#### STATE OF LOUISIANA

### DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF: \* Settlement Tracking No.

\* SA-AE-23-0043

EQUILON ENTERPRISES LLC

\* Enforcement Tracking Nos.

\* AE-CN-17-00658

\* AE-CN-18-00420

\*

PROCEEDINGS UNDER THE LOUISIANA

ENVIRONMENTAL QUALITY ACT

LA. R.S. 30:2001, <u>ET SEQ.</u>

AI # 1406, 3462

Docket Nos. 2020-1205-DEQ

2021-3926 -DEQ

\*

### SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Equilon 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 in Norco, St. Charles Parish, Louisiana (Agency Interest No. 1406). Respondent is the former owner and/or operator of a petroleum refinery located in St. Rose, St. Charles Parish, Louisiana (Agency Interest No. 3462) ("the Facilities").

П

On October 31, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-17-00658, Agency Interest No. 1406 (Exhibit 1).

On March 9, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-18-00420, Agency Interest No.

3462 (Exhibit 2).

### Warning Letters for AI No. 1406

On January 2, 2019, the Department issued to Respondent a Warning Letter, Enforcement Tracking No. AE-L-19-00008.

On February 19, 2019, the Department issued to Respondent a Warning Letter, Enforcement Tracking No. AE-L-19-00132.

On February 19, 2019, the Department issued Warning Letter, Enforcement Tracking No. AE-L-19-00134.

In addition to the violations cited in the Consolidated Compliance Orders & Notices of Potential Penalty and Warning Letters, this Settlement Agreement also resolves self-reported deviations for the 2014-2018 calendar years for Agency Interest No. 1406.

Ш

In response to the Consolidated Compliance Orders & Notices of Potential Penalty, Respondent made timely requests for hearings.

IV

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

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of THREE HUNDRED SEVENTY-EIGHT THOUSAND AND NO/100 DOLLARS (\$378,000.00), of which Seven Thousand Five Hundred Seventy-Five and 37/100 Dollars (\$7,575.37) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement Agreement.

Respondent, in addition to the penalty amount specified in Paragraph V above and as part of this Settlement Agreement, agrees to expend the amount of TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$250,000.00) to implement and/or perform the following beneficial environmental projects:

- A. Within thirty (30) days after this Settlement Agreement is finalized, the Respondent shall make a cash donation to St. Charles Parish in the amount of \$100,000.00 to purchase a Bobcat Vehicle and associated Neptune Trash Vacuum system. The vehicles will be used to clean up the levee and roadways to prevent drainage/flood problems and to improve aesthetics of the community. The Respondent shall submit proof of payment to the Department within thirty (30) days after the funds are deposited.
- B. Within thirty (30) days after this Settlement Agreement is finalized, the Respondent shall make a cash donation to St. Charles Parish Public Schools in the amount of \$150,000.00 for a solar panel project for Norco Elementary. The Respondent shall submit proof of payment to the Department within thirty (30) days after the funds are deposited.
- C. If Respondent does not spend the amount of \$250,000.00, then it shall, 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).

VII

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

VIII

This Settlement 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 Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

IΧ

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

X

As required by law, the Department has submitted this Settlement Agreement to the

Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

XI

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

XII

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 Settlement 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 attached hereto.

XIII

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

XIV

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.

.

### **EQUILON ENTERPRISES LLC**

BY: Samm Settle	
(Signature)	
(Printed)	
TITLE: General Manager - Shell Energy and C	hemicals
THUS DONE AND SIGNED in duplicate original before me this 24 day of January, 20 24, at NOLCO, LA.	
Ntobott	
NOTARY PUBLIC (ID # (77 00)	
ROBERT G. GOSTL Notary Public State of Louisiana St. Charles Parish Notary ID # 87700 My Commission is for Life (stamped or printed)	
(Bumped or printer)	
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY	
BY: Junel A Licometto, Secreta	m
THUS DONE AND SIGNED in duplicate original before me this 22 day of EBWAY, 20 21, at Baton Rouge, Louisiana.	
NOTARY PUBLIC (ID#	_
ASHLEY PLUNKETT Notary Public State of Louisiana East Baton Rouge Parish Notary in #147015 (Stamped Oxypumical sion is for Life	
Approved:	
Celena J. Cage, Assistant Secretary	1 12

JOHN BEL EDWARDS GOVERNOR



CHUCK CARR BROWN, Ph.D. SECRETARY

# State of Louisiana

# DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE

October 31, 2018

CERTIFIED MAIL (7016 3010 0000 9387 7235) RETURN RECEIPT REQUESTED 

### **EQUILON ENTERPRISES LLC**

c/o C T Corporation System Agent for Service of Process 3867 Plaza Tower Drive Baton Rouge, Louisiana 70816

RE: CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY ENFORCEMENT TRACKING NO. AE-CN-17-00658 AGENCY INTEREST NO. 1406

AGENCY INTEREST NO. 140

Dear Sir:

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

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

Any questions concerning this action should be directed to Antoinette Cobb at (225) 219-3072 or via email at antoinette.cobb@la.gov.

Sincerely

Administrator

**Enforcement Division** 

CJC/AFC/afc Alt ID No. 2520-00002 Attachment c: Equilon Enterprises LLC c/o Mr. Brett Woltjen, General Manager 15536 River Road Norco, LA 70079

# STATE OF LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

### OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

**EQUILON ENTERPRISES LLC** 

ENFORCEMENT TRACKING NO.

ST. CHARLES PARISH ALT ID NO. 2520-00002

\* AE-CN-17-00658

\*

AGENCY INTEREST NO.

PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT,

1406

La. R.S. 30:2001, ET SEQ.

### CONSOLIDATED

### COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

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

#### FINDINGS OF FACT

1.

The Respondent owns and/or operates the Shell Oil Products US Norco Refinery (the Facility), a petroleum refinery, located at 15536 River Road in Norco, St. Charles Parish, Louisiana. The Facility operates or has operated under the authority of the following Title V Air Permits:

THE THE THE THE	MAN DELIGIOUS SANS	SAN STANTERS	PERMIT EXPIRATION DATE
	2501-V7	01/30/2018	04/10/2022
processors and a second continue and a second	2501-V6	04/10/2017	04/10/2022
Coker Unit, Distillation Unit, and	2501-V5	05/27/2014	08/25/2016
Kerosene	2501-V4	05/02/2013	08/25/2016
	2501-V3AA2	07/03/2012	08/25/2016
	2501-V3AA	04/13/2012	08/25/2016
	2502-V10	01/30/2018	12/03/2019
CR-2, NHT and DHT Units	2502-V9	12/03/2014	12/03/2019
	2502-V8	09/10/2013	01/21/2015
	2502-V7	06/29/2012	01/21/2015

A PART OF THE PART		Constant of the	PERMIT EXPIRATION DATE
	2502-V6	02/28/2012	01/21/2015
Alkylation Unit	2600-V4	03/23/2018	03/23/2023
	2600-V3	12/03/2012	12/03/2017
	2602-V11	10/24/2017	06/25/2019
	2602-V10	07/24/2017	06/25/2019
	2602-V9	08/04/2016	06/25/2019
	2602-V8	05/26/2015	06/25/2019
Residual Catalytic Cracking Unit	2602-V7	06/25/2014	06/25/2019
Ī	2602-V6	05/02/2013	04/09/2014
	2602-V5	06/09/2012	04/09/2014
Ī	2602-V4	05/03/2012	04/09/2014
	2629-V7	03/21/2016	11/11/2019
Hydrocracking Unit	2629-V6	11/20/2014	11/20/2019
·	2629-V5	09/29/2011	02/05/2015
	2794-V4	08/08/2017	08/08/2017
RCCU Gasoline Hydrotreater	2794-V3	12/03/2012	12/03/2017
	2902-V3	11/17/2014	11/17/2019
Sulfur No. 2 & 3 Plants	2902-V2	05/28/2013	12/21/2014
Ţ	2902-V1	12/21/2009	12/21/2014
	2913-V6	08/10/2017	05/28/2018
	2913-V5	04/28/2017	05/28/2018
	2913-V4	08/10/2016	05/28/2018
Logistics I Unit	2913-V3	05/20/2015	05/28/2018
	2913-V2	05/28/2013	05/28/2018
	2913-V1	08/17/2011	11/26/2012
	2913-V0	11/26/2007	11/26/2012
	2912-V7	12/27/2016	02/21/2018
	2912-V6	06/02/2016	02/21/2018
Logistics II Unit	2912-V5	04/21/2015	02/21/2018
-	2912-V4	02/21/2013	02/21/2017
Ţ	2912-V3	12/21/2011	11/26/2012
revention of Significant Deterioration	PSD-LA-671 (M-1)	08/04/2017	08/04/2027
(PSD)	PSD-LA-618 (M-1)	07/08/2010	07/08/2020

The facility also operates under Consent Decree, Civil Action Number H-01-0978 entered into the United States District Court for the Southern District of Texas on or about August 21, 2001.

On or about June 1, 2017, the Department received a Notification of Change (NOC-1) Form for the facility. According to the NOC-1, the facility name, ownership, and operational control changed, and permits transferred effective May 1, 2017, from Motiva Enterprises LLC to Equilon Enterprises LLC dba Shell Oil Products US. Equilon Enterprises LLC dba Shell Oil Products US assumed responsibility for all violations existing prior to the transfer of the permits. The Department effectively transferred the permits and updated records to reflect the changes on June 22, 2017.

II.

The Department received an Unauthorized Discharge Notification Report for Department Incident No. T133050 dated August 11, 2011, and a Follow-up Unauthorized Discharge Notification Report dated September 21, 2011. According to the reports, on August 5, 2011, the Hydrocracker Unit shutdown due to an electrical failure of the motor on P-1940, the charge pump of the 2<sup>nd</sup> stage of the Hydrocracker Unit. Operations shutdown and secured the 1<sup>st</sup> and 2<sup>nd</sup> stage of the Hydrocracker. The incident investigation determined that the motor windings and electrical wiring of pump, P-1940, were saturated with bearing lube oil. The oil saturation occurred because the motor filters were clogged and the seals were retaining bearing lube oil. The bearing lube oil traveled into the motor windings and leads because the motor filters were clogged. The motor leads were routed in a way that oil was allowed to collect in the leads. The Respondent determined the release was preventable. The tables below list the emission source(s), the pollutant(s), and the duration(s) for the incident:

August 5, 2011 19:55 to August 5, 2011 24:00:

					Amoran Reseased Above Permitted Lindo: (lb.)
	со	4.28	735.63	1,436.60	0
	NOx	4.28	135.20	264.02	0
	PM	4.28	14.81	49.70	0
EQT 0244	SO <sub>2</sub>	4.28	53.3	10.98	0
Hydrocracker Flare	Total VOC	4.28	215.79	713.19	0
	n-Hexane	4.28	3.57	1.90	0
	Benzene	4.28	0.01	0**	0
	Toluene	4.28	0.01	0**	0

August 6, 2011 00:00 to August 6, 2011 24:00:

A complete and the					
EQT 0244	co	24	735.63	7,352.10	0

APPENDE TO A	Political *		Carlina		Amogai Research Sport vermined Listin
Hydrocracker Flare	NO <sub>x</sub>	24	135.20	1,351.20	0
	РМ	24	14.81	254.34	0
	SO <sub>2</sub>	24	53.3	17.98	0
	Total VOC	24	215.79	3,598.40	0
	n-Hexane	24	3.57	1025	0
	Benzene	24	0.01	0**	0
	Toluene	24	0.01	0**	0

August 7, 2011 00:00 to August 7, 2011 24:00:

Emission Point	Politian		Permit Limit, Jack (D'An)	Total Casaphy Released (b)	Amount Released Above Per mitted Limits* (lbs.)
	со	24	735.63	4,515.68	0
	NO <sub>x</sub>	24	135.20	829.91	0
	РМ	24	148.81	156.22	0
EQT 0244	SO <sub>2</sub>	24	53.30	0	0
Hydrocracker Flare	Total VOC	24	215.79	2,194.22	0
	n-Hexane	24	3.57	6.46	0
	Benzene	24	0.01	0**	0
	Toluene	24	<0.01	0**	0

August 8, 2011 00:00 to August 8, 2011 24:00:

raisse vala		25 (1) (1) (1) (1) (1) (1) (1) (1)		题(1) 2.6 <b>克</b>	Moug Released O bove Permitted Section
	CO	24	735,63	4,800.76	0
	NO <sub>x</sub>	24	135.20	882.30	0
	РМ	24	148.81	166.08	0
EQT 0244	SO <sub>2</sub>	24	53.30	0**	0
Hydrocracker Flare	Total VOC	24	215.79	2,335.75	0
	n-Hexane	24	3.57	6.87	0
	Benzene	24	0.01	0**	0
	Toluene	24	<0.01	0**	0

August 9, 2011 00:00 to August 9, 2011 24:00:

Emission Point	Politically		(aprelialit)		Amquat Released Koove Permitted a Limita*
	со	24	735.63	5,287.94	Ò
	NOx	24	135.20	971.84	0
	РМ	24	148.81	182.93	0
EQT 0244	SO <sub>2</sub>	24	53.30	0**	0
Hydrocracker Flare	Total VOC	24	215.79	2,569.47	0
	n-Hexane	24	3.57	7.57	0
	Benzene	24	0.01	0**	0
	Toluene	. 24	<0.01	0**	0

August 10, 2011 00:00 to August 10, 2011 24:00:

7.1014				图30年正典	
	СО	24	735.63	1965.00	0
·	NO∗	24.	135.20	361.14	0
	РМ	24	148.81	67.98	0
EQT 0244	SO <sub>2</sub>	24	53.30	0**	0
Hydrocracker Flare	Total VOC	24	215.79	1,050.45	0
	n-Hexane	24	3.57	13.90	0
	Benzene	24	0.01	12.77	12.70
	Toluene	24	<0.01	5.03	4.96

August 11, 2011 00:00 to August 11, 2011 02:30:

Zatsio i Via	Pállióssi		<b>新国内的</b> 的企图	CHEERS.	Amount Released Above Permitted Self-Limite 1976 (lbs.)
	со	1.52	735.63	468.37	0
	NOx	1.52	135.20	86.08	0
	РМ	1.52	148.81	16.20	0
EQT 0244	SO <sub>2</sub>	1.52	53.30	0**	0
Hydrocracker Flare	Total VOC	1.52	215.79	296,22	0
·	n-Hexane	1.52	3.57	4.68	0
	Benzene	1.52	0.01	4.33	4.31
	Toluene	1.52	<0.01	1.70	1.69

<sup>\*</sup> quantity of material released above permitted emission rates

- \*\* Incident emissions are presented for completeness only. Permit exceedances did not occur for these pollutants.
  - A. Failure to use and/or diligently maintain a control device in proper working order as required is a violation of Specific Requirement 986 of Title V Permit No. 2913-V0, LAC 33:III.905.A, and La. R.S. 30:2057(A)(2).
  - B. Each exceedance of a permitted emission limit is a violation of Title V Permit No. 2913-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

III.

In the Title V Permit Significant Modification and Permit Renewal Application for the Logistics I Unit dated May 17, 2012, the Respondent proposed the authorization of four (4) existing unpermitted Tank Roof Drain Pumps (EPN 5075-12) that operate during rain events. The unpermitted roof drain pumps were added between 2007 and 2010 at the facility: 1) Pump No. 79577-Tank F-479 Roof Drain Pump, 2) Pump No. 79575-Tank F-480 Roof Drain Pump, 3) Pump No. 79576-Tank F-484 Roof Drain Pump, and 4) Pump No. 79581-Tank F-493 Roof Drain Pump. The roof drain pumps are subject to the requirements of 40 CFR 60, Subpart IIII-Standards of Performance for Stationary Compression Ignition Internal Combustion Engines and 40 CFR 63, Subpart ZZZZ-National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE). The four (4) pumps are new compression ignition stationary RICE with a rating of less than or equal to 500 brake horsepower (bhp) and must comply with the applicable requirements of 40 CFR 63, Subpart ZZZZ by complying with 40 CFR 60, Subpart IIII. The Respondent is required to obtain a permit per 40 CFR 60, Subpart IIII and 40 CFR 63, Subpart ZZZZ. Title V Permit No. 2913-V2 for the Logistics I Unit was issued on May 28, 2013; the roof drain pumps were permitted as emission source Tank Roof Drain Pump Engines (EQT 0382). Failure to submit a permit application prior to construction, reconstruction, or modification is a violation of LAC 33:III.501.C.1 and La. R.S. 30:2057(A)(2). The unauthorized operation of each emission point prior to issuance of a permit is a violation of LAC 33:III.501.C.2 and La. R.S 30:2057(A)(1) and 30:2057(A)(2).

IV.

The Department received an Unauthorized Discharge Notification Report for Department Incident No. T146188 dated January 24, 2013, and a Follow-up Unauthorized Discharge Notification Report dated February 19, 2013. According to the reports, on January 19, 2013, Sulfur Plant No. 2 (S2) experienced an unexpected lube oil piping leak on a turbine driven main air blower causing the process unit to trip offline.

All of the acid gas that S2 was processing was routed to Sulfur Plant No. 3 (S3). Subsequently, the acid gas header at S3 surged sending an additional flow of tail gas through the unit to the S3 absorber. The S3 absorber was not able to adequately treat the sudden increase in flow at this time, and sulfur dioxide was released through the S3 incinerator exceeding the maximum pound per hour permit limit. The connection was replaced to eliminate the pipe strain condition that contributed to the fatigue condition. The table below lists the emission source(s), the pollutant(s), and the duration(s) for the incident.

EQT 0078 S3 Plant Tail Gas Incinerator	SO <sub>2</sub>	1	70.99	80.14	9.15

<sup>\*</sup> quantity of material released above permitted emission rates

- A. Failure to use and/or diligently maintain a control device in proper working order as required is a violation of Specific Requirement 177 of Title V Permit No. 2902-V1, LAC 33:III.905.A, and La. R.S. 30:2057(A)(2).
- B. Exceeding a permitted emission limit is a violation of Title V Permit No. 2902-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

V.

The Department received an Unauthorized Discharge Notification Report for Department Incident No. T146682 dated February 25, 2013, and a Follow-up Unauthorized Discharge Notification Report dated April 17, 2013. According to the reports, on February 18, 2013, the atmospheric relieve valve on the debutanizer at the Hydrocracking Unit (HCU) relieved ultimately leading to the second stage of the HCU shutting down. The atmospheric release from the debutanizer column was due to a tube rupture on one of the upright exchangers in the second stage of the HCU. The second stage of the HCU was shutdown to stabilize the unit and minimize safety risks. The repair of the ruptured tube on the upright exchangers in the second stage of the HCU was completed on March 11, 2013. Start-up activities began once a pressure test was completed on the previously damaged exchanger and were completed on March 13, 2013. While the repair was being completed, high purity hydrogen was flared and emissions were below the permitted limits. It was determined that the cause of the tube rupture was as a result of stress corrosion cracking. The Respondent determined the incident was preventable. The tables below list the emission source(s), the pollutant(s), and the duration(s) for the incident:

February 18, 2013 01:53 to February 19, 2013 01:53:

	CO	1.20	735.63	553.20	0
	NO <sub>x</sub>	1,20	135.20	101.67	0
	РМ	1.20	148.81	19.14	2.05
EQT 0244	SO <sub>2</sub>	1.20	53.30	1.07	0
Hydrocracker Flare	Total VOC	1.20	215.79	249.05	3,53
	n-Hexane	1.20	3.57	3.79	0,08
	Benzene	1.20	0,01	3.04	3.03
	Toluene	1.20	<0.01	1.88	1.87

March 12, 2013 06:28 to March 13, 2013 06:28:

		ling.	A straige and	tarionida Percent	Amount Released Above Permitted 25 Limits (bl.)
	СО	14.37	735.63	4,313.12	0
	NO <sub>x</sub>	14.37	135,20	792.68	0
	РМ	14.37	148.81	149.21	0
EQT 0244	SO <sub>2</sub>	14.37	53.30	0.00	0
Hydrocracker Flare	Total VOC	14:37	215.79	2,766.86	0
:	n-Hexane	14.37	3.57	12,16	0
	Benzene	14.37	0.01	0.18	0.03
	Toluene	14.37	<0.01	0.24	0.09

<sup>\*</sup> quantity of material released above permitted emission rates

- A. Failure to use and/or diligently maintain a control device in proper working order as required is a violation of Specific Requirement 969 of Title V Permit No. 2913-V1, LAC 33:III.905.A, and La. R.S. 30:2057(A)(2).
- B. Each exceedance of a permitted emission limit is a violation of Title V Permit No. 2913-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

### VI.

The Department received an Unauthorized Discharge Notification Report for Department Incident No. T152739 dated December 12, 2013, and a Follow-up Unauthorized Discharge Notification Report dated February 3, 2014. According to the reports, on December 5, 2013, the 162 ppm three-hour rolling limit average for hydrogen sulfide to the Residual Catalytic Cracking Unit (RCCU) Flare (EQT 0051) was exceeded on December 6, 2013 at 15:00 hours. The hydrogen sulfide to the RCCU Flare exceeded the monitoring capabilities of the flare's hydrogen sulfide analyzer. On December 6, 2013, it was discovered that the dry gas specific gravity analyzer, AT-3812, was incorrectly routed to the flare. The Respondent determined the incident was preventable. The tables below list the emission source(s), the pollutant(s), and the duration(s) for the incident:

### December 7, 2013:

Emission Point			Personal Property	Outsuty	Amount Released Apove Perlatited Li Landin (De)
	со	24	222.24	97.72	0
	NOx	24	40.69	17.96	0
EQT 0051 RCCU Flare	PM	24	4.46	3.38	0
RCCO Flare	SO <sub>2</sub>	24	0.23	571.21	69.91
	VOCs	24	42.38	10.81	0

### December 8, 2013:

	100				Imorph Reseased 180/20 Confined 180/20
EQT 0051 RCCU Flare	CO	24	222.24	105.25	0

NO <sub>x</sub>	24	40.69	19.34	0
PM	24	4.46	3.64	0
SO₂	24	0.23	62.32	57.04
VOCs	24	42.38	10.88	0

## December 9, 2013:

				EQUALITY:	modius Control Sport Schauser Sport Sport Sport Sport USS St
,	ĆO	24	222.24	118.87	0
	NO <sub>z</sub>	24	40.69	21.85	0
EQT 0051 RCCU Flare	PM	24	4.46	4.11	0
	SO <sub>2</sub>	24	0.23	154.75	149.47
	VOCs	24	42,38	10.88	0

### December 10, 2013:

*Emission Point			1.001.00		
	со	19	222.24	83.16	0
	NOx	19	40,69	15.28	0
EQT 0051 RCCU Flare	РМ	19	4.46	2.88	0
	SO <sub>2</sub>	19	0.23	13.55	9.37
	VOCs	19	42.38	8.95	,

December 11, 2013:

				the survey of the second	(0.5)
	со	17	222.24	64.47	0
	NOx	17	40.69	11.85	0
EQT 0051 RCCU Flare	РМ	17	4.46	2.23	0
	SO <sub>2</sub>	17	0.23	11.43	7.69
	VOCs	17	42.38	7.65	0

### December 12, 2013:

Calgary, Point	e idea is			a Grandisa Esta altera	Aprilia Repair Aport Per allica Pagas Pagas
	со	23	222.24	87.17	0
	NOx	23	40.69	16.02	0
EQT 0051 RCCU Flare	PM	23	4.46	3.02	0
	SO <sub>2</sub>	23	0.23	15.16	10.10
	VOCs	23	42.38	10.63	0

### December 13, 2013:

enissis vini					Ingui Roles et a particular a p
	со	11	222.24	35.44	0
EOT 0051	NOx	11	40.69	6.51	0
EQT 0051 RCCU Flare	РМ	11	4.46	1.23	0
	SO <sub>2</sub>	11	0.23	6.99	4.57

ay anibush popur					Amoug Received tony Permitted Limits (line)
	VOCs	11	42.38	4.83	0

<sup>\*</sup> quantity of material released above permitted emission rates

- A. Failure to use and/or diligently maintain a control device in proper working order as required is a violation of Specific Requirement 442 of Title V Permit No. 2602-V6, LAC 33:III.905.A, and La. R.S. 30:2057(A)(2).
- B. Each exceedance of a permitted emission limit is a violation of Title V Permit No. 2602-V6, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- C. Exceeding the H<sub>2</sub>S 162 ppm 3-hour rolling average concentration is a violation of 40 CFR 60.102a(g)(3), Specific Requirement 101 of Title V Permit No. 2602-V6, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

### VII.

On or about April 21, 2014 through May 14, 2014, the Department conducted a Full Compliance Evaluation (FCE) Inspection to determine the Respondent's degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. While the Department's investigation is not complete, the following violations were noted during the course of the inspection:

- A. The Respondent did not complete sulfur plant tank truck loading (GRP 0048) emission records in the specified time parameters, monthly and for the last twelve months, as required by the permit. Failure to record the emission CAP data in the specified time parameters or frames is a violation of Specific Requirement 289 of Title V Permit No. 2902-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- B. The West Ops Ground Flare (EQT 0178) startup and shutdown emissions require monitoring of PM<sub>2.5</sub>; according to a facility representative, this emission monitoring and/or calculation was not completed by the facility. The Respondent failed to monitor for PM<sub>2.5</sub>. The failure to monitor for PM<sub>2.5</sub> is a violation of Specific Requirement 331 of Title V Permit No. 2912-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

#### VIII.

The Department received an Unauthorized Discharge Notification Report for Department Incident No. T152855 dated December 18, 2013, and a Follow-up Unauthorized Discharge Notification Report dated February 12, 2014. According to the reports, on December 14, 2013, the 162 ppm three-hour rolling average limit for hydrogen sulfide to the Residual Catalytic Cracking Unit (RCCU)

Flare (EQT 0051) was exceeded. The hydrogen sulfide to the RCCU Flare exceeded the monitoring capabilities of the flare's hydrogen sulfide analyzer. The Respondent identified the following contributing factors for the incident: 1) the cold weather affected some of the valve bodies by allowing small quantities of H<sub>2</sub>S to leak through a closed valve during the lower ambient temperature and 2) the RCCU flare knock-out and the maintenance drop-out drum were contaminated with hydrogen sulfide as a result of the recent shutdown activities. The Respondent determined the incident was preventable. The tables below list the emission source(s), the pollutant(s), and the duration(s) for the incident:

### December 14, 2013:

1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1					Amount Rejessed School Permitted Comits
	со	1	222.24	3.67	0
	NO <sub>x</sub>	1	40.69	0.68	0
EQT 0051 RCCU Flare	РМ	]	4.46	0.13	0
	SO <sub>2</sub>	. 1	0.23	0.63	0.41
_	VOCs	1	42.38	0.44	0

### December 15, 2013:

Baltary Politi					Amoust Rossed Appy: Frantiso Clarify C (05)
	со	17	222.24	35.90	0
	NO <sub>x</sub>	17	40.69	6.60	0
EQT 0051 RCCU Flare	PM	17	4.46	1.24	0
	SO <sub>2</sub>	17	0.23	10.05	6.31
	VOCs	17	42.38	7.67	0

### December 16, 2013:

	со	10	222,24	14.31	0
	NO <sub>x</sub>	10	40,69	2.63	0
EQT 0051 RCCU Flare	РМ	10	4.46	0.50	0
	SO₂	10	0.23	5.83	3.63
	VOCs	10	42.38	4.64	0

### December 17, 2013:

***			was the second of the second of		A figure (Problem () Shape of the figure () I figure () A figure () A figure () A figure () A figure () A figure (
	со	10	222.24	29.35	0
	NOx	10	40.69	5.39	0
EQT 0051 RCCU Flare	РМ	10	4.46	1.02	0
	SO <sub>2</sub>	10	0.23	6.30	4.10
	VOCs	10	42.38	4.76	0

### December 18, 2013:

					Augusti Released Auguste Sentities Coults (be)
	со	10	222.24	22.17	0
E/YT 0051	NO <sub>x</sub>	10	40.69	4.07	0
EQT 0051 RCCU Flare	PM ·	10	4.46	0.77	0
	SO <sub>2</sub>	10	0.23	2.74	1.86

				A mount of accordance of the control
VOCs	10	42.38	2.03	0

### December 19, 2013:

	Paling is		16   16   16   16   16   16   16   16	<b>有影响的</b>	A mogin Reléased gabelé estantes e lantes (UE)
- AN-1/2-19	со	10	222.24	2.09	0
	NOx	10	40.69	0.38	0
EQT 0051 RCCU Flare	PM	10	4.46	0.07	0
	SO <sub>2</sub>	10	0.23	0.25	0.03
	VOCs	10	42.38	0.19	0

<sup>\*</sup> quantity of material released above permitted emission rates

- A. Failure to use and/or diligently maintain a control device in proper working order as required is a violation of Specific Requirement 442 of Title V Permit No. 2602-V6, LAC 33:III.905.A, and La. R.S. 30:2057(A)(2).
- B. Each exceedance of a permitted emission limit is a violation of Title V Permit No. 2602-V6, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

#### IX.

The Department received an Unauthorized Discharge Notification Report for Department Incident No. T157955 dated August 14, 2014, and a Follow-up Unauthorized Discharge Notification Report dated October 2, 2014. According to the report, on August 8, 2014, the Hydrocracking Unit (HCU) flared process gas at the HCU Elevated Flare (EQT 0244). Contractors working in the area opened a valve to supply instrument air to their project, but reduced the necessary air supply to the HCU resulting in loss of instrument air to various pressure relief valves (PRVs). The PRVs, designed to fail in the open position, released process gas to the flare due to loss of instrument air as a safety mechanism. The table below lists the emission source(s), the pollutant(s), and the duration(s) for the incident.

	i i i i i i i i i i i i i i i i i i i				Militaria Parinta Parinta Parinta Parinta
	со	0.13	735.63	129.40	35.09
	NO <sub>x</sub>	0.13	135.20	23.78	6.45
	PM	0.13	14.81	4.48	2.58
EQT 0244 Hydrocracker Flare	SO <sub>2</sub>	0.13	53.30	196.54	194.44
riare	Total VOC	0.13	215.79	238.32	211.04
	n-Hexane	0.13	3.57	0.48	15.72
	Benzene	0.13	<0.01	0.01	2.60

<sup>\*</sup> quantity of material released above permitted emission rates.

- A. Failure to operate a control device in the manner as required is a violation of Specific Requirement 1204 of Title V Permit No. 2913-V2, LAC 33:III.905.A, and La. R.S. 30:2057(A)(2).
- B. Each exceedance of a permitted emission limit is a violation of Title V Permit No. 2913-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

#### X.

The Department received an Unauthorized Discharge Notification Report for Department Incident No. T171459 dated July 7, 2016, and a Follow-up Unauthorized Discharge Notification Report dated August 18, 2016. According to the reports, on June 30, 2016, the Residual Catalytic Cracking Unit (RCCU) experienced a shutdown while the electronic control systems were being upgraded. During the upgrade process, three (3) meters were cutover which caused a pressure controller to malfunction and resulted in a false low pressure reading in the regeneration system. The false low pressure indication caused a control valve to close which resulted in an increase in regeneration system pressure and subsequent high level in one of the reactor systems. The high level caused operations to divert feed and bring RCCU Unit down to stabilize the system. As a result of the incident, flaring occurred at the RCCU Flare (EQT 0051), the Hydrocracking (HCU) Flare (EQT 0244), and at the Shell Chemical, LP-East Site's GO-1 Elevated Flare (EQT 0056). The Respondent determined the incident was preventable. The tables below list the emission source(s), the pollutant(s), and the duration(s) for the incident:

				質ができ	Amigus Roccion Associa establica Establica In Inc.
	CO	10	7.47	429.95	355.25
	NO₃	10	1.37	79.02	65.32
	PM	10	0.15	14.87	13.37
	SO <sub>2</sub>	10	0.19	360.43	358.5
EQT 0051 RCCU Flare	VOCs	10	0.28	234.70	231.90
	Benzene	10	<0.001	0,41	0.40
	Toluene	10	<0.001	0.73	0.72
	n-Hexane	10	0.01	0.15	0.05
	1,3-butadiene	10	<0.001	0.72	0.71

Emission Politi	) 	5 7 1 1 1	Paray mail mac b far	Actor of	Aponat Released Apove Perulined Limits (like)
	со	i	8.56	6.05	0
	NO₂	1	1.57	1.11	0
EQT 0244 HCU Flare	PM	1	0.17	0.21	0.04
	SO <sub>2</sub>	I	0.01	10.76	10.75
	VOCs	1	0.003	0.058	0.055

o posicione de l'agricone					Anoual Reigner Above Carlos Sault (BE)
EQT 0056	СО	8,5	1.82	3,155.63	3,140.26

					A count =
GO-1 Elevated Flare	NO <sub>x</sub>	8.5	0.34	579.95	0
	РМ	8.5	0.06	109.17	108.66

<sup>\*</sup> quantity of material released above permitted emission rates

- A. Each failure to use and/or diligently maintain a control device in proper working order as required is a violation of Specific Requirement 455 of Title V Permit No. 2602-V8, Specific Requirement 1229 of Title V Permit No. 2913-V3, LAC 33:III.905.A, and La. R.S. 30:2057(A)(2).
- B. Each exceedance of a permitted emission limit is a violation of Title V Permit No. 2602-V8, Title V Permit No. 2913-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

#### XI.

On or about November 30, 2016 through December 8, 2016, the Department conducted a compliance audit for the Chemical Accident Prevention Provisions (CAPP) set forth in 40 CFR 68. While the Department's investigation is not yet complete, the following violations were discovered during the course of the inspection:

- A. The Respondent failed to provide refresher training to each employee involved in operating a process to ensure that the employee understands and adheres to the current operating procedures of the process. The documents reviewed during the inspection demonstrated the Respondent's failure to cover all operating procedures, specifically, normal operating procedures were not covered in the refresher training, Failure to provide refresher training is a violation of 40 CFR 68.54(b), which language has been incorporated by reference as Louisiana regulation LAC 33:III.5901.A, Specific Requirement 500 of Title V Permit No. 2501-V5, LAC 33:III.501.C4, and La. R.S. 30:2057(A)(2).
- B. The Respondent failed to document the name of the person performing the vibration analyses for rotating equipment. Inspection or testing documentation is required to identify the following: 1) the date of the inspection or test; 2) the name of the person who performed the inspection or test; 3) the serial number or other identifier of the equipment on which the inspection or test was performed; 4) a description of the inspection or test performed; and 5) the results of the inspection or test. Failure properly document inspections is a violation of 40 CFR 68.73(d)(4), which language has been incorporated by reference as Louisiana regulation LAC 33:III.5901.A, Specific Requirement 500 of Title V Permit No. 2501-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). This violation was considered corrected by the inspector.

XII.

The Department received an Unauthorized Discharge Notification Report for Department Incident No. T179296 dated August 10, 2017, and a Follow-up Unauthorized Discharge Notification Report dated September 20, 2017. According to the reports, on August 7, 2017, an open valve was discovered on the RCCU Wet Gas Scrubber Suction Boot. The open valve resulted in elevated flow to the Shell Chemical Utilities East Flare. The valve was left open following a routine task. The Respondent determined the incident was preventable. Failure to operate a control device in the manner as required is a violation of LAC 33:III.905.A, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

#### COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

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

H

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

Office of Environmental Compliance Post Office Box 4312 Baton Rouge, Louisiana 70821-4312

Attn: Antoinette Cobb

Re: Enforcement Tracking No. AE-CN-17-00658

Agency Interest No. 1406

### THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

1.

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

II

The request for an adjudicatory hearing shall specify the provisions of the COMPLIANCE ORDER on which the hearing is requested and shall briefly describe the basis for the request. This request

should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division

Attn: Hearings Cierk, Legal Division

Re: Enforcement Tracking No. AE-CN-17-00658

Agency Interest No. 1406

III.

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

IV.

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

٧.

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

VI.

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

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

VII.

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

### NOTICE OF POTENTIAL PENALTY

I.

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

II.

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

Ш.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this NOTICE OF POTENTIAL PENALTY portion, the Respondent may offer a settlement

amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form. The Respondent must include a justification of the offer. <u>DO NOT</u> submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

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

Baton Rouge, Louisiana, this day o

, 2018.

Lourdes Iturralde Assistant Secretary

Office of Environmental Compliance

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

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

Attention: Antoinette Cobb

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE **ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER & POST OFFICE BOX 4312** NOTICE OF POTENTIAL PENALTY BATON ROUGE, LOUISIANA 70821-4312 **REQUEST TO CLOSE** Enforcement Tracking No. AE-CN-17-00658 **Contact Name Antoinette Cobb** Agency Interest (AI) No. 1406 Contact Phone No. (225) 219-3072 Alternate ID No. 2520-00002 Respondent: Facility Name: **Shell Oil Products US Norco Refinery Equilon Enterprises LLC** Physical Location: c/o C T Corporation System 15536 River Road Agent for Service of Process 3867 Plaza Tower Drive City, State, Zip: Norco, LA 70079 Baton Rouge, LA 70816 Parish: St. Charles STATEMENT OF COMPLIANCE STATEMENT OF COMPLIANCE **Date Completed** Copy Attached? A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER. All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER. All necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER. All necessary documents were submitted to the Department within 90 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s)? of the "Order" portion of the All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of: SETTLEMENT OFFER (OPTIONAL) (check the applicable option) The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7. In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-17-00658), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures. In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-17-00658), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. Monetary component = Beneficial Environmental Project (BEP)component (optional)= DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted. The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-17-00658) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

	CERTIFICATION STATEM	MENT	
I certify, under provisions in Louisiana and t and belief formed after reasonable inquir accurate, and complete. I also certify that I I own or operate. I further certify that I am	y, the statements and information do not owe outstanding fees or pen	attached and the compliance st alties to the Department for this f	atement above, are true acility or any other facility
Respondent's Signature	Respondent's Printed Nar	ne Respo	ndent's Title
Respondent's Physica	l Address	Respondent's Phone #	Date /
MAIL	COMPLETED DOCUMENT TO TH	E ADDRESS BELOW:	
Louislana Department of Environmental Qu Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821	ality		

JOHN BEL EDWARDS GOVERNOR



CHUCK CARR BROWN, Ph.D. SECRETARY

**EXHIBIT** 

## State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

March 9, 2020

Sajqqg

CERTIFIED MAIL (7012 2210 0001 1915 8442) RETURN RECEIPT REQUESTED

### **EQUILON ENTERPRISES LLC**

c/o C T Corporation System Agent for Service of Process 3867 Plaza Tower Drive Baton Rouge, LA 70816

RE:

CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY ENFORCEMENT TRACKING NO. AE-CN-18-00420 AGENCY INTEREST NO. 3462

Dear Sir/Madam:

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

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

Any questions concerning this action should be directed to Antoinette Cobb at (225) 219-3072 or via email at antoinette.cobb@la.gov.

Sincerely

Administrator

**Enforcement Division** 

CJC/AFC/afc Alt ID No. 2520-00028 Attachment c: Equilon Enterprises LLC
St. Rose Refinery
c/o Mr. Brett Woltjen, General Manager
P.O. Box 10
Norco, LA 70779

# STATE OF LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

### OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

\*

EQUILON ENTERPRISES LLC ST. CHARLES PARISH ALT ID NO. 2520-00028 ENFORCEMENT TRACKING NO.

AE-CN-18-00420

AGENCY INTEREST NO.

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

3462

## **CONSOLIDATED**

## COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

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

#### FINDINGS OF FACT

I.

The Respondent owns and/or operates St. Rose Refinery (the Facility), a petroleum refinery, located at 11842 River Road in St. Rose, St. Charles Parish, Louisiana. The Facility operates or has operated under the authority of the following Title V Air Permits:

Facility	2520-00028-V4	11/14/2017	10/18/2021
	2520-00028-V3	10/18/2016	10/18/2021
	2520-00028-V2	04/20/2011	04/20/2016

The facility also operates under Consent Decree, Civil Action Number H-10-1042 entered into the United States District Court for the Southern District of Texas on October 28, 2010.

II.

On or about April 3, 2018, the Department conducted a compliance audit to determine the Respondent's degree of compliance with the Chemical Accident Prevention Provisions (CAPP) set forth in 40 CFR 68. While the Department's investigation is not yet complete, the following violation was discovered during the course of the audit:

The Respondent failed to register with the Office of Environmental Compliance (OEC) within sixty (60) days of becoming subject to the regulations. The Respondent de-registered in 2009. The facility became subject again on November 29, 2012; the facility did not register with OEC until May 2, 2017. Failure to submit registration by the required date is a violation of LAC 33:III.5911.A.2 and La. R.S. 30:2057(A)(2). It was noted during the inspection that the Respondent is no longer subject to CAPP Risk Management Plan regulations at this time due to no threshold quantities of regulated substances being at the facility; however, the Respondent will not de-register until the future of the facility is known.

III.

On or about November 21, 2019, the Department conducted a file review to determine the Respondent's degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. While the review is not complete, the Department noted the violations found in Paragraphs IV-IX of the Findings of Fact portion of this enforcement action.

IV.

The Respondent reported the following violations from permitted operating parameters:

A.	2013 2 <sup>nd</sup> Semiannual Monitoring Report (03/26/2014)	<b>2</b> 520-00028-V2	EQT 0001 F-8501 (H-1) Atmospheric Column Heater	08/28/2013 (1 hour)	Fuel gas: Hydrogen Sulfide ≤0.1 gr/dscf (230 mg/dscm)	Fuel gas concentration was exceeded when an increase in vent gas to the caustic treatment system coincided with a decrease in natural gas imports. The increase in the vent gas flow may have briefly exceeded the caustic treatment system's capacity before operators could intervene.	40 CFR 60.104(a)(1), Specific Requirement 1
8.	2013 2™ Semiannual Monitoring Report (03/26/2014)	2520-00028-V2	EQT 0003 F-8502 (H-2) Vacuum Column Heater	08/28/2013 (1 hour)	Fuel gas: Hydrogen Sulfide <u>&lt;</u> 0.1 gr/dscf (230 mg/dscm)	Fuel gas concentration was exceeded when an increase in vent gas to the caustic treatment system that coincided with a decrease in natural gas imports. The increase in the vent gas flow may have briefly exceeded the caustic treatment system's capacity before operators could intervene.	40 CFR 60.104(a)(1), Specific Requirement 12

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C.	2013 2 <sup>™</sup> Semiannual Monitoring Report (03/26/2014)	2520-00028-V2	EQT 0014 BLR-8501 Steam Boiler	08/28/2013 (1 period)	Fuel gas: Hydrogen Suffide ≤ 0.1 gr/dscf (230 mg/dscm)	Fuel gas concentration was exceeded when an increase in vent gas to the caustic treatment system that coincided with a decrease in natural gas imports. The increase in the vent gas flow may have briefly exceeded the caustic treatment system's capacity before operators could intervene.	40 CFR 60:104(a)(1), Specific Requirement 142
D.	2014 1 <sup>st</sup> Semiannual Monitoring Report (09/24/2014)	2520-00028-V2	EQT 0001 F-8501 (H-1) Atmospherk Column Heater	05/10/2014 (1 hour)	Fuel gas: Hydrogen Sulfide ≤0.1 gr/dscf (230 mg/dscm)	Fuel gas concentration was exceeded when an upset to fuel gas caustic treatment system occurred, possibly due to malfunction of the caustic recirculation pump.  Corrective action: The crude feed rate was reduced, boiler feed water was introduced to raise temperature and wash potential softs causing channeling, and a fresh tank of caustic mixed to 16 Boume was introduced.	40 CFR 60.104(a)(1), Specific Requirement 1
Ē.	2014 1 <sup>st</sup> Semiannual Monitoring Report (09/24/2014)	2520-00028-V2	EQT 0003 F-8502 (H-2) Vacuum Column Heater	05/10/2014 (1 hour)	Fuel gas: Hydrogen Sulfide ≤ 0.1 gr/dscf (230 mg/dscm)	Fuel gas concentration was exceeded when an upset to fuel gas caustic treatment system occurred, possibly due to malfunction of the caustic recirculation pump.  Corrective action: The crude feed rate was reduced, boiler feed water was introduced to raise temperature and wash potential salts causing channeling, and a fresh tank of coustic mixed to 16 Bourne was introduced.	40 CFR 60.104(a)(1), Specific Requirement 12
F.	2014 1* Semiannual Monitoring Report (09/24/2014)	2520-00028-V2	EQT 0014 BLR-8501 Steam Boiler	05/10/2014 (1 hour)	Fuel gas: Hydrogen Sulfide ≤ 0.1 gr/dscf (230 mg/dscm)	Fuel gas concentration was exceeded when an upset to fuel gas caustic treatment system occurred, possibly due to malfunction of the caustic recirculation pump.  Corrective action: The crude feed rate was reduced, bailer feed water was introduced to raise temperature and wash potential salts causing channeling, and a fresh tank of caustic mixed to 16 Boume was introduced.	40 CFR 60.104(a)(1), Specific Requirement 142

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G.	2014 1st Semiannual Monitoring Report (09/24/2014)	2520-00028-V2	EQT 0001 F-8501 (H-1) Atmospheric Column Heater	06/23/2014- 06/24/2014 (1 hour)	Fuel gas: Hydrøgen Sulfide ≤ 0.1 gr/dscf (230 mg/dscm)	Fuel gas concentration was exceeded when there was a malfunction of the fuel gas treating system caustic circulation pump.  Corrective action: The coustic recirculation pump was restarted and the caustic feed was switched to the afternate blend tank.	40 CFR 60.104(a)(1), Specific Requirement 1
Н.	2014 1 <sup>st</sup> Semiannual Monitoring Report (09/24/2014)	2520-00028-V2	EQT 0003 F-8502 (H-2) Vacuum Column Heater	06/23/2014- 06/24/2014 (1 hour)	Fuel gas: Hydrogen Sulfide ≤ 0.1 gr/dscf (230 mg/dscm)	Fuel gas concentration was exceeded when there was a maifunction of the fuel gas treating system caustic circulation pump.  Corrective action: The caustic recirculation pump was restarted and the caustic feed was switched to the alternate blend tank.	40 CFR 60.104(a)(1), Specific Requirement 12
l,	2014 1st Semiannual Monitoring Report (09/24/2014)	2520-00028-V2	EQT 0014 BLR-8501 Steam Boiler	06/23/2014- 06/24/2014 (1 hour)	Fuel gas: Hydrogen Sulfide ≤ 0.1 gr/dscf (230 mg/dscm)	Fuel gas concentration was exceeded when there was a malfunction of the fuel gas treating system caustic circulation pump.  Corrective action: The coustic recirculation pump was restorted and the coustic feed was switched to the olternate blend tank.	40 CFR 60.104(a)(1), Specific Requirement 142
J.	2014 2 <sup>™</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028-V2	EQT 0001 F-8501 (H-1) Atmospheric Column Heater	09/03/2014 (1 hour)	Fuel gas: Hydrogen Sulfide <u>&lt; 0.1</u> gr/dscf {230 mg/dscm}	fuel gas concentration was exceeded when plugging occurred in the recirculation line and loss of level in the fuel gas scrubber.  Corrective action: The caustic flow was increased, the level in the scrubber was returned to normal, and the plugged recirculation line was cleared.	40 CFR 60.104(a)(1), Specific Requirement 1
K.	2014 2 <sup>™</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028-V2	EQT 0003 F-8502 (H-2) Vacuum Column Heater	09/03/2014 (1 hour)	Fuel gas: Hydrogen Sulfide ≤ 0.1 gr/dscf (230 mg/dscm)	Fuel gas concentration was exceeded when plugging occurred in the recirculation line and loss of level in the fuel gas scrubber.  Corrective action: The caustic flow was increased, the level in the scrubber was returned to normal, and the plugged recirculation line was cleared.	40 CFR 60.104(a)(1), Specific Requirement 12

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Ĺ.	2014 2 <sup>nd</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028-V2	EQT 0014 BLR-8501 Steam Boiler	09/03/2014 (1 hour)	Fuel gas: Hydrogen Sulfide ≤ 0.1 gr/dscf (230 mg/dscm)	Fuel gas concentration was exceeded when plugging occurred in the recirculation line and loss of level in the fuel gas scrubber.  Corrective oction: The caustic flow was increased, the level in the scrubber was returned to normal, and the plugged recirculation line was cleared.	40 CFR 60.104(a)(1), Specific Requirement 142
М.	2015 2 <sup>rd</sup> Semiannual Monitoring Report (03/30/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	12/27/2015	A root cause analysis and corrective action analysis must be completed as soon as possible, but no later than 45 days after a discharge meeting one of the conditions specified in paragraphs (c)(1) through (3) of this section.	A root cause analysis/corrective action analysis was not completed within 45 days after a discharge that exceeded the Subpart Ja flow threshold.	40 CFR 60.103a(d)
N.	2016 1* Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	04/19/2016- 04/20/2016 (8:01 hours)	Operate with flame present at all times	A flare pilot outage occurred while sweep gas flow to the flare was being reduced in an effort to meet permitted emission limits until a revised permit is issued.	40 CFR 60.18(c)(2), Specific Requirement 134

Each failure to operate according to permitted requirements is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

V.

The Respondent reported the following violations from monitoring requirements:

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Α.	2014 1* Semiannual Monitoring Report (09/24/2014)	2520-00028-V2	FUG 0002 Site Fugitive Emissions	2013	Each owner or operator subject to the provisions of this subpart shall comply with the requirements of §§60.482-1a to 60.482-10a as soon as practicable, but no later than 180 days after initial startup	72 valves missed the second monthly monitoring event for the two (2) months No- Leak Initial Valve Monitoring Analysis*	40 CFR 60.592a(a), Specific Requirement 170

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8.	2014 1# Semiannual Monitoring Report (09/24/2014)	2520-00028-V2	FUG 0002 Site Fugitive Emissions	2013	Each owner or operator subject to the provisions of this subpart shall comply with the requirements of \$560.482-1a to 60.482-10a as soon as practicable, but no later than 180 days after initial startup	69 valves missed the initial monthly monitoring event*	40 CFR 60.592a(a), Specific Requirement 170
C.	2014 1st Semiannual Monitoring Report (09/24/2014)	2520-00028-V2	FUG 0002 Site Fugitive Emissions	2013	Each owner or operator subject to the provisions of this subpart shall comply with the requirements of \$\$60.482-1a to 60.482-10a as soon as practicable, but no later than 180 days after initial startup	Four (4) components were not monitored within 30 days of installation*	40 CFR 60.592a(a), Specific Requirement 170
D.	2014 2 <sup>nd</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028-V2	EQT 0001 F-8501 (H-1) Atmospheric Column Heater	03/31/2014	The owner or operator shall comply with the applicable quality assurance procedures in appendix F to part 60 for each H <sub>2</sub> S monitor	Unable to verify the cylinder gas audit was conducted on the fuel gas H <sub>2</sub> S CEMS during the first quarter of 2014.	40 CFR 60.107a(a)(2)(iii)
£,	2014 2 <sup>nd</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028-V2	EQT 0003 F-8502 (H-2) Vacuum Column Heater	03/31/2014	The owner or operator shall comply with the applicable quality assurance procedures in appendix F to part 60 for each H <sub>2</sub> S monitor	Unable to verify the cylinder gas audit was conducted on the fuel gas H <sub>2</sub> S CEMS during the first quarter of 2014.	40 CFR 60.107a(a)(2)(iii)
F.	2014 2 <sup>nd</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028-V2	EQT 0013 FE-8501 Flare	03/31/2014	The owner or operator shall comply with the applicable quality assurance procedures in appendix F to part 60 for each H <sub>2</sub> S monitor	Unable to verify the cylinder gas audit was conducted on the fuel gas H <sub>4</sub> S CEMS during the first quarter of 2014.	40 CFR 60.107a(a)(2)(iii)
G.	2015 2 <sup>™</sup> Semiannual Monitoring Report (03/30/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	12/11/2015	The owner or operator of an affected facility shall conduct a performance evaluation of the COMS or continuous emission monitoring system (CEMS) during any performance test required under \$60.8 or within 30 days thereafter in accordance with the applicable performance specification in appendix B of this part	An initial performance evaluation of the flare total sulfur CEMS was not completed within 30 days of the compliance date.	40 CFR 60.13(c), 40 CFR 60.107a(e)(1)(ii), Specific Requirement

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н.	2018 2 <sup>™</sup> Semiannual Monitoring Report (03/28/2019)	2520-00028-V4	FUG 0002 Site Fugitive Emissions	Nat reported	Fugitive piping components may be added to or removed from the permitted units, without triggering the need to apply for permit modification, provided: d. the components are promptly incorporated into any applicable lead detection and repair program	During the re- documentation effort for fugitive components, it was discovered that components were redesignated or newly added and thus not previously manitored.	Specific Requirement 202

<sup>\*</sup>Revisions/Additions to Previous Title V Certification Reports: January 1, 2013 to December 31, 2013

Each failure to monitor as required is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

VI.

The Respondent reported the following emission exceedances:

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					Benzene (0.01 max lb/hr)	Not reparted	The TK-8553 EFR
					Ethylbenzene (0.004 max lb/hr)	Not reported	legs during a transfer operation because
	2013 2 <sup>rd</sup> Semiannual	2522 00020 112	EQT 0007 TK-8553	10/16/2013	n-hexane (0.11 max ib/hr)	Not reported	the radar gauge that was being used to
A.	Monitoring Report (03/26/2014)	2520-00028-V2	1K-8553 (10-2) EFR	(10-2) EFR (3.5 hours) Hydrogen	Hydrogen suifide (0.004 max lb/hr)	Not reported	monitor the tank level was reading
					Xylene (0.02 max lb/hr)	Not reported	incorrectly (approximately 3 feet
					Toluene (0.01 max lb/hr)	Not reported	higher than the actual level).
8.	2015 2 <sup>nd</sup> Semiannual Monitoring Report (03/30/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	11/13/2015- 11/30/2015 (150 hours)	SO <sub>2</sub> (0.03 max lb/hr)	Not reported	Intermittent elevated total sulfur at the flare
c.	2015 2 <sup>nd</sup> Semiannual Monitoring Report (03/30/2016)	, 2520-00028-V2	EQT 0013 FE-8501 Flare	12/01/2015- 12/31/2015 (542 hours)	SO <sub>2</sub> (0.03 max lb/hr)	Not reported	Intermittent elevated total sulfur at the flare
D,	2015 2 <sup>nd</sup> Semiannual Monitoring Report (03/30/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	11/12/2015- 11/30/2015 (446 hours)	NOx (0.18 max ib/hr)	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
E.	2015 2 <sup>nd</sup> Semiannual Monitoring Report (03/30/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	12/01/2015- 12/31/2015 (744 hours)	NOx (0.18 max lb/hr)	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
F.	2015 2 <sup>nd</sup> Semiannual Monitoring Report (03/30/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	11/12/2015- 11/30/2015 (446 hours)	CO (0.98 max lb/hr)	Not reported	Measured flows were higher than the design flows that the permit limit was based on.

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G.	2015 2 <sup>nd</sup> Semiannual Monitoring Report (03/30/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	12/01/2015- 12/31/2015 (744 hours)	CO (0.98 max ib/hr)	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
н.	2015 2 <sup>nd</sup> Semiannual Monitoring Report (03/30/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	11/12/2015- 11/30/2015 (446 hours)	PM (0.03 max lb/hr)*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
1.	2015 2 <sup>nd</sup> Semiannual Monitoring Report (03/30/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	12/01/2015- 12/31/2015 (744 hours)	PM (0.03 max lb/hr)*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
J.	2015 2 <sup>rd</sup> Semiannual Monitoring Report (03/30/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	11/12/2015- 11/30/2015 (446 hours)	VOC (1.05 max lb/hr)*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
К.	2015 2 <sup>rd</sup> Semiannual Monitoring Report (03/30/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	12/01/2015- 12/31/2015 (744 hours)	VOC {1.05 max lb/hr}*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
L	2015 2 <sup>M</sup> Semiannual Monitoring Report (03/30/2016) General Condition XI Notification-2015 Emission Inventory Statement (EIS) (05/25/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	2015 calendar year	5O <sub>2</sub> (0.11 tpy)*	4.32 tpy (in excess)	intermittent elevated total sulfur at the flare
М.	General Condition XI Notification-2015 Emission Inventory Statement (EIS) (05/25/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	2015 calendar year	CO (3.30 tpy)*	6.68 tpy (in excess)	When the flow meter was installed for Subpart Ja compliance, the flow was found to be higher than the permitted value.
N.	General Condition XI Notification-2015 Emission Inventory Statement (EIS) (05/25/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	2015 calendar year	NOx (0.61 tpy)*	1.37 tpy (in excess)	When the flow meter was installed for Subpart Ja compliance, the flow was found to be higher than the permitted value.
O.	General Condition XI Notification-2015 Emission Inventory Statement (EIS) (05/25/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	2015 calendar year	PM (0.11 tpy)*	0.26 tpy (in excess)	When the flow meter was installed for Subpart Ja compliance, the flow was found to be higher than the permitted value.

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P.	General Condition XI Notification-2015 Emission Inventory Statement (EIS) (05/25/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	2015 calendar year	VOC (3.39 tpy)*	2.56 tpy (in excess)	When the flow meter was installed for Subpart Ja compliance, the flow was found to be higher than the permitted value.
ď	2016 1 <sup>st</sup> Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	01/01/2016- 01/31/2016 (491 hours)	\$O <sub>2</sub> (0.03 max lb/hr)*	Not reported	intermittent elevated total sulfur at the flare
R,	2016 1 <sup>st</sup> Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	02/01/2016- 02/29/2016 (480 hours)	SO <sub>2</sub> (0.03 max lb/hr)	Not reported	intermittent elevated total sulfur at the flare
5.	2016 1 <sup>st</sup> Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	03/01/2016- 03/31/2016 (80 hours)	SO₂ (0.03 max lb/hr)*	Not reported	Intermittent elevated total sulfur at the flare
T.	2016 1st Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	05/01/2016- 05/31/2016 (18 hours)	5O <sub>2</sub> (0.03 max lb/hr)*	Not reported	Intermittent elevated total sulfur at the flare
U.	2016 1st Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	2016 calendar year	\$O₂ (0.11 tpγ)*	Not reported	intermittent elevated total sulfur at the flare
V.	2016 1 <sup>st</sup> Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	01/01/2016- 01/31/2016 (570 hours)	NOx (0.18 max lb/hr) *	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
w.	2016 1 <sup>st</sup> Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	02/01/2016- 02/29/2016 (679 hours)	NOx (0.18 max lb/hr) *	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
X.	2016 1 <sup>st</sup> Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	03/01/2016- 03/31/2016 (667 hours)	NOx (0.18 max lb/hr)*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
γ.	2016 1* Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	04/01/2016- 04/30/2016 (294 hours)	NOx (0.18 max lb/hr)*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
Z.	2016 1st Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	05/01/2016- 05/31/2016 (200 hours)	NOx (0.18 max lb/hr)*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
AA.	2016 1 <sup>st</sup> Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	2016 calendar year	NOx (0.61 tpy)	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
68.	2016 1* Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	01/01/2016- 01/31/2016 (570 hours)	CO {0.98 max lb/hr}*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.

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cc.	2016 1* Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	02/01/2016- 02/29/2016 (679 hours)	CO (0.98 max lb/hr)*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
OD.	2016 1# Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	03/01/2016- 03/31/2016 (699 hours)	CO (0.98 max lb/hr)*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
EE.	2016 1 <sup>4</sup> Semiannual Monitoring Report (09/26/2016)	2520-0002 <b>8</b> -V2	EQT 0013 FE-8501 Flare	04/01/2016- 04/30/2016 (353 hours)	CO {0.98 max lb/hr}*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
FF.	2016 1* Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	05/01/2016- 05/31/2016 (210 hours)	CO (0.98 max lb/hr)*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
GG.	2016 1" Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	2016 calendar year	CO (3.30 tpy)*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
нн.	2016 1 <sup>st</sup> Semiannual Monitoring Report (09/26/2016)	2520-00028-Y2	EQT 0013 FE-8501 Flare	01/01/2016- 01/31/2016 (570 hours)	PM (0.03 max lb/hr)*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
₩.	2016 1* Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	02/01/2016- 02/29/2016 (679 hours)	PM (0.03 max lb/hr)*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
IJ.	2016 1 <sup>#</sup> Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	03/01/2016 03/31/2016 (659 hours)	PM (0.03 max lb/hr)*	Not reported	Measured flows were higher than the design flows that the permit firnit was based on.
KK.	2016 1 <sup>st</sup> Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	04/01/2016- 04/30/2016 (273 hours)	PM {0.03 max lb/hr}*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
L.	2016 1 <sup>4</sup> Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	05/01/2016- 05/31/2016 (195 hours)	PM (0.03 max lb/hr)*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
MM.	2016 1 <sup>st</sup> Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	2016 calendar year	PM (0.11 tpy)*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.

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NN.	2016 1* Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0023 FE-8501 Flare	01/01/2016- 01/31/2016 (363 hours)	VOC (1,05 max lb/hr)*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
00.	2016 1* Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	02/01/2016- 02/29/2016 (195 hours)	VOC {1.05 max lb/hr}*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
PP.	2016 1* Semiannual Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	03/01/2016- 03/31/2016 (117 hours)	VOC (1.05 max lb/hr)*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
QQ.	2016 1 <sup>4</sup> Semiannuai Monitoring Report (09/26/2016)	2520-00028-V2	EQT 0013 FE-8501 Flare	05/01/2016- 05/31/2016 (8 hours)	VOC (1.05 max lb/hr)*	Not reported	Measured flows were higher than the design flows that the permit limit was based on.
					CO (36.40 max lb/hr)	Not reported	A power dip tripped FE-8501 and caused
					NOx (6.68 max lb/hr)	Not reported	the loss of Crude charge pumps and
RR.	2016 2 <sup>nd</sup> Semiannual Monitoring Report	2520-00028-V3	EQT 0013 FE-8501	08/15/2016	PM (1.26 max lb/hr)	Not reported	other equipment. A review of the
	(03/28/2017)		Flare	(9 minutes)	\$O <sub>2</sub> (5.61 max ib/hr)	Not reported	incident determined adjustments by operations can be made to minimize the flare during power trips.
				:	VOC (45.51 max lb/hr)	Not reported	
SS.	2017 1 <sup>st</sup> Semiannual Monitoring Report (09/25/2017)	2520-00028-V3	EQT 0013 FE-8501 Flare	05/02/2017 (10 hours)	SOz (5.61 max lb/hr)	Not reported	A compressor trip caused flaring which resulted in exceedance of the max lb/hr SO <sub>2</sub> limit at the flare

<sup>\*</sup> The maximum hourly and annual emission limits for EQT 0013 FE-8501 Flare were increased for the following pollutants in Title V Permit No. 2520-00028-V3 issued on October 18, 2016: CO, SO<sub>2</sub>, NOx, PM and VOC.

Each emission exceedance is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

VII.

The Respondent reported the following deviations from fugitive emission requirements:

Section 1				1 Programme Control	in the second of	
A.	2014 1 <sup>st</sup> Semiannual Report-Civil Action No. H-10-1042 (07/29/2014)	2520-00028- V2	FUG 0002 Site Fugitive Emissions	10/15/2013	The audit found a leak rate of 0.31%, while the site average for the four most recent quarters was 0.07%. The ratio of audit leak percent divided by site leak is 4.32. The Consent Decree sets a pass/fail criterion of a ratio of 3 or greater indicating a failure, which must be considered non-compliance with corrective actions/corrective action plan carried out.	Consent Decree Paragraph F.96
8.	2014 1 <sup>4</sup> Semiannual Report-Civil Action No. H-10-1042 (07/29/2014)	2520-0002&- V2	FUG 0002 Site Fugitive Emissions	10/15/2013	The Unsafe to Monitor (UTM) Monitoring Plan only contains a summary of the rule language to monitor whenever it is safe. The UTM Monitoring Plan should identify each UTM component, the nature of its hazard, as well as noting under what conditions it would be safe to monitor.	40 CFR 60.482-7g
C.	2014 1 <sup>st</sup> Semiannual Report-Civil Action No. H-10-1042 (07/29/2014)	2520-00028- V2	FUG 0002 Site Fugitive Emissions	10/15/2013	133 valves missed one of the required two consecutive months of monitoring when initially installed or Initially becoming applicable to NSPS GGGa. In addition, 17 of these valves were not initially monitored within 30 days after their in-service date.	40 CFR 60.482-7a(a)(1), 40 CFR 60.482-7a(c)(1)(i)
D.	2014 1 <sup>st</sup> Semiannual Report-Civil Action No. H-10-1042 (07/29/2014)	2520-00028- V2	FUG 0002 Site Fugitive Emissions	10/15/2013	46 and 68 difficult-to-monitor (DTM) valves were not monitored In calendar years 2011 and 2012	40 CFR 60.482-7a(h)(3)
Ę.	2016 2 <sup>nd</sup> Semiannual Monitoring Report (03/28/2017)	2520-00028- V3	FUG 0002 Site Fugitive Emissions	July 2016- December 2016	One (1) open-ended valve or line discovered	40 CFR 60.592a(a), Specific Requirement 167
£.	2017 2 <sup>nd</sup> Semiannual Report-Civil Action No. H-10-1042 (01/25/2018)	2520-00028- V3	FUG 0002 Site Fugitive Emissions	10/16-23/2017	25 valves in Gas/Vapor, and/or Light Liquid Service were found to be missing from the LDAR program	40 CFR 60.482-1a(a)

The failure to meet the fugitive emission requirement is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, LAC 33:III.2122.C.3, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

VIII.

The Respondent failed to meet the following reporting requirements:

					3 - 11 - 12 11 - 24 -	
<b>A.</b>	2015 2 <sup>™</sup> Semiannual Monitoring Report (03/30/2016)	2520-00028-V2	A written report shall be submitted for any emission in excess of permit emission limitations, regardless of the amount, where such emission occurs over a period of seven (7) days or longer. The report shall be submitted no later than 14 days from the initial occurrence of the release event.	11/26/2015	Not submitted	LAC 33:HI.535
8.	2016 1 <sup>4</sup> Semiannual Monitoring Report (09/29/2016)	2520-00028-V2	A written report shall be submitted for any emission in excess of permit emission limitations, regardless of the amount, where such emission occurs over a period of seven (7) days or longer. The report shall be submitted no later than 14 days from the initial occurrence of the release event.	01/06/2016	Not submitted	LAC 33:IH.535
C.	2016 1 <sup>st</sup> Semiannual Monitoring Report (09/29/2016)	2520-00028-V2	A written report shall be submitted for any emission in excess of permit emission limitations, regardless of the amount, where such emission occurs over a period of seven (7) days or longer. The report shall be submitted no later than 14 days from the initial occurrence of the release event.	02/17/2016	Not submitted	LAC 33:III.535
D.	2016 2 <sup>™</sup> Semiannual Monitoring Report (03/28/2017)	2520-00028-V2	A written report shall be submitted for any emission in excess of permit emission limitations, regardless of the amount, where such emission occurs over a period of seven (7) days or longer. The report shall be submitted no later than 14 days from the initial occurrence of the release event.	01/14/2016	Not submitted	LAC 33:III.535
€.	2016 2 <sup>™</sup> Semiannual Monitoring Report (03/28/2017)	2520-00028-V2	A written report shall be submitted for any emission in excess of permit emission limitations, regardless of the amount, where such emission occurs over a period of seven (7) days or longer. The report shall be submitted no later than 14 days from the initial occurrence of the release event.	02/25/2016	Not submitted	ŁAC 33:111.535

Each failure to meet reporting requirements is a violation of applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

IX.

The Respondent reported the following recordkeeping violations:

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A	2014 2 <sup>nd</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028- V2	EQT 0001 F-8501 (H-1) Atmospheric Column Heater	10/04/2014	Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection	Unable to verify that calibration drift checks were performed on 10/04/2014; the drift checks may have been performed but the data documenting this was lost due to an unknown cause.	40 CFR 60.7(f), Specific Requirement 198
В.	2014 2 <sup>nd</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028- V2	EQT 0003 F-8502 (H-2) Vacuum Column Heater	10/04/2014	Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection	Unable to verify that calibration drift checks were performed on 10/04/2014; the drift checks may have been performed but the data documenting this was lost due to an unknown cause.	40 CFR 60.7(f), Specific Requirement 198
C.	2014 2 <sup>nd</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028- V2	EQT 0014 BLR-8501 Steam Boller	19/04/2014	Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection	Unable to verify that calibration drift checks were performed on 10/04/2014; the drift checks may have been performed but the data documenting this was lost due to an unknown cause.	40 CFR 60.7(f), Specific Requirement 198

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\$ \$.	£						
D.	2014 2 <sup>™</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028- V2	EQT 0013 FE-8501 Flare	10/04/2014	Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection	Unable to verify that calibration drift checks were performed on 10/04/2014; the drift checks may have been performed but the data documenting this was lost due to an unknown cause.	40 CFR 60.7(f), Specific Requirement 198
€.	2014 2 <sup>nd</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028- V2	EQT 0026 Emergency Diesel Fire Water Pump	05/03/2013- 02/26/2016	Equipment/operational data recordkeeping by electronic or hard copy at the regulation's specified frequency.	Unable to locate emergency engine operation and maintenance records for period indicated*	40 CFR 63.6655, Specific Requirement 166
F.	2014 2 <sup>nd</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028- V1/V2	EQT 0010 TK-8551 IFR Tank	2010-2012	Inspection records recordkeeping by electronic or hard copy upon each occurrence of inspection	Unable to locate records of 2010-2012 annual visual inspections*	40 CFR 60.115b(a)(2), Specific Requirements 119& 121
G.	2014 2 <sup>nd</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028- V1/V2	EQT 0006 TK-8552 EFR Tank	2010- 1H2013	Secondary seal or closure mechanism monitored by visual inspection/ determination semiannually	Unable to locate records of semiannual visual inspections for 2010-142013*	LAC 33:III.2103.D.2.e, Specific Requirements 60 & 62
н.	2014 2nd Semiannual Monitoring Report (03/26/2015)	2520- 00028V1/V2	EQT 0006 TK-8552 EFR Tank	2010-2012	Gap measurement(s) recordkeeping by electronic or hard copy upon each occurrence of a gap measurement performance	Unable to locate records of annual seal gap measurements for 2010-2012*	40 CFR 60.115b(b)(3), Specific Requirements 50 & S1
4.	2014 2 <sup>nd</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028- V1/V2	EQT 0006 TK-8552 EFR Tank	2012-2013	Submit notification: Due at least 30 days in advance of any gap measurements required by 40 CFR 60.113b(b)(1)	Unable to locate records of seal gap measurement notifications for 2012-2013*	40 CFR 60.113b(b)(5), Specific Requirement 44s & 45
J.	2014 2 <sup>nd</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028- V2	EQT 0006 TK-8552 EFR Tank	2013	Notify the administrative authority within seven days of noncompliance with LAC 33:III.2103.D.2	Unable to locate records for defect notifications for 2013*	LAC 33:III.2013.D.2.e, Specific Requirement 64
K.	2014 2 <sup>nd</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028- V1/V2	EQT 0007 TK-8553 EFR Tank	1H2O10; 2011- 1H2O13	Secondary seal or closure mechanism monitored by visual inspection/ determination semiannually	Unable to locate records of semiannual visual inspections for 1H2010 and 2011-1H2013*	LAC 33:III.2103.D.2.e, Specific Requirements 101 & 102
Ĺ	2014 2 <sup>nd</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028 V1/V2	EQT 0007 TK-8553 EFR Tank	2010-2012	Gap measurement(s) recordkeeping by electronic or hard copy upon each occurrence of a gap measurement performance	Unable to locate records of annual seal gap measurements for 2010-2012*	40 CFR 60.115b(b)(3), Specific Requirements 90 & 91

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M.	2014 2 <sup>nd</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028- V1/V2	EQT 0007 TK-8553 EFR Tank	2012-2013	Submit notification: Due at least 30 days in advance of any gap measurements required by 40 CFR 60.113b(b)(1)	Unable to locate records of seal gap measurement notifications for 2012-2013*	40 CFR 60.113b(b)(5) Specific Requirements 84 & 85
N.	2014 2 <sup>nd</sup> Semiannual Monitoring Report (03/26/2015)	2520-00028- V1	EQT 0007 TK-8553 EFR Tank	2013	Notify the administrative authority within seven days of noncompliance with LAC 33:III.2103.D.2	Unable to locate records for defect notifications for 2013*	LAC 33:III.2103.D.2.e, Specific Requirements 99 & 102
О.	2016 1 <sup>st</sup> Semiannual Monitoring Report (09/26/2016)	2520-00028- V2	EQT 0006 TK-8552 EFR Tank	12/31/2015	Gap measurement(s) recordkeeping by electronic or hard copy upon each occurrence of a gap measurement performance	Available records for tank TK-8852 don't adequately document that a secondary seal gap measurement was performed during 2015**	40 CFR 60.115b(b)(3), Specific Requirement 51
P.	2016 1 <sup>st</sup> Semiannual Monitoring Report (09/26/2016)	2520-00028- V2	EQT 0013 FE-8501 Flare	01/01/2016- 04/30/2016	The minimum degree of data availability shall be at least 90% (based on a monthly average) of the operating time of the emissions unit or activity being monitored	Total sulfur CEMS missing or invalid data exceeded 10% of the operating hours during the months of January-April	LAC 33:III.535
a	2015 2 <sup>nd</sup> Semiannual Monitoring Report (03/30/2016)	2520-00028- V2	EQT 0013 FE-8501 Flare	11/11/2015- 12/31/2015	Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under paragraph (d) of this section, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements	Total sulfur CEMS missing or invalid data exceeded 5% of operating time during the monitoring period. The majority of the missing data was due to problems experienced when the CEMS was first started up and as a result of a CEMS malfunction that persisted due to an alarm not being programmed correctly.	40 CFR 60.13(e), Specific Requirement 198

<sup>\*</sup>Revisions/Additions to Previous Title V Certification Reports: January 1, 2010 to December 31, 2013
\*Revisions/Additions to Previous Title V Certification Report: January 1, 2015 to December 31, 2015

Each failure to maintain the required records is a violation of: the applicable permit, any associated permit requirement listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and (2).

### **COMPLIANCE ORDER**

Based on the foregoing, the Respondent is hereby ordered:

I.

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

11

To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, the actual hydrogen sulfide (H<sub>2</sub>S) concentration for the violations cited in Paragraph IV.J-L of the FINDINGS OF FACT portion of this action.

Ш

To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, the following information as related to the violation cited in Paragraph V.H of the FINDINGS OF FACT portion of this action: 1) the number of components redesignated or newly added that were not monitored; 2) the types of components (valves, compressors, etc.); and 3) the monitoring schedule of the components, (weekly, monthly, etc.).

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, the quantities for the emission exceedances cited in Paragraph VI. B-K and Q-SS of the FINDINGS OF FACT portion of this action.

V.

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

Office of Environmental Compliance Post Office Box 4312 Baton Rouge, Louisiana 70821-4312

Attn: Enforcement Writer

Re: Enforcement Tracking No. AE-CN-18-00420 Agency Interest No. 3462

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#### THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

Ī.

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

IT

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

Department of Environmental Quality Office of the Secretary Post Office Box 4302 Baton Rouge, Louisiana 70821-4302

Attn: Hearings Clerk, Legal Division

Re: Enforcement Tracking No. AE-CN-18-00420 Agency Interest No. 3462

III.

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

IV.

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

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although

the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.

VI.

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

VII.

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

### NOTICE OF POTENTIAL PENALTY

I.

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

II.

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

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL

**PENALTY.** Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

IV

The Department assesses civil penalties based on LAC 33:I.Subpart 1.Chapter 7. To expedite closure of this NOTICE OF POTENTIAL PENALTY portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form. The Respondent must include a justification of the offer. <u>DO NOT</u> submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

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

Baton Rouge, Louisiana, this

, 2020.

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**Assistant Secretary** 

Office of Environmental Compliance

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

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

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE **ENFORCEMENT DIVISION** CONSOLIDATED COMPLIANCE ORDER & **POST OFFICE BOX 4312** NOTICE OF POTENTIAL PENALTY BATON ROUGE, LOUISIANA 70821-4312 **REQUEST TO CLOSE Enforcement Tracking No.** AE-CN-18-00420 **Contact Name Antoinette Cobb** Agency interest (AI) No. 3462 Contact Phone No. (225) 219-3072 Alternate ID No. 2520-00028 Respondent: **Equilon Enterprises LLC Facility Name:** St. Rose Refinery c/o C T Corporation System Physical Location: 11842 River Road **Agent for Service of Process** 3867 Plaza Tower Drive City, State, Zip: St. Rose, LA 70087 Baton Rouge, LA 70816 Parish: St. Charles STATEMENT OF COMPLIANCE STATEMENT OF COMPLIANCE **Date Completed** Copy Attached? A written report was submitted in accordance with Paragraph V of the "Order" portion of the COMPLIANCE ORDER. All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) II-IV of the "Order" portion of the COMPLIANCE ORDER. All necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER. All necessary documents were submitted to the Department within 90 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER. All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of: SETTLEMENT OFFER (OPTIONAL) (check the applicable option) The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7. In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00420), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures. In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00420), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. Monetary component = Beneficial Environmental Project (BEP)component (optional)= \$ DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted. The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00420) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

	CERTIFICATION STATES	MENT	
I certify, under provisions in Louisiana and t and belief formed after reasonable inquir accurate, and complete. I also certify that I I own or operate. I further certify that I am	y, the statements and information do not owe outstanding fees or pend	attached and the compliance altles to the Department for the	statement above, are true, is facility or any other facility
Respondent's Signature	Respondent's Printed Nan	ne Resp	pondent's Title
Respondent's Physica	1 Address	Respondent's Phone #	Date
MAIL	COMPLETED DOCUMENT TO THE	ADDRESS BELOW:	
Louisiana Department of Environmental Qui Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Antoinette Cobb	ality		