadiene, toluene, and hexane. Excess smoking occurred for 36 hours. An unexpected shutdown of Shell Chemical's Boilers 8 and 9 and a resulting steam shortage caused heavy flaring from Shell's GO1 Unit to the West Operations Ground Flare.

131. On February 14-19, 2009, Excess emissions of 1, 3-butadiene and hexane. Shell Chemical's GO-1 Process Unit experienced a shutdown of the Ethylene Refrigerant Compressor (ERC) due to a malfunction of the compressors speed controller. After troubleshooting it was discovered that the positioner for the speed controller had failed. The positioner was replaced and the compressor was restarted and the GO-1 Process unit was returned to normal operating conditions. This incident led to flaring at Motiva's West Operations Ground Flare (EPN 9-84). This is a violation of General Condition C of Title V Permit No. 2912-V2.

132. On February 7, 2009, excess emissions associated with a Shell Chemical upset caused the loss of instrument air and a site-wide shutdown. This incident resulted in excess emissions of SO2.

133. On September 13, 2007, the facility's furnace has not been tested for NOx and CO. There are no suitable ports with which to conduct the emissions test. The stacks are refractory

lined, so tapping them to install ports while the furnaces are operating is not possible. This is a violation of LAC 33:III.501.C.6 and La. R.S. 30:2057(A)(2).

134. On September 13, 2007, the facility's furnace has not been tested for NOx and CO. There are no suitable ports with which to conduct the emissions test. The stacks are refractory lined, so tapping them to install ports while the furnaces are operating is not possible. This is a violation of LAC 33:III.501.C.6 and La. R.S. 30:2057(A)(2).

135. On September 13, 2007, the facility's furnace has not been tested for NOx and CO. There are no suitable ports with which to conduct the emissions test. The stacks are refractory lined, so tapping them to install ports while the furnaces are operating is not possible. This is a violation of LAC 33:III.501.C.6 and La. R.S. 30:2057(A)(2).

136. On January 1, 2008, slop oil service was added to this tank in the new Logistics II permit issued in November 2007 and 40 CFR 61 Subpart FF was applied. The tank inspection database was not updated to include the new regulatory inspection requirements associated with 40 CFR 61 Subpart FF tanks. Therefore, the annual visual seal inspection was not completed for 2008. This is a violation of 40 CFR 60.113b(a)(3)(ii) and La. R.S. 30:2057(A)(2).

137. On September 25, 2007, during the quarter, it was determined that there have been periodic uncontrolled emission releases from the S-3 sulfur pit due to the failure of control equipment to route the vent to the NSPS J-monitored incinerator. This is a violation of 40 CFR 60 J, 40 CFR63 UUU, and La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

138. On October 19, 2007, F-35 furnace developed a tube leak in the convection section resulting in a small fire and smoking due to oil burn-off. This is a violation of LAC 33:III.1101.B, and La. R.S. 30:2057(A)(2).

139. On November 18, 2007, F-35 furnace developed a tube leak in the convection section resulting in a small fire and smoking due to oil burn-off. This is a violation of LAC 33:III.1101.B, and La. R.S. 30:2057(A)(2).

140. On 2/16, 3/14-15, 4/3, 4/6, 4/9, 4/10, 4/23, 4/28, 5/4, 5/5, 5/7, 5/9, 5/10, 5/12, 5/14, 5/15, 5/17, 5/18, 5/20, 5/21, 5/23, 6/1-6/4, 6/7, 6/8, 6/11-13/09, a Planned maintenance work on RCCU light oil coolers was being performed during this time period. Prior to maintenance work, the oil coolers were decontaminated and vents purged to flare header causing the high H2S exceedance. This is a violation of 40 CFR 60.100, 104-105, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

141. During the 2006 calendar year Annual permit emissions limits were exceeded for several pollutants. This is a violation of 40 CFR 70.6(a)(3)(iii)(B) , Part 70 General Condition R and State General Condition XI of Title V Permit No. 2600-V3, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

142. On 9/6/2008 thru 9/15/2008, Motiva Operations discovered hydrocarbon flaring at the Coker Flare (EPN 2-84), which resulted in excess emissions of NOX, SO2, PM, VOC, CO, 1-3, Butadiene, Benzene, and Cyclohexane. This is a violation of General Condition R and XI of Title V Permit No. 2913-V0.

143. An investigation revealed that the internal floating roof had been resting on its legs from January 14th 2010 until February 3rd, 2010 and that the legs were set on high leg setting. Furthermore, the tank's local instrument level gauge was not reading correctly. Emissions calculations confirmed that no permit limits or reportable quantities were exceeded during this event. This is a violation of Specific Condition 1097 of Permit No. 2912-V2 , La. R.S. 30:2057(A)(2).

144. "From January 1, 2010 through June 30, 2010, there were two (2) open-ended lines with a missing cap, blind flange, or plug identified during routine inspections. This is a violation of 40 CFR 63 CC, LAC 33:III.2121, and La. R.S. 30:2057(A)(2).

145. On April 25, 2010 at 2218 hours, Motiva's Hydrocracker 1st Stage unit tripped off line causing an operational upset and shutdown of the Hydrocracking Unit (HCU) due to a governor oil back pressure valve failure on compressor K-1928. Moisture accumulated in the conduit for governor oil dump valve on compressor K-1928 causing corrosion on wiring and connections. This caused the valve to go to its fail safe position and shutdown the 1st Stage recycle compressor K-1928. This event led to the shut down of HCU. This incident resulted in excess emissions of SO2.

146. On May 8, 2010 at 0100 hours, smoking exceeded a total of 5 minutes in any 120 consecutive minute period. This is a violation of Specific Conditions 853, 859, and 861 of Title V Permit No. 2913-V0, 40 CFR 63.11, LAC 33:III.1105, LAC 33:III.1311, and La . R.S. 30:2057(A)(2)

147. On January 6, 2010, the facility exceeded SO2 maximum hourly permit limit. This is a violation of General Condition C of Title V Permit No. 2902-V1, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

148. On May 25, 2010, smoking exceeded a total of 5 minutes in any 120 consecutive minute period. This is a violation of Specific Conditions 412, 421, 428, 40 of Title V Permit No.2912-V2, CFR 60.18 , 40 CFR 63.11, LAC 33:III.1105, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

149. On June 8, 2010, S-407 (Alky Feed Sphere) was venting to ground flare due to SBA unit down. This caused ground flare to start smoking. This incident resulted in smoking exceeding a total of 5 minutes in any 120 consecutive minute period. This is a violation of 40 CFR 60.18, 40 CFR 63.11, LAC 33:III.1105, and La. R.S. 30:2057(A)(2).

150. The RCCU Ground Flare was noticed to be smoking for a period of 20 minutes. The Ground flare was smoking although it is blocked in from all sources. This incident

resulted in Smoking exceeding a total of 5 minutes in any 120 consecutive minute period. This is a violation of 40 CFR 60.18, 40 CFR 63.11, LAC 33:III.1105, and La. R.S. 30:2057(A)(2).

151. S-407 (Alky Feed Sphere) vented to ground flare due to SBA unit down. This caused ground flare to start smoking. This incident resulted in Smoking exceeding a total of 5 minutes in any 120 consecutive minute period. This is a violation of 40 CFR 60.18,40 CFR 63.11, LAC 33:III.1105, and La. R.S. 30:2057(A)(2).

152. The facility missed 15 day repair of pump P-7218. The pump should have been isolated on 2/16. This did not occur until 2/17. This is a violation of 40 CFR 60 GGG, 40 CFR 63 CC, LAC 33:III.2121, and La. R.S. 30:2057(A)(2).

153. A flange on LCN rerun line check valve missed 15-day repair (due 5/20). Repair attempted on day 15 was unsuccessful after changing gaskets. Parts on order to replace gaskets with upgraded gaskets to ensure sealing. This is a violation of 40 CFR 63 CC,40 CFR 63 GGG, LAC 33:III.2121, and La. R.S. 30:2057(A)(2).

154. A connector on fuel gas line to Furnace F-8101 missed the15-day repair requirement. Replacement equipment on order to install new line and connector to furnace burner #11. This is a violation of Specific Requirement # 24, 29, and 34 of Title V Permit No. 2794-V2, 40 CFR 63 CC,40 CFR 63 GGG, LAC 33:III.2121, and La. R.S. 30:2057(A)(2).

155. On March 1-2, 2010, CO emissions were in excess of the max hourly permit limit for 7 hours. Also, Concentration of H2S in excess of the 160 ppm 3-hr rolling average standard. This is a violation of 40 CFR60.18, 40 CFR 63.11, LAC 33:III.1105, and La. R.S. 30:2057(A)(2).

156. Smoking was observed from the RCCU flare. Stream flow increased to flare. Smoking exceeded a total of 5 minutes in any 120 consecutive minute period. This is a violation of 40 CFR 60.18, 40 CFR 63.11, LAC 33:III.1105, and La. R.S. 30:2057(A)(2)

157. On January 31, 2010 through February 28, 2010, an unexpected unit trip at Motiva's S3 unit caused acid gas to be routed to the S2 unit. S2 was not able to take the additional sulfur load quick enough and exceeded the 250 ppm limit at the S2 Incinerator. Under normal conditions with both S2 and S3 operational, the sulfur load can be transferred between both of Motiva's sulfur plants without exceedances. However, during times of unexpected unit trips it is difficult for one individual sulfur plant to take the entire sulfur load instantaneously. This incident resulted in excess emissions above the NSPS J limit of 250 ppm. This is a violation of Specific Requirement No. 45 of Title V Permit No. 2902-V1, 40 CFR 60.104(a)(2)(i), and La. R.S. 30:2057(A)(2)

158. On March 28, 2010 through March 29, 2010, excess emissions of SO2 were above the NSPS J limit of 250 ppm. This is a violation of 40 CFR 60.104(a)(2)(i) and La. R.S. 30:2057(A)(2).

159. On March 28, 2010 through March 29, 2010, emissions of SO2 were exceeded at the S2 Tail Gas Incinerator. T his is a violation of General Condition C of Title V Permit No. 2902-V1 and La. R.S. 30:2057(A)(2).

160. From January 1, 2010 through June 30, 2010, there was one (1) open-ended line with a missing cap, blind flange, or plug identified during routine inspections. This is a violation of Title V Permit No. 2629-V1, LAC 33:III.2121 and La. R.S. 30:2057(A)(2).

161. From January 1, 2010 through June 30, 2010, there was one (1) open-ended line with a missing cap, blind flange, or plug identified during routine inspections. This is a violation of Title V Permit No. 2502-V3, LAC 33:III.2121 and La. R.S. 30:2057(A)(2).

162. From January 1, 2010 through June 30, 2010, there was one (1) open-ended line with a missing cap, blind flange, or plug identified during routine inspections. This is a violation of Title V Permit No. 2600-V1, LAC 33:III.2121 and La. R.S. 30:2057(A)(2).

163. From January 1, 2010 through June 30, 2010, there was one (1) open-ended line with a missing cap, blind flange, or plug identified during routine inspections. This is a violation of Title V Permit No. 2794-V2, LAC 33:III.2121 and La. R.S. 30:2057(A)(2).

164. From January 1, 2010 through June 30, 2010, there was one (1) open-ended line with a missing cap, blind flange, or plug identified during routine inspections. This is a violation of Title V Permit No. 2501-V1, LAC 33:III.2121, and La. R.S. 30:2057(A)(2).

165. On May 3, 2009, Title V permit limit for SO2 was exceeded at the S2 Tail Gas Incinerator. The duration of this incident lasted for an hour. This is a violation of General Condition C of Title V Permit No. 2902-V0 and La. R.S. 30:2057(A)(2).

166. On February 12, 2010, the facility's concentration of H2S was in excess of the 160 ppm 3-hr rolling average standard. This is a violation of 40 CFR 60.100, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

167. On February 23, 2010, the RCCU decontaminated E-8122 for maintenance. During the decontamination process, purge vents from the process equipment were routed to the RCCU flare causing the high H2S exceedence. This is a violation of 40 CFR 60.100, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

168. On March 19, 2010, the RCCU operator drained the Main Fractionator dip leg due to a high liquid level in the system. This activity is a less than precise method, and in this instance a newly trained operator drained the liquid level below 50% causing high H2S vents to be inadvertently introduced into the flare header. This is a violation of 40 CFR 60.100, La. R.S.30:2057(A)(1), and 30:2057(A)(2).

169. The Cylinder Gas Audit for H2S Analyzer A7835 was not completed within the reporting period due to the following: The West Operations Ground Flare Analyzer A7835 was entered into SAP (maintenance work ticket database) for quarterly Cylinder Gas Audit

(CGA), and scheduled for the last month of the quarter. The ticket was inadvertently closed out without completing the Cylinder Gas Audit for A7835. This is a violation of 40 CFR 60.104 and La. R.S. 30:2057(A)(2).

170. From the time period encompassing January 1, 2010 through March 29, 2010, the presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame. This is a violation of 40 CFR 60.18, 40 CFR 63.11, La. R.S. 30:2057(A)(2).

171. The facility failed to operate the flare with a flame present at all times. Also, excess emissions of HRVOC, 1,3-butadiene, VOC. This is a violation of Specific Requirements 94, 98 and 104 of Title V Permit No. 2602-V3, 40 CFR 60.18, 40 CFR 63.11, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

172. On September 10, 2009, and September 14, 2009, the CO Heater's Flue Gas Scrubber (FGS) CO level was above the max hourly limit of 36.00 lb/hr for 1 hour on each day. Each exceedance of CO is a violation of General Condition C of Title V Permit No. 2602-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

173. On October 5, 2009, while taking a turbine fan down for maintenance, the CO heater was starved for O2 causing incomplete combustion. This is a violation of General Condition C of Title V Permit No. 2602-V2, La. R.S. 30:2057(A)(2).

174. On September 27, 2009, during startup of Shell's OL-5 unit, Motiva's S-3 unit experienced a Title V exceedence due to high SO2 in the incinerator. The exceedance of SO2 is a violation of LAC 33:III.501.C.4, General Condition C of Title V Permit No. 2903-V0, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

175. On October 4, 2009, there was a high flow of H2S to the Incinerator from the Scot System. The increased H2S was caused by the MDEA circulation having to be reduced from 165 to 100gpm. The level in the Scot Stripper had fallen very low due to foaming in the system as a result of a poor MDEA strength. In addition, the steam was reduced to prevent amine carryover to the accumulator due to the high dp. This is a violation of General Condition C of Title V Permit No. 2903-V0, LAC 33;III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

176. From July 1, 2009 through December 31, 2009, there were two (2) open-ended lines with a missing cap, blind flange, or plug identified during routine inspections. This is a violation of LAC 33:III.2121.

177. On December 20, 2009, RCCU's relief valve RV-1591 released to atmosphere and was not monitored with a leak detection device within 24 hours after it had vented to the atmosphere. This is a violation of LAC 33:III.2121, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

178. On December 21, 2009, Opacity exceeded 20% for more than 6 minutes in any 60 consecutive minute period. This is a violation of LAC 33:III.1101.B, La. R.S.30:2057(A)(2).

179. On August 28, 2009, smoking exceeded a total of 5 minutes in any 120 consecutive minute period. This is a violation of LAC 33:III.1105, La. R.S. 30:2057(A)(2).

180. On September 15, 2009, Shell's GO-1 Unit was heavily venting its MAP Reactor during restart of its unit. This is a violation of LAC 33:III.1105, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

181. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame. This is a violation of Specific Requirement #:256 and 257 of Title V Permit No. 2602-V1 and La. R.S. 30:2057(A)(2)

182. From the time period encompassing July 1, 2009 through September 26, 2009, there were a total of 147 3-hr rolling average Concentrations of H2S in excess of the 160 ppm. Each exceedance of the 3 hr rolling average is a violation of f 40 CFR 60.104 (a)(1), LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

183. From the time period encompassing November 5, 2009 through December 20, 2009, there were a total of 193 3-hr rolling average Concentrations of H2S in excess of the 160 ppm. Each exceedance of the 3 hr rolling average is a violation of f 40 CFR 60.104 (a)(1), LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

184. The presence of a flare pilot flame recordkeeping by electronic or hard copy during the loading cycle. Keep up-to-date, readily accessible records of the flare pilot flame. This is a violation of Specific Requirement #78 and 379 of Title V Permit No. 2912-V2, 40 CFR 61.305, La. R.S. 30:2057(A)(2).

185. From July 1, 2009 through December 31, 2009, there was one (1) open-ended lines with a missing cap, blind flange, or plug identified during routine inspections. This is a violation of LAC 33:III.2121 and 30:2057(A)(2).

186. From July 1, 2009 through December 31, 2009, there was one (1) open-ended lines with a missing cap, blind flange, or plug identified during routine inspections. This is a violation of LAC 33:III.2121 and 30:2057(A)(2).

187. From July 1, 2009 through December 31, 2009, there was one (1) open-ended lines with a missing cap, blind flange, or plug identified during routine inspections. This is a violation of LAC 33:III.2121 and 30:2057(A)(2).

188. From July 1, 2009 through December 31, 2009, there were two (2) open-ended lines with a missing cap, blind flange, or plug identified during routine inspections. This is a violation of LAC 33:III.2121 and 30:2057(A)(2).

189. Owners and operators of stationary CI ICE that commence construction after July 11, 2005 where the stationary CI ICE are manufactured after April 1, 2006 and are not fire pump engines are subject to permitting. Engine was deployed in permanent service in 2009 without prior part 70 permitting. This is a violation of LAC 33:III.501.C.2 and 30:2057(A)(2).

190. From July 1, 2009 through December 31, 2009, 1 pump (RM 06619) missed the 15 day repair requirement (11/14/09). A scheduling error occurred. This is a violation of LAC 33:III.2121 and La. R.S. 30:2057(A)(2).

191. On September 29, 2009 and November 2, 2009, smoking exceeded a total of 5 minutes during any two consecutive hour periods. This is a violation of 40 CFR 60.18.

192. From July 1, 2009 through December 31, 2009, 1 Instrument System component (H24419) missed the 15 day repair requirement (11/08/09). A scheduling error occurred. This is a violation of LAC 33:III.2121 and La. R.S. 30:2057(A)(2).

193. From July 1, 2009 through December 31, 2009, 1 flange (H24419) missed the 15 day repair requirement (12/28/09). A scheduling error occurred. This is a violation of LAC 33:III.2121 and La. R.S. 30:2057(A)(2).

194. On September 30, 2009, the pH analyzer failed and subsequently registered a low average pH reading for that day. This is a violation of 40 CFR 63.1567(a)(1)(ii) and La. R.S. 30:2057(A)(2).

195. From July 1, 2009 through December 31, 2009, there was one (1) open-ended line with a missing cap, blind flange, or plug identified during routine inspections. This is a violation of LAC 33:III.2121 and 30:2057(A)(2).

196. From January 1, 2010 through June 30, 2010, there were three (3) open-ended lines with a missing cap, blind flange, or plug identified during routine inspections. This is a violation of LAC 33:III.2121 and 30:2057(A)(2).

197. On 12/7/2009, Motiva's propane truck loading rack-the loading and flare valves were left open following a loading event. 12/7/09 @ 1325-1330 hrs; third party truck driver failed to close the loading vale and flare valve after loading a truck; no liquid released; no RQ exceedances. This is a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(2).

198. On October 25, 2009, instrumentation failure on the HCU first stage recycle gas compressor (K-1928) speed controller resulted in the shutdown of the HCU process unit; no RQ exceedances.

199. On October 11, 2009, recycle gas compressor K-2057 tripped due to high axial thrust which was caused by a thrust-bearing failure; no RQ exceedances.

200. On September 4, 2009, a hole was discovered in the CR-2 unit's Caustic and Water Wash Column overhead piping allowing scrubbed regeneration gas to be released to the atmosphere; no RQ exceedances. This is a violation of LAC 33:III.905, La. R.S. 30:2057(A)(2).

201. On 6/16/2009 S-3 Unit tripped online unexpectedly due to a main air trip transmitter failure; 6/16/09 @ 0844-0905 hours; no RQ exceedances.

202. On May 28, 2009, recycle gas compressor K-2057 tripped due to high axial thrust which was caused by a thrust-bearing failure; 5/28/09 @ 1155 hours-5/29/2009 @ 1914 hours; no RQ exceedances.

203. On June 2, 2009, 1,3 butadiene and benzene from flaring at Motiva's West Operations Ground Flare was due to an unexpected upset in the GO-1 Process Unit. This is a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(2).

204. On May 27, 2009, due to a misalignment at the RCCU's C3/C4 treater section, the Debutanizer tops stream was inadvertently blocked-resulted in high level in the Debutanizer accumulator and pressure increased. Operations activated the use of a HIC valve on the accumulator sending emissions to the RCCU flare to prevent the atmospheric release of hydrocarbon to the atmosphere through column relief valves.; no RQ exceedances. This is a violation of LAC 33:III.905, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

205. During the time period encompassing 5/9/2009-5/12/2009 light hydrocarbon material was sent to Motiva's slop oil tank, D-422. As a result, approx. 10.5 bbls of liquid product were pushed onto the internal floating roof of the tank. A tear in the primary seal fabric of the tank was discovered; 5/9/09 @ 1900-5/12/09 @ 0800 hours; no RQ exceedances. This is a violation of LAC 33:III.905 and La. R.S. 30:2057(A)(2).

206. On 4/2/2009, While dewatering RU gasoline tank F-456 and crude oil tanks A-413 and A-416, a leak developed due to corrosion in the three inch dewatering line causing oily water to spray onto the nearby paved street, surrounding soil and into a wastewater drainage ditch ;4/2/09 @ 2325-2340 hours; no RQ exceedances. This is a violation of LAC 33:III.905, La. R.S. 30:2057(A)(2).

207. On February 6, 2009, 1,3-butadiene, benzene, carbon monoxide, ethylene, hydrogen sulfide, nitrogen oxides, propylene, sulfur dioxide, and VOC-due to an unexpected shutdown of Shell Chemical's Boilers 8 and 9 and a resulting steam shortage, the release notification was made under Shell Chemical. This is a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

208. On 1/26/2009, an Unauthorized Discharge-release of xylenes, VOC and flammable gas to atmosphere due to the presence of liquid product on the internal floating roof of tank D-422. This is a violation of LAC 33:III.905, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

209. On 9/6/2009; 9/16/2009-9/17/2009; 9/21/2009; 9/23/2009-9/25/2009, there were periods under 40 CFR 61.305(e) in which the pilot flame on the flare was abasent-40 CFR 61.305(f)(4)-due to high seal drum level. This is a violation of LAC 33:III.905, La. R.S. 30:2057(A)(2).
210. Pilot flame absences on 5/10/2008 for F-165, 5/19/2008 for F-166, 6/4/2008 for F-166. This is a violation of LAC 33:III.905, La. R.S. 30:2057(A)(2).

211. During the Calendar year of 2007, there were permit limit exceedances due to changes in current emission factors. Letter states that five of the reported exceedances were due to changes in emission factors as compared to the permit basis. Per LAC 33:III.501.C.11 excess emissions based solely on AP-42 factors are not violations. Revised report submitted stating Motiva inadvertently omitted a statement regarding a missed repair. The missed repair was inadvertently listed as a DOR. This is a violation of LAC 33:III.2121, La. R.S. 30:2057(A)(2).

212. From the time period encompassing 10/8/2008 - 11/20/2008 there were emissions in excess of permit limits due to shutdown and associated maintenance activities of the RCCU unit for unit turnaround work due to the COH tube leak.

213. On 7/9/2008, a pressure swing at the Hydrocracking Unit caused the relief valve on the HCU Rectifier Absorber column (PV-822) to open momentarily to atmosphere. This is a violation of LAC 33:III.905 and La. R.S. 30:2057(A)(2).

214. On 4/23/2007, Source ID 1226-95/F-442 tank was identified as having the incorrect seat configuration. This is a violation of LAC 33:I.3925 and La. R.S. 30:2057(A)(2).

215. On 11/19/2007, (Source ID EQT 039 EFR 1210-95 and K-558) tank roof was landed on its legs due to improper settings. This is a violation of 40 CFR 60 Kb, 40 CFR 61 FF, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

216. During the time period encompassing 7/1/07-9/30/07, there was an open-ended line with a missing cap, blind, flange, or plug identified during routing inspections. This is a violation of LAC 33:III.2121 and La. R.S. 30:2057(A)(2).

217. Monitoring data pertaining to the DHT Unit was inadvertently left out of the first semiannual 2007 GGG report. This is a violation of 40 CFR 60 A, 40 CFR 60 GGG, and La. R.S. 30:2057(A)(2).

218. On 8/11/2007 acid gas flaring occurred at Shell Chemical's West Ops Elevated Flare. The flaring was from Motiva's Sulfur Recovery Plant #3 (S-3) as a result of a unit trip at Motiva's Sulfur recovery Plant #2 (S-2). This release didn't result in emergency condition. No fatalities, injuries or road closures. This is a violation of LAC 33:I.3925 and La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

219. Control valve 755 failed prematurely resulting in an increase in pressure on the Rectified Absorber Column causing RV1178 to open to atmosphere. When CV-755 was reopened, there was a sudden increase in flow to the H2S extractor causing a pressure increase. The increase in pressure on the H2S Extractor Column resulted in RV1184 opening to the HCU Flare (EPN 4-84). The release did not result in an emergency condition. There were no fires, fatalities, injuries or road closures. This is a violation of LAC 33:I.3925, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

220. Motiva did not submit an initial notification or semiannual reports under Subpart RRR for Alky Reactor 9 project (also the project was not permitted);Administrative requirements not met- but control and monitoring have been met. This is a violation of 40 CFR 60 Subpart RRR, La. R.S. 30:2057(A)(2).

221. Secondary Seal Visual and Secondary Seal Gap Measurement; Results of the seal gap measurements are not in compliance since there were individual gap widths that exceeded 0.5 inches. This is a violation of 40 CFR 63.654(g)(3)(iii) , LAC 33:III.2103.D.2(e), and La. R.S. 30:2057(A)(2).

222. 12/28/2006 Shell Chemical's GO 1 Propylene Refrigerant Compressor unexpectedly shutdown due to a high vibration alarm. This compressor is designed to shutdown when it experiences high vibration to prevent damage to the compressor. GO 1 operations immediately restarted the compressor, but the process unit upset resulting from the shutdown led to flaring at the West Operations Ground Flares. This is a violation of LAC 33:V.10111; LAC 33:I.3925, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

223. From the time period encompassing 10/1/2006 - 12/31/2006, There were a total of 9 open-ended valve or lines with a missing cap, blind flange, or plug identified during routine inspections between 10/1/06 and 12/31/06. This is a violation of LAC 33:III.2121 and La. R.S. 30:2057(A)(2).

224. There was one open-ended valve or lines with a missing cap, blind flange, or plug identified during routine inspections between 10/1/06 and 12/31/06. This is a violation of LAC 33:III.2121 and La. R.S. 30:2057(A)(2). While making rounds, DHT Operator noticed that the stripper vent gas compressor was knocking. The compressor was monitored for vibrations. High vibrations were detected and on 7/18/2006 the vibrations increased and the compressor was taken off line. The release did not result in an emergency condition. No fatalities or road closures. This is a violation of LAC 33:V.10111, LAC 33:I.3925, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

225. 7/19/2006 Shell Chemical's GO-1 unit exceeded permit limits for benzene and toluene at Motiva's west ops ground flare. This is a violation of Title V Permit No. 2510-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

226. On 8/20/06, the facility exceeded the permit limits for sulfur dioxide, benzene, hexane, and toluene. This is a violation of Title V Permit No. 2510-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

227. According to a letter dated 12/13/06, the facility exceeded the SO2 permitted limit. The SO2 amount released above permitted quantity was 832.94 lbs. This is a violation of Title V Permit No. 2602-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

228. According to a letter dated 12/13/06, the facility exceeded the CO permitted limit by 879.67 lbs. This is a violation of Title V Permit No. 2602-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

229. According to a letter dated 12/13/06, the facility exceeded the VOC permitted limit by 54.47 lbs. This is a violation of Title V Permit No. 2602-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

230. According to a letter dated 12/9/06, the facility exceeded the CO permitted limit by 149 lbs. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

231. According to a letter dated 12/9/06, the facility exceeded the NOx permitted limit by 3lbs. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

232. According to a letter dated 12/9/06, the facility exceeded the PM permitted limit by 1lb. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

233. According to a letter dated 11/3/06, the facility exceeded the CO permitted limit by 196 lbs. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

234. According to a letter dated 11/3/06, the facility exceeded the SO2 permitted limit by 10 lbs. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

235. According to a letter dated 10/25/06, the facility exceeded the CO permitted limit by 196 lbs. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

236. According to a letter dated 10/25/06, the facility exceeded the SO2 permitted limit by 10lbs. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

237. According to a letter dated 10/18/06, the facility exceeded the benzene permitted limit by 0.40 lbs. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

238. According to a letter dated 10/18/06, the facility exceeded the Toluene permitted limit by 0.05lbs (Incident 10/3/06). This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

239. According to a letter dated 10/18/06, the facility exceeded the permitted limit for benzene by 0.33 lbs . This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

240. According to a letter dated 10/18/06, the facility exceeded the permitted limit for Toluene by 0.05lbs (Incident 10/4/06). This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

241. According to a letter dated 10/10/06, the facility exceeded the permitted limit for H2S by 1.97 lbs. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

242. According to a letter dated 10/10/06, the facility exceeded the permitted limit for VOCs by 3942.42 lbs. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

243. According to a letter dated 10/10/06, the facility exceeded the permitted limit for SO2 by 503.74 lbs (Incident 4/15/06). This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

244. According to a letter dated 10/10/06, the facility exceeded the permitted limit for VOCs by 12.54 lbs (Incident 4/15/06).

245. According to a letter dated 10/10/06, the facility exceeded the permitted limit for SO2 by 3436.15 lbs. (Incident 4/16/06). This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

246. According to a letter dated 10/10/06, the facility exceeded the permitted limit for VOCs by 241.33 lbs. (Incident 4/16/06). This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

247. According to a letter dated 10/10/06, the facility exceeded the permitted limit for SO2 by 467.08 lbs. (Incident 4/17/06). This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

248. According to a letter dated 10/10/06, the facility exceeded the permitted limit for VOCs by 946.32 lbs. (Incident 4/17/06). This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

249. According to a letter dated 9/6/06, the facility exceeded the permitted limit for Toluene by 1 lb. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

250. According to a letter dated 9/6/06, the facility exceeded the permitted limit for benzene by 13 lbs. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

251. According to a letter dated 9/22/06, the facility exceeded the permitted limit for CO by 10,439 lbs. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

252. According to a letter dated 9/22/06, the facility exceeded the SO2 permitted limit by 896 lbs. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

253. According to a letter dated 9/22/06, the facility exceeded the Hexane permitted limit by 28 lbs. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

254. According to a letter dated 9/22/06, the facility exceeded the Benzene permitted limit by 136.74 lbs. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

255. According to a letter dated 9/22/06, the facility exceeded the Toluene permitted limit by 69.75 lbs. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

256. According to a letter dated 8/23/06, the facility exceeded the SO2 permitted limit by 387 lbs. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

257. According to a letter dated 8/6/06, the facility exceeded the permitted limit for benzene by 0.57 lbs . This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

258. According to a letter dated 8/6/06, the facility exceeded the permitted limit for toluene by 0.38 lbs. This is a violation of LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

259. According to a letter dated 6/15/06, the facility exceeded the permitted limit for CO by 1397 lbs. This is a violation of LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

260. According to a letter dated 6/15/06, the facility exceeded the permitted limit for benzene by 1 lb. . This is a violation of LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

261. According to a letter dated 6/15/06, the facility exceeded the permitted limit for toluene by 0.2 lbs. This is a violation of LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

262. According to a letter dated 6/1/06, the facility exceeded the permitted limit for CO by 150 lbs. This is a violation of LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

263. According to a letter dated 6/1/06, the facility exceeded the permitted limit for Benzene by 13 lbs. This is a violation of LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

264. According to a letter dated 6/1/06, the facility exceeded the permitted limit for toluene by 1 lb. This is a violation of LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

265. According to a letter dated 3/7/06, the facility exceeded the permitted limit for SO2 by 3,691.4 lbs. This is a violation of LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

CEMS REPORTS:

1 Deviations reported in the 2010 third quarter NSPS Subpart J Quarterly Report under cover letter dated October 27, 2010.

2 Deviations reported in the 2009 first quarter NSPS Subpart J Quarterly Report under cover letter dated April 30, 2009.

3 Deviations reported in the 2008 fourth quarter NSPS Subpart J Quarterly Report under cover letter dated January 30, 2009.

4 Deviations reported in the 2008 third quarter NSPS Subpart J Quarterly Report under cover letter dated October 30, 2008.

5 Deviations reported in the 2008 second quarter NSPS Subpart J Quarterly Report under cover letter dated July 29, 2008.

6 Deviations reported in the 2008 first quarter NSPS Subpart J Quarterly Report under cover letter dated April 29, 2008.

7 Deviations reported in the 2007 first quarter NSPS Subpart J Quarterly Report under cover letter dated April 30, 2007.

8 Deviations reported in the 2006 fourth quarter NSPS Subpart J Quarterly Report under cover letter dated January 30, 2007.

9 Deviations reported in the 2006 third quarter NSPS Subpart J Quarterly Report under cover letter dated October 30, 2006.

10 Deviations reported in the 2006 second quarter NSPS Subpart J Quarterly Report under cover letter dated July 28, 2006.

11 Deviations reported in the 2005 fourth quarter NSPS Subpart J Quarterly Report under cover letter dated January 30, 2006.

12 Deviations reported in the 2005 second quarter NSPS Subpart J Quarterly Report under cover letter dated July 29, 2005.

13 On or about April 2, 2010, a release of naphtha from the Shell Chemical LP, East Site resulted in 4.21Mg of benzene entering the waste stream DSTR693. Due to this event the Total Annual Benzene for the year 2010 was reported as 7.3Mg/yr, exceeding the facility's BQ option of 6Mg/yr. This is a violation of 40 CFR 61.342(e)(2)(i).

APPENDIX B (Convent Facility)

AIR QUALITY VIOLATIONS:

RELEASES: (Reporting Year 2005)

1 A release of approximately 200 gallons of diesel spilled to slab, PM 0.2 lbs, NOx 5.1 lbs, SO2 0.3 lbs, and CO 1.1 lbs occurred on July 8, 2005. This release was reported by Motiva in an unauthorized discharge report dated July 14, 2005.

2 A release of PM 1.1 lbs, NOx 5.8 lbs, VOC 11.8 lbs, and CO 31.3 lbs occurred on October 29, 2005. This release was reported by Motiva in an unauthorized discharge report dated November 3, 2005.

3 A release of NOx occurred on December 24, 2005. This release was reported by Motiva in an unauthorized discharge report dated February 16, 2006.

TITLE V REPORT: (Reporting Year 2005)

1 Deviations reported in 2005 Title V Annual Compliance Certification under cover letter dated March 31, 2006 for Title V Permit No. 2560-00001-V5.

OTHER ISSUES (Reporting Year 2005)

1. Deviations reported in 2005 First Quarter General Condition R.3 Report under cover later dated
2. Deviations reported in 2004 second half NESHAP Periodic Report and Startup and Shutdown Malfunction Report under cover letter dated March 15, 2005.
3. Deviations reported in 2005 second half NESHAP Periodic Report and Startup and Shutdown Malfunction Report under cover letter dated September 13, 2005.
4. A deviation reported in 2005 first half NSPS Subpart QQQ Report under cover letter dated July 25, 2005.
5. The 60 day notification for the primary and secondary seal inspections was not submitted for the 7/14/05 seal inspections as reported to the Department in a report dated November 8, 2005.
6. The 30 day notification prior to refill for tank 37T-314 was not submitted as reported to the Department in a report dated November 8, 2005.
7. In a report submitted to the Department under cover letter dated January 19, 2005, Tank 20D-7 was visually inspected on 1/14/05 in accordance with LAC 33:III.2103.D.2.e and seal gap measurements were performed in accordance with the same regulations. The inspection revealed the primary seal had gaps that exceeded the tolerances specified in LAC 33:III.2103.D.2.d.

RELEASES: (Reporting Year 2006)

1. A release of CO occurred on March 16, 2006, as reported in an unauthorized discharge report under cover letter dated March 21, 2006.
2. Several releases occurred during the 2005 calendar year, as reported by Motiva in an unauthorized discharge report under cover letter dated April 7, 2006.
3. A release of hydrogen occurred on April 7, 2006, as reported by Motiva in an unauthorized discharge report under cover letter dated April 11, 2006.
4. Several releases occurred during the 2005 calendar year, as reported by Motiva in an unauthorized discharge report dated July 10, 2006.
5. A release of VOCs occurred on June 3, 2006, as reported by Motiva in an unauthorized discharge report dated June 4, 8, and 10 2006.
6. A release of SO2 occurred on June 12-13, 2006, as reported by Motiva in an unauthorized discharge report dated June 13, 2006.

TITLE V REPORTS: (Reporting Year 2006)

1. Deviations reported in 2006 Title V Annual Compliance Certification under cover letter dated March 29, 2007.
2. Deviations reported in 2006 2nd Semiannual Monitoring Report under cover letter dated March 29, 2007.
3. Deviations reported in 2006 1st Semiannual Monitoring Report under cover letter dated September 27, 2006.

OTHER ISSUES (Reporting Year 2006)

1. Deviations reported in Semiannual LDAR Report under cover letter dated July 6, 2006.
2. Deviations reported in Subpart QQQ Semiannual Monitoring Report under cover letter dated July 27, 2006.
3. Deviations reported in Notification of Compliance Status for the National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries under cover letter dated August 29, 2006.

RELEASES (Reporting Year 2007)

1. Failure to have a flame present at all times for the 85D-105 HGU WWTU Flare on December 21, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated December 21, 2007.
2. A release of ammonia on December 21, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated December 21, 2007.
3. Visible emissions with an opacity greater than 20% on November 6, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated November 8, 2007.
4. A release of NOx on November 7, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated November 8, 2007.
5. A release of sulfur dioxide on November 6, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated November 8, 2007.
6. A release of sulfur dioxide on October 18, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated October 19, 2007.
7. A release of sulfur dioxide on October 18, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated October 19, 2007.
8. A release of sulfur dioxide on October 18, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated October 19, 2007.
9. Visible emissions with an opacity greater than 20% on October 18, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated October 25, 2007.
10. A release of sulfur dioxide on October 14, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated October 15, 2007.
11. A release of sulfur dioxide on September 26, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated September 27, 2007.
12. A release of ammonia on August 28, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated August 30, 2007.
13. Visible emissions with an opacity greater than 20% on August 18 through August 19, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated August 23, 2007.
14. A release of ammonia on August 21 through August 23, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated August 23, 2007.
15. A release of PM10, SO2, NO2, CO and VOC on July 8, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated July 13, 2007.
16. Visible emissions with an opacity greater than 20% on June 13, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated June 15, 2007.
17. A release of sulfur dioxide on October 17, 2006, as reported by Motiva-Convent in an unauthorized discharge report dated March 29, 2007.

18. Exceedance of SO2 emission limits for the 78H-101 TGTU No. 4 Incinerator Stack on February 15, 2007 at 1401 hours until February 16, 2007 at 2000 hours, as reported by Motiva-Convent in an unauthorized discharge report dated February 19, 2007.
19. Exceedance of SO2 3-hour average emission limit for 78H-101 TGTU No. 4 Incinerator Stack on February 15, 2007, at 1401 hours until February 16, 2007, at 2000 hours, as reported by Motiva-Convent in an unauthorized discharge report dated February 19, 2007.
20. Visible emission with an opacity greater than 20% on February 17, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated February 19, 2007.
21. Release of SO2 on February 6, 2007, as reported by Motiva-Convent in an Incident Report dated March 6, 2007.
22. A release of sulfur dioxide on February 6, 2007, as reported by Motiva-Convent in an unauthorized discharge report dated March 6, 2007.

TITLE V REPORTS: (Reporting Year 2007)

1. Deviations reported in the first half 2007 Semiannual Monitoring Report under cover letter dated September 27, 2007, for Title V Permit No. 2560-00001-V5.
2. Deviations reported in the 2007 first quarterly deviation report and the first half 2007 Semiannual Monitoring Report under cover letter dated September 27, 2007, for Title V Permit No. 2560-00001-V5.
3. Deviations reported in the 2007 Annual Compliance Certification under cover letter dated March 31, 2008, for Title V Permit No. 2560-00001-V5.
4. Deviations reported in the 2007 third quarter deviation report included with the 2007 Annual Compliance Certification under cover letter dated March 31, 2008, for Title V Permit No. 2560-00001-V5.

OTHER ISSUES: (Reporting Year 2007)

1. Exceedance of sulfur dioxide 12 hour rolling average emission rate for the TGTU No. 3 Incinerator Stack (EPN 77H-101) on April 28, 2007, as reported in the first half 2007 Semiannual Monitoring Report under cover letter dated September 27, 2007. This was corrected by temporarily slowing down/adjusting refinery operations to reduce acid gas production and took SRU-3/TGTU-3 offline.
2. Exceedance of sulfur dioxide 3-hour average emission rate on the TGTU No. 3 Incinerator Stack (EPN 77H-101) on April 29, 2007, as reported in the first half 2007 Semiannual Monitoring Report under cover letter dated September 27, 2007.
3. Exceedance of sulfur dioxide 3-hour average emission rate on the TGTU No. 3 Incinerator Stack (EPN 78H-101) on April 28, 2007, as reported in the first half 2007 Semiannual Monitoring Report under cover letter dated September 27, 2007. This was corrected by temporarily slowing down/adjusting refinery operations.
4. Exceedance of CO, VOC, H2S (State Only), and Methanol (State Only) for 79J-904 TORVEX Incinerator Exhaust on April 8, 2007, as reported in the first half 2007 Semiannual Monitoring Report under cover letter dated September 27, 2007. This was corrected by raising the outlet temperature set point to better reflect normal operation and implementing additional monitoring of the outlet temperature control scheme.

5. Exceedance of sulfur dioxide 3-hour average emission rate on the76H-101 TGTU No. 2 Incinerator Stack on March 9, 2007, as reported in the 2007 First Quarter Deviation Report, dated June 29, 2007.
6. Exceedance of sulfur dioxide 3-hour average emission rate on the76H-101 TGTU No. 2 Incinerator Stack on March 9, 2007, as reported in the 2007 First Quarter Deviation Report, dated June 29, 2007.
7. Exceedance of sulfur dioxide 3-hour average emission rate on the 77H-101 TGTU No. 3 Incinerator Stack March 18, 2007, as reported in the 2007 First Quarter Deviation Report, dated June 29, 2007.
8. Exceedance of sulfur dioxide 3-hour average emission rate on the 78H-101 TGTU No. 4 Incinerator Stack on March 27, 2007, as reported in the 2007 First Quarter Deviation Report, dated June 29, 2007.
9. Exceedance of sulfur dioxide 3-hour average emission rate on the 78H-101 TGTU No. 4 Incinerator Stack on February 15 through February 16, 2007, as reported in the 2007 First Quarter Deviation Report, dated June 29, 2007.
10. Exceedance of sulfur dioxide 3-hour average emission rate on the 82H-101 TGTU No. 5 Incinerator Stack on March 14 through March 15, 2007, as reported in the 2007 First Quarter Deviation Report, dated June 29, 2007.
11. Exceedance of H2S maximum emission rate limit for 89T-102 H-Oil Sour Water Tank No. 2 on March 15, 2007, as reported in the 2007 First Quarter Deviation Report, dated June 29, 2007.
12. Exceedance of CO maximum emission rate limit for the FCCU WGS on February 6, 2007, as reported in the 2007 First Quarter Deviation Report, dated June 29, 2007.
13. Visible emissions observed for the FCCU WGS on February 6, 2007, as reported in the 2007 First Quarter Deviation Report, dated June 29, 2007.
14. Visible emissions observed for the FCCU WGS on February 6, 2007, as reported in the 2007 First Quarter Deviation Report, dated June 29, 2007.
15. Cover off and leak discovered with gear box from API No. 2 in January 2007, as reported in 2006 Annual 40 CFR Subpart FF Report, dated January 25, 2007.
16. Found liquid product on the floating roof of Tank No. 20D-12 due to floating roof failure discovered on October 22, 2006, as reported in the 2007 second half NESHAPS Periodic and SSM Report (40 CFR 63 Subpart CC), dated March 15, 2007.
17. Found dried product residue (clingage) on the floating roof of Tank No. 20D-10 on October 31, 2006, as reported in the 2007 second half NESHAPS Periodic and SSM Report (40 CFR 63 Subpart CC), dated March 15, 2007.
18. Discovered a leaking seal on Pump 89PM-108 on October 30, 2006, as reported in the 2006 Annual 40 CFR 61 Subpart FF Report, dated March 22, 2007.
19. Discovered water leaking from a braided hose on the discharge line of Pump 37PM-410 on November 27, 2006, as reported in the 2006 Annual 40 CFR 61 Subpart FF Report, dated March 22, 2007.
20. Exceedance of 2007 annual emission rate limit for 2,2,4-Trimethylpentane for Tanks-Storage Tanks, as reported in the 2007 Annual Compliance Certification dated March 31, 2008.

21. Exceedance of Total Particulate Matter (PM/PM25), Nitrogen Oxides, Carbon Monoxide, and Total VOC on 14H-101 HTU-2 Charge Heater, Train 1 beginning on July 8, 2007 at 2301 hours until July 9, 2007 at 0000 hours, as reported in the 2007 third quarter deviation report included with the 2007 Annual Compliance Certification under cover letter dated March 31, 2008.
22. Exceedance of Total VOC maximum emission rate limit for 20D-67 HCR Tank No. 1 beginning August 21, 2007 at 1850 hours until August 23, 2007 at 1500 hours, as reported in the 2007 Annual Compliance Certification dated March 31, 2008.
23. Exceedance of sulfur dioxide 3-hour average maximum (lb/hr) emission limit on the 78H-101 TGTU No. 4 Incinerator Stack on September 26, 2007, as reported in the 2007 Annual Compliance Certification under cover letter dated March 31, 2008.
24. Visible emissions/pluming observed from the Sulfur Recovery Unit No. 4/Tail Gas Treating Unit No. 4 Stack while lighting the thermal reactor on August 18, 2007 at 2330 hours until August 19, 2007 at 1945 hours, as reported in the 2007 third quarter deviation report included with the 2007 Annual Compliance Certification under cover letter dated March 31, 2008.
25. Visible emissions/pluming coming from the 79J-904 TORVEX Incinerator Stack on the HGU August 27, 2007 at 0430 hours until 0515 hours, as reported in the 2007 third quarter deviation report included with the 2007 Annual Compliance Certification under cover letter dated March 31, 2008.
26. Exceedances of sulfur dioxide, sulfuric acid, and/or hydrogen sulfide emission limits for 79J-904 TORVEX Incinerator Exhaust occurred on August 27, 2007 at 0430 hours until 0515 hours, as reported in the 2007 third quarter deviation report included with the 2007 Annual Compliance Certification under cover letter dated March 31, 2008.

NSPS Subpart Db:

1 Exceedance of NOx standard in 40 CFR 60.44b, Table 2 during the period of November 7, 2007, for the 31F-810 Steam Boiler, as reported in 2007 Annual Compliance Certification dated March 31, 2008.
2 Exceedance of NOx standard in 40 CFR 60.44b, Table 2 on the 83H-101 VPS2 Atm. Tower Feed Heater on November 13, 2007, as reported in the 2007 Annual Compliance Certification dated March 31, 2008.
3 Exceedance of NOx standard in 40 CFR 60.44b, Table 2 on the 78H-101 TGTU No. 4 Incinerator Stack on November 13, 2007, as reported in the 2007 Annual Compliance Certification dated March 31, 2008.
4 Exceedance of sulfur dioxide 3-hour average maximum emission rate (lb/hr) on the 78H-101 TGTU No. 4 Incinerator Stack on November 6, 2007, as reported in 2007 Annual Compliance Certification dated March 31, 2008.
5 Exceedance of the 83H-101 VPS2 Atm. Tower Feed Heater high limit on November 11, 2007, as reported in the 2007 Annual Compliance Certification dated March 31, 2008.

6 Discovered two (2) waste streams were not included in the Total Annual Benzene (TAB) Report for 2007, as reported in the 2007 Annual Compliance Certification dated March 31, 2008.

LDAR Items:

1. Reported ninety-eight (98) open ended lines between April 1, 2007 and June 30, 2007, as reported in 2007 first Semiannual Monitoring Report under cover letter, dated September 27, 2007. All lines were plugged within two days of discovery except the ones needing physical repair.
2. Reported one hundred thirty (130) open ended lines between January 1 and March 30, 2007, as reported in 2007 first Semiannual Monitoring Report and the first Quarter Deviation Report under cover letter, dated September 27, 2007. All lines were plugged within two days of discovery except the ones needing physical repair.
3. Reported thirty (30) open-ended valves and/or lines with missing caps/plugs between October 1, 2007, through December 31, 2007, as reported in the 2007 Annual Compliance Certification under cover letter, dated March 31, 2008. All lines were plugged within two days of discovery except the ones needing physical repair
4. Reported sixty-six (66) open ended valves and/or lines with missing caps/plugs between July 1, 2007 through September 30, 2007, as reported in the 2007 third quarter deviation report included with the 2007 Annual Compliance Certification under cover letter dated March 31, 2008.

INSPECTIONS: (Reporting Year 2008)

1. Air areas of concern were noted in a Full Compliance Evaluation inspection conducted October 30, 2008 through November 17, 2008.

RELEASES: (Reporting Year 2008)

1. A spill of approximately 1 gallon of fuel oil and resultant fire occurred on or about February 23, 2008 at the inlet to a heater exchanger due to an open valve and incompletely secured pipe plug. Reported in Incident Report # 08-01033 dated February 23, 2008.
2. A flaring incident, loss of flame, and release of Ammonia (NH_3) occurred on January 12, 2008, as reported in an unauthorized discharge report dated January 15, 2008.
3. An unexpected outage on the TORVEX incinerator beginning on January 23, 2008 lasted 2 days 14 hours, releasing H_2S, CO, VOC and methanol, as reported in an unauthorized discharge report dated January 30, 2008.
4. A leak at a valve on the H-Oil heater, followed by a small, quickly-contained fire occurred on April 24, 2208, as reported in an unauthorized discharge report dated April 24, 2008.
5. A leak at a CRU released off-gas, methane and ethane, for 5 hours on April 24, 2008, as reported in an unauthorized discharge report dated May 1, 2008.

6. A flaring event occurred June 2, 2008 for 8 hours on Refinery Flare No. 2, caused by operator error. H_2S levels were not recorded during the event, as reported in the 2008 First Semiannual Monitoring Report.
7. A flaring event occurred June 17, 2008 for 11 hours on Refinery Flare No. 3 when a boiler feedwater pump tripped out. Permit levels of PM, SO_2, NO_x, and CO were exceeded, as reported in an unauthorized discharge report dated June 24, 2008.
8. A flaring event occurred August 10, 2008 for 3 hours on Refinery Flare No. 3 when a CRU control valve failed. Permit levels of PM, SO_2, NO_x, and CO were exceeded, as reported in an unauthorized discharge report dated August 8, 2008.

TITLE V REPORTS: (Reporting Year 2008)

1. Deviations reported in the 2008 First Semiannual Monitoring Report which references the first and second quarter deviation reports, first and second quarter CEMS and NSPS Subparts Db, NNN, and RRR Quarterly Reports, dated April 28, 2008 and July 30, 2008, respectively; under cover letter dated September 30, 2008, for Title V Permit Nos. 2560-00001-V5 and 3061-V0.
2. Deviations reported in the 2008 Third Quarter Deviation Report under cover letter dated December 30, 2008, for Title V Permit Nos. 2560-00001-V5 and 3061-V0.
3. Deviations reported in the 2008 Second Semiannual Monitoring Report under cover letter dated March 31, 2009, for 1) Title V Permit Nos. 2560-00001-V5 and 3061-V0 for the period prior to September 30, 2008 and 2) for the period following the September 30, 2008 issue date of Title V Permit Nos. 2560-00001-V6, which combined and updated the two previous Title V permits.

OTHER ISSUES: (Reporting Year 2008)

1. A semiannual floating roof seal inspection, conducted January 22, 2008, determined that the vacuum breaker vent on the Waste Oil tank was stuck open, leading to an incorrectly indicated level position.
2. A level transmitter failed on floating roof tank LSR/CRU and vented natural gas for 0.5 hours, as reported in the 2008 Third Quarter Deviation Report, dated December 30, 2008.
3. The primary seal on Tank 20D-29 was replaced, with the tank in operation, on July 11, 2008 after holes in the seal were discovered during an inspection on April 30, 2008, as reported in the NESHAP Report dated September 11, 2008.
4. The primary seal on Tank 20D-6 was replaced, with the tank in operation, on June 16, 2008 after holes in the seal were discovered during an inspection on May 1, 2008, as reported in the NESHAP Report dated September 11, 2008.

40 FR 63 Subpart CC

1. Deviations reported in the January 15, 2008 to July 15, 2008 40 CFR 63 Subpart CC – Petroleum Refinery NESHAP Periodic Report under cover letter dated September 11, 2008, for Title V Permit No. 2560-00001-V5.

40 FR 60 Subpart QQQ

1. Deviations reported in the first half 2008 40 CFR 60 Subpart QQQ Semiannual Report under cover letter dated July 30, 2008 for Permit No. 2560-00001-V5.
2. Deviations reported in the second half 2008 40 CFR 60 Subpart QQQ Semiannual Report under cover letter dated January 30, 2009 for Permit No. 2560-00001-V6.

RELEASES: (Reporting Year 2009)

1. A release of SO2 and H2S occurred on December 11, 2008, as reported in an unauthorized discharge report under cover letter dated December 11, 2008.
2. A release of NOx occurred on December 19, 2009, as reported in an unauthorized discharge report under cover letter dated December 30, 2009.
3. A release of NOx occurred on December 28, 2009, as reported in an unauthorized discharge report under cover letter dated December 30, 2009.
4. According to a letter dated December 30, 2009, and postmarked on March 29, 2010, the facility failed to timely submit Part 70 General Condition R.2 report per postmark, however, it says it was faxed so no real receipt. This was a report required by emission exceedance from Boilers 802 and 810 for 7 days or longer.
5. According to a letter dated February 13, 2009, on February 9, 2009, the facility's PSA Compressor malfunction-possible excess emissions from flaring. Not a reportable or emergency condition.
6. According to an unauthorized discharge report submitted to the Department on December 27, 2009, after blocking site glass was drained and worker was overcome by H2S fumes.
7. According to an unauthorized discharge report submitted to the Department dated August 14, 2009, the 19AH-901 Refinery Flare No. 2: The FCCU causing the trip of the gas turbine driving the Wet Gas Compressor (2K-331) because of high exhaust temp. The Fractionator overpressure control valve (2PC-54) automatically opened to the flare to maintain the Fractionator tower (2C-311) at its design point of 18psig.
8. According to an unauthorized discharge report submitted to the Department dated July 22, 2009, the 78H-101 TGTU No. 4 Incinerator Stack Exceeded 20% average opacity for greater than one 6-minute period in 60 consecutive minutes. (total smoking time 7.67 hrs).
9. According to an unauthorized discharge report submitted to the Department dated July 22, 2009, the 78H-101 TGTU No. 4 Incinerator Stack The Booster Blower (78C-104) on TGTU-4 unexpectedly shutdown due to a failure of the outboard bearing on the motor driver. TGTU-4 was forced to shutdown and unit charge was diverted directly to the TGTU incinerator from the SRU. Exceeded 35 lb/hr SO2 12-hour rolling average limit by 1554 lbs.

TITLE V REPORTS: (Reporting Year 2009)

1. Deviations reported in 2009 Title V lst Semiannual Monitoring Report under cover letter dated September 30, 2009.

2. Deviations reported in 2009 Title V Annual Compliance Certification under cover letter dated March 29, 2010.

OTHER ISSUES: (Reporting Year 2009)

1. Deviations reported in 2009 first quarter deviation report under cover letter dated June 23, 2009.
2. Deviations reported in 2009 third quarter deviation report under cover letter dated December 30, 2009.

RELEASES: (Reporting Year 2010)

1. According to an unauthorized discharge report dated September 22, 2010, on September 21, 2010, The Respondent discovered at approximately 7:00AM on September 21, 2010, that the amount of hydrogen sulfide (H2S) exceeded 160ppm in the fuel gas burned in fuel gas combustion device VPS-2 Atmospheric Feed Heater (EPN 83H-101)(EQT0062).
2. According to an unauthorized discharge report dated September 7, 2010, on September 6, 2010, at approximately 1:30AM on September 6, 2010, the Respondent discovered that the floating roof on tank 20T-210 (EQT0176) went off-float.
3. According to an unauthorized discharge report dated August 9, 2010, on August 5, 2010, the oxygen average dropped below the BACT box minimum oxygen hourly average for one hour for VPS-2 Atmospheric Feed Heater (EPN 83H-101)(EQT0062).
4. According to an unauthorized discharge report dated July 27, 2010, on July 22, 2010, at approximately 1:20 PM a tubing fitting failed during a maintenance activity releasing approximately 9,070 pounds of flammable gas containing approximately 545 pounds of hydrogen sulfide (H2S).
5. According to an unauthorized discharge report dated February 8, 2010, on February 6, 2010, at approximately 10:30PM a hole in a process line of the VPS-2 unit caused the release of not greater than 1,000 pounds of flammable gas.
6. According to an unauthorized discharge report dated February 1, 2010, on January 30, 2010, at approximately 11:30PM on January 30, 2010, the Respondent discovered that the floating roof on tank 20T-217 (EQT0183) went off-float.
7. According to an Incident report dated January 13, 2010, at approximately 3:00PM on January 13, 2010, the Respondent experienced a small fire due to a leaking hydrogen pipe.
8. According to an unauthorized discharge report dated June 3, 2010, on May 29, 2010, the oxygen average dropped below the BACT box minimum oxygen hourly average for one hour for VPS-2 Atmospheric Feed Heater (EPN 83H-101)(EQT0062).

TITLE V REPORTS (Reporting Year 2010)

1. Deviations reported in 2010 Title V 1st Semiannual Monitoring Report under cover letter dated September 30, 2010.
2. Deviations reported in 2010 Title V 1st quarter deviation report under cover letter dated September 30, 2010.

CEMS REPORTS:

1 Deviations reported in the 2010 first quarter CEMS and NSPS Subpart Db Quarterly Reports under cover letter dated April 29, 2010.
2 Deviations reported in the 2009 fourth quarter CEMS and NSPS Subpart Db Quarterly Reports under cover letter dated January 28, 2010.
3 Deviations reported in the 2009 third quarter CEMS and NSPS Subpart Db Quarterly Reports under cover letter dated October 19, 2009.
4 Deviations reported in the 2009 second quarter CEMS and NSPS Subpart Db Quarterly Reports under cover letter dated July 22, 2009.
5 Deviations reported in the 2008 second quarter CEMS and NSPS Subpart Db Quarterly Reports under cover letter dated January 26, 2009.
6 Deviations reported in the 2008 third quarter CEMS and NSPS Subpart Db Quarterly Reports under cover letter dated October 30, 2008.
7 Deviations reported in the 2008 second quarter CEMS and NSPS Subpart Db Quarterly Reports under cover letter dated July 30, 2008.
8 Deviations reported in the 2008 first quarter CEMS and NSPS Subpart Db Quarterly Reports under cover letter dated April 28, 2008.
9 Deviations reported in the 2008 fourth quarter CEMS and NSPS Subpart Db Quarterly Reports under cover letter dated January 30, 2008.
10 Deviations reported in the 2006 third quarter CEMS and NSPS Subpart Db Quarterly Reports under cover letter dated October 30, 2006.
11 Deviations reported in the 2006 second quarter CEMS and NSPS Subpart Db Quarterly Reports under cover letter dated July 27, 2006.
12 Deviations reported in the 2006 first quarter CEMS and NSPS Subpart Db Quarterly Reports under cover letter dated April 27, 2006.
13 Deviations reported in the 2005 fourth quarter CEMS and NSPS Subpart Db Quarterly Reports under cover letter dated January 30, 2006.
14 Deviations reported in the 2005 third quarter CEMS and NSPS Subpart Db Quarterly Reports under cover letter dated October 31, 2005.
15 Deviations reported in the 2005 second quarter CEMS and NSPS Subpart Db Quarterly Reports under cover letter dated July 26, 2005.
16 Deviations reported in the 2005 first quarter CEMS and NSPS Subpart Db Quarterly Reports under cover letter dated April 29, 2005.

WATER QUALITY VIOLATIONS:

17 All Bypasses of Treatment Facilities from January 1, 2008 to present as reported under LPDES Permit LA0006041 Part III, Section B.4., as well as violations contained in the following table:

Date of Incident	Type of incident & cause	Amount
April 5, 2005	Unauthorized discharge of Salt Water	Unknown
April 15, 2005	Unauthorized discharge due to a leak	900 gals
July 6, 2005	Unauthorized discharge due to a leak	700 gals
August 15, 2005	Bypass/Water piping leak	Unknown
August 18, 2005	Oil leak / instrumental tap	Unknown
September 24, 2005	Oil spill due to heavy rain	Unknown
September 28, 2005	Fish Kill in a ditch	Unknown
October 22, 2005	Bypass of Alky process unit discharging sulfuric acid	Unknown
March 28, 2006	Spill of Diesel	6 gals
May 1, 2006	Unauthorized discharge of sludge	Unknown
June 13, 2006	Oil Spill due to flange leak line	3bbls
August 2, 2006	Sludge release while moving to waste bin (nickel)	20 bbls
August 25, 2006	Oil Spill due heavy rain	1 bbl
September 3, 2006	Unauthorized discharge / wastewater due to apinhole leak in Plant 21	365 gals
October 19, 2006	Bypass	5000 gals
October 18, 2006	Oil Spill/from process unit due to heavy rain	1bbl
November 28, 2006	Bypass/ non-contact cooling water	2400 gals
December 21, 2006	Partial bypass of wastewater	Unknown
December 22, 2006	Bypass due to heavy rain	Unknown
February 10, 2007	Oil Spill/Bleeder left open	30 bbls
November 13, 2007	Not water related	
November 15, 2007	Oil spill due to truck turn over	1 bbl
December 2, 2007	Heavy sludge gas oil release when cleaning tank/ Hazardous Waste	Unknown
December 28, 2007	Release of decanted water	
April 22, 2008	Oil release due to a leak	< RQ
August 5, 2008	Oil spill	35,000gals
August 8, 2008	Naphtha spill	3 bbls
August 8, 2008	Oilleak	1 bbl
August 13, 2008	Not a reportable quantity	
August 21, 2008	Oil Spill	<1bbl

June 28, 2009	Sulphur release	1800 lbs
June 8, 2010	Oil/water/Spill	Unknown

HAZARDOUS WASTE VIOLATIONS:

18 Corrections to the 2009 Annual Hazardous Waste Report resubmitted on November 11, 2010. (LAD065485146).

RADIATION PROTECTION VIOLATIONS:

Notice of Deficiency Tempo Activity Number: INS20110001 (radiation meter calibration).

APPENDIX C

Flare Lineup Study
Summary of Findings & Proposed Path Forward

BACKGROUND

Shell Chemical operates five (5) flares (OL-5 Ground, OL-5 Elevated, GO-1 Elevated, West Ops Elevated, and Utilities Elevated) at its chemical manufacturing facility located adjacent to the Motiva petroleum refinery facility in St. Charles Parish. Each of the flares is permitted for the refinery vent streams that are routed to them from the Motiva facility.

As was discussed during the June 14, 2011 and March 22, 2012 meetings between Shell Chemical, Motiva and LDEQ, Shell Chemical and Motiva have recently become aware that the EPA may consider non-refinery combustion sources as potentially subject to NSPS Subpart J for Petroleum Refineries. As a result of this interpretation, Shell Chemical and Motiva proposed to undertake certain studies to confirm our understanding of the vent streams routed to the various flares and potential corrective actions.

Historically, Shell Chemical and Motiva have taken the position that NSPS Subpart J for Petroleum Refineries (40 CFR 60.100 to 109) is not applicable to these flares since the flares are located in and are operated by a chemical manufacturing plant. Subpart J is only applicable to affected facilities located "within" a petroleum refinery (See *Star Enterprise v EPA*, 235 F.3d 139 (3d cir. 2000). In addition, in the Title V permit 3047-V1 NSPS Subpart J was listed as not applicable to the West Ops Elevated and the Utilities Elevated Flares. While Shell Chemical and Motiva continue to believe that this is the correct interpretation, Shell Chemical and Motiva would like to voluntarily address NSPS Subpart J for these five (5) flares. Shell Chemical and Motiva would note that the OL-5 Ground, OL-5 Elevated, and GO-1 Elevated flares are completely owned by and solely operated Shell Chemical. Also, Shell Chemical and Motiva have recently become aware that the ownership of the West Ops Elevated and Utilities Elevated flares is not well defined. While performing the above-referenced studies, records were discovered that indicate that the ownership of the West Ops Elevated and Utilities Elevated flares is shared between both Shell Chemical and Motiva. Although the ownership has not been definitively determined; at this time it is believed that the there is some shared ownership of these assets, although they are located entirely on the Shell Chemical facility and are solely operated by Shell Chemical.

PROPOSED PATH FORWARD

Given EPA's interpretation of NSPS Subpart J and a desire to voluntarily proceed with resolution of this issue, both Shell Chemical and Motiva desire to engage in discussions with the LDEQ to voluntarily address NSPS Subpart J for the OL-5 Ground, OL-5 Elevated, GO-1 Elevated, West Ops Elevated, and Utilities East Elevated flares.

Flares Solely Owned by Shell Chemical LP

Based on the currently available data, there are three flares at the Norco Manufacturing Complex that are solely owned and operated by Shell Chemical. These are the OL-5 Ground, OL-5 Elevated, and GO-1 Elevated flares. The current status and recommended actions to be taken for these flares are outlined below.

GO1 Elevated Flare

This flare is the alternate routing for the Motiva S-3 Unit vent streams when the S-3 is operating and the West Ops Elevated Flare is unavailable. The refinery vent streams from the S-3 Unit to the GO1 Elevated Flare meet the definition of process upset gas as they originate only during startup, shutdown, and/or upset and are exempt from the requirements of NSPS Subpart J. This flare also serves as the routing of off-specification dry gas from RCCU during RCCU startup activities; however, this stream would also be considered process upset gas as it originates only during startup, shutdown, and/or upset and is also exempt from the requirements of NSPS Subpart J.

Given that the refinery vent streams to this flare meet the definition of process upset gas, which are exempt from NSPS Subpart J requirements, Motiva and Shell Chemical propose no action to be taken with respect to the GO-1 Elevated Flare.

OL-5 Ground and OL-5 Elevated Flares

These flares receive routine vent streams from the Motiva Diesel Hydrotreating (DHT) Unit that could potentially be considered refinery fuel gas. These flares also receive upset process gases from the Shell Chemical Gasoline Hydrotreating (GHT) Unit.

Shell Chemical and Motiva propose to segregate both the DHT and GHT process units from the OL-5 Flare System and route the DHT/GHT streams to the Coker Flare. By eliminating the routing of refinery vent streams to the OL-5 Flare System, it would no longer combust refinery fuel gas and could no longer even potentially be subject to NSPS Subpart J.

A review has been completed to determine the potential necessary actions and impacts associated with routing of DHT/GHT vent streams to the Coker Flare. This review has identified numerous issues that must be addressed prior to the proposed segregation. The most significant issue is the need to perform a safeguarding study of the Coker Flare to confirm that the proposed routing is, in fact, a safe and acceptable alternative. Shell Chemical and Motive are prepared to propose a date of June 30, 2015 (or other date mutually agreed by both parties) to complete this study. Provided that the safeguarding study confirms that the preferred segregation method is appropriate, Shell Chemical and Motiva are prepared to propose a date of December 31, 2015 (or other date mutually agreed by both parties) to complete the segregation. Should the safeguarding study find that an alternate solution is required, Shell Chemical and Motiva will commit to performing a study and submitting a report to the LDEQ on or before June 30, 2016 (or other date mutually agreed by both parties) recommending an acceptable alternative with a proposed timeline for implementation of the alternative. Shell Chemical and Motiva will also commit to implementing the recommended alternative in accordance with an activity schedule approved by LDEQ.

Flares with Shared Ownership

Based on the currently available data, there are two flares that are entirely located on the Shell Chemical facility, solely operated by Shell Chemical and are permitted by the Shell Chemical permits but appear to have shared ownership between Shell Chemical and Motiva. These are the West Ops Elevated and the Utilities East flares. The current status and recommended actions to be taken for these flares are outlined below.

West Ops Elevated Flare

This flare is the primary routing of refinery vent streams from the S-3 Unit; however, as discussed above, the S-3 Unit vents to flare meet the definition of process upset gas as they originate only during startup, shutdown, and/or upset and are exempted from requirements of NSPS Subpart J. In addition, the West Ops Elevated Flare also serves as the backup flare for refinery vent streams that are normally routed to the West Ops Ground Flare when it is unavailable due to maintenance or is over-loaded due to upset conditions. While refinery vent streams directed to the West Ops Elevated Flare during upset conditions are process upset gas and are exempt, routine vents that would also be routed to the West Ops Elevated during the event may not be exempted.

Shell Chemical and Motiva propose to accept NSPS Subpart J applicability for this flare. This will include implementing all NSPS Subpart J requirements for fuel gas combustion and may necessitate continuous H2S monitoring (CEMS) and potentially treatment of the fuel gas to maintain continuous compliance with H2S concentration limit of 0.1 gr/dscf. (NOTE - Treatment may not be necessary since all streams currently routed to the West Ops Ground Flare must already meet the H2S concentration limit of 0.1 gr/dscf.)

Shell Chemical and Motiva propose to be in compliance with the NSPS Subpart J requirements by December 31, 2015 (or other date mutually agreed by both parties). Should this necessitate the installation of a CEMS to measure H2S in the refinery fuel gas that is routed to this flare (and potentially a treatment system should this be necessary), Shell Chemical and Motiva are prepared to propose a date of December 31, 2015 (or other date mutually agreed by both parties) to complete the CEMS installation. Upon completion of CEMS installation, data collection and all required reporting will commence immediately. While it is considered unlikely that treatment would be required, Shell Chemical and Motiva will also propose that a monitoring and review period be established to confirm this assumption. The CEMS data will be utilized to demonstrate compliance with and review of the data to confirm compliance will begin immediately upon installation. Shell Chemical and Motiva propose to submit a report to the LDEQ on or before January 31, 2018 (or other date mutually agreed by both parties), with findings concerning compliance with the substantive standards of NSPS Subpart J. If the West Ops Elevated Flare is determined not to be in compliance with the substantive standard(s) of NSPS Subpart J at that time, Shell Chemical and Motiva will include in this report a recommended activity schedule to conduct an evaluation and study to determine the measures and actions necessary to bring the West Ops Elevated Flare into compliance with said standard(s) and will conduct the evaluation and study and implement such measures and actions in accordance with an activity schedule that is approved by LDEQ.

Utilities East Elevated Flare

This flare receives vent streams from DU-5 as well as various utility-type vent streams that could be considered refinery fuel gas.

Shell Chemical and Motiva propose to accept NSPS Subpart J applicability for this flare. This will include implementing all NSPS Subpart J requirements for fuel gas combustion and would necessitate continuous H2S monitoring (CEMS) and potentially treatment of the fuel gas to maintain continuous compliance with H2S concentration limit of 0.1 gr/dscf.

Shell Chemical and Motiva propose to perform a detailed study of the vent streams routed to the Utilities East Elevated Flare and to propose and implement any feasible operational mitigation measures by December 31, 2015 (or other date mutually agreed by both parties). Based on currently available information, we do not anticipate that operational mitigation measures will be 100% effective. Shell Chemical and Motiva will commit to the LDEQ to complete an evaluation to determine the most feasible option to achieve compliance with NSPS Subpart J no later than December 31, 2015 (or other date mutually agreed by both parties). Upon completion of the study and determination of the compliance alternative(s), Shell Chemical and Motiva will present a proposed compliance schedule to the LDEQ no later than December 31, 2016 (or other date mutually agreed by both parties).