

based upon the following findings of fact:

“The Respondent owns and/or operates the St. Rose Terminal, a “for hire” liquid bulk storage tank farm located at 11842 River Road in St. Rose, St. Charles Parish, Louisiana. The facility currently operates under Title V Permit No. 2520-00033-V0 and PSD-LA-705, both issued on February 16, 2005. The Respondent submitted a permit modification application to the Department on August 18, 2005.

The Respondent performed stack tests from May 31, 2005 through June 10, 2005, on ten (10) stationary diesel engines (Emission Point Nos. 154-82, 155-82, 156-82, 157-82, 158-82, 159-82, 160-82, 161-82, 162-82, and 167-82) with horsepower rating of 500 HP or greater as required by Title V Permit No. 2520-00033-V0. In a letter to the Department dated August 4, 2005, the Respondent reported that emissions from seven (7) of the engines were higher than permitted in the aforementioned permit. The letter was sent as a notification of the emission exceedances to satisfy General Condition I, XI, and Part 70 General Condition R.

On November 15, 2005, an enforcement meeting was held with representatives of the facility and the Department to discuss the stack test results. The Respondent stated that the proposed emission limits for Title V Permit No. 2520-00033-V0 were based on AP-42 default values. The Respondent requested a Compliance Order to authorize the facility to operate the seven (7) engines that failed to demonstrate compliance, under the proposed limits in the permit modification application submitted to the Department dated August 18, 2005.

On or about November 16, 2005 a file review of the Respondent’s facility was performed to determine the degree of compliance with the Act and Air Quality Regulations.

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

Stack test results show that emissions from Engine A (Emission Point No. 154-82), Engine B (Emission Point No. 155-82), Engine F (Emission Point No. 159-82), Engine G (Emission Point No.160-82), Engine H (Emission Point No. 161-82), Engine I (Emission Point No. 162-82), and Engine N (Emission Point No. 167-82) were higher than permitted. Each exceedance of the permitted emission rates for Diesel Engines A, B, F, G, H, I, and N is a violation of General Condition III of title V Permit No. 2520-00033-V0, LAC 33:III.501.C.4, and Sections 2057(A)(1) and 2057(A)(2) of the Act.

Engine (EPN)	Pollutant	Stack Result (lbs/hr)	Permitted Rate (lbs/hr)
Engine A (154-82)	NO _x	16.37	16.2
	Formaldehyde	0.01942	0.01
Engine B (155-82)	CO	4.05	3.71
	Formaldehyde	0.01315	0.01
Engine F (159-82)	Formaldehyde	0.01662	0.01
Engine G (160-82)	Formaldehyde	0.03182	0.01
Engine H (161-82)	Formaldehyde	0.02072	0.01
Engine I (162-82)	Formaldehyde	0.02652	0.01
Engine N (167-82)	Formaldehyde	0.01424	0.01

On August 14, 2006, the Department issued to Respondent a Notice of Potential Penalty (NOPP), Enforcement No. AE-PP-06-0069, which was based upon the following findings of fact:

“On or about March 6, 2006, a file review of **ST. ROSE TERMINAL**, owned and/or operated by **INTERNATIONAL-MATEX TANK TERMINALS (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The Respondent operates a “for hire” liquid bulk storage tank farm located at 11842 River Road in St. Rose, St. Charles Parish, Louisiana. The facility currently operates under Title V Permit No.2520-00033-V0 and PSD-LA-705, both issued on February 16, 2005. In order to show compliance with emission limitations in Title V Permit No. 2520-00033-V0, the Respondent was required to test ten (10) stationary diesel engines.

In a letter to the Louisiana Department of Environmental Quality (the Department) dated August 4, 2005, the Respondent reported that emissions from seven (7) stationary diesel engines were higher than permitted in the aforementioned permit. The letter was sent as a notification of the

emission exceedances to satisfy General Condition I, XI, and Part 70 General Condition R. Based on the letter and an enforcement meeting held on November 15, 2005, a Compliance Order & Notice of Potential Penalty (CONOPP) Enforcement Tracking No. AE-CN-05-0222 was issued to the Respondent on December 27, 2005. The CONOPP granted the Respondent interim limits to operate the seven (7) stationary diesel engines at higher than permitted rates until a modification to Title V Permit No. 2520-00033-V0 is approved by the Department.

While the Department's investigation is not yet complete, the following violations were noted during the course of a file review of the Respondent's 2005 Title V first and second semiannual monitoring forms, and the Respondent's 2005 annual compliance certification form:

- A. According to the Respondent's 2005 Title V First Semiannual Monitoring Form, visible emissions were noted from Internal Combustion Engine No. 13 (Emission Point No. 181-82) on March 14, 2005. The Respondent noted that Method 9 was not performed because the engine was not under a load. The Respondent's failure to demonstrate that the opacity noted in the inspection form for Emission Point No. 181-82 was less than 20 percent for not more than one six-minute period in any 60 consecutive minutes is a violation of LAC 33:III.1101.B, Table 3 for Emission Point No. 181-82 in Title V Permit No. 2520-00033-V0, LAC 33:III.501.C4, and Section 2057(A)(2) of the Act.
- B. According to the 2005 Title V First Semiannual Monitoring Form, the Respondent failed to implement a Leak Detection and Repair (LDAR) program under the provisions of 40 CFR 63 Subpart EEEE-National Emission Standards for Hazardous Air Pollutants: Organic Liquid Distribution and as stated in Table 3 for the Fugitive Emissions (Emission Point No. 2-96) in Title V Permit No. 0250-00033-V0. The Respondent was issued Title V Permit No. 0250-00033-V0 on February 16, 2005. The Respondent stated that the program was implemented on June 28, 2005. The following table summarizes the fugitive emissions components, component monitoring frequency, and the number of missed monitoring periods for each component:

Component Description	Component Count	Monitoring Frequency	Missed Monitoring Periods
Pumps	8	weekly	18
Agitators	13	weekly	18
Total	21		

The failure to implement the required LDAR program is in violation of LAC 33:III.501.C.4, Table No. 3 for Emission Point No. 2-96 in Title V Permit No. 2520-00033-V0, and Section 2057(A)(2) of the Act.

- C. The Respondent's Vapor Recovery Units (Emission Point Nos. 26-99 and 27-99) are subject to LAC 33:III.2107. The Respondent is required to daily inspect for visible liquid leaks, visible fumes, or significant odors resulting from Volatile Organic Compounds (VOC) dispensing operations. The Respondent stated in the 2005 Title V First Semiannual Monitoring Form that inspections did not begin until March 7, 2005, eighteen (18) days after the issuance of Title V Permit No. 2520-00033-V0. Also, the Respondent reported in the 2005 Title V First Semiannual Monitoring Form that on April 8, 2005 and April 22, 2005, inspections were not performed and/or records were not maintained for Emission Point Nos. 26-99 and 27-99. Each failure to perform daily inspections and/or maintain records of VOC dispensing operations for Emission Point Nos. 26-99 and 27-99 is a violation of LAC 33:III.501.C.4, LAC 33:III.2107.C, LAC 33:III.2107.D, Table No. 3 for Emission Point Nos. 26-99 and 27-99 in Title V Permit No. 2520-00033-V0, and Section 2057(A)(2) of the Act.
- D. The Respondent reported in 2005 Title V First Semiannual Monitoring Form that the temperature probe was not in place to directly measure the outlet vapor temperature for the VRU (Emission Point Nos. 26-99 and 27-99). The Respondent's failure to measure and record the outlet vapor temperature is a violation of LAC 33:III.501.C.4, LAC 33:III.2107.D.3.b, Table No. 3 of Title V Permit No. 2520-00033-V0, and Section 2057(A)(2) of the Act.
- E. The Respondent's facility is subject to 40 CFR 60 Subpart Ka-Standards of Performance for Storage Vessels. The Respondent stated in the 2005 Title V First Semiannual Monitoring Form that on March 14, 2005, a gap seal inspection was performed on Tank 806 (Emission Point No. 128-82). The Respondent also stated that on April 12, 2005, a gap seal inspection was performed on Tank 803 (Emission Point No. 125-82). According to the report, both inspections were performed without providing the Administrator thirty (30) days prior notice. Each failure to provide prior notice of a gap seal inspection to the Administrator is a violation of 40 CFR 60.113a(a)(1)(iv) which language has been adopted as a Louisiana

regulation in LAC 33:III.3003, LAC 33:III.501.C.4, Table No. 3 of Title V Permit No. 2520-00033-V0, and Section 2057(A)(2) of the Act.

On or about February 9, 2006, at the request of the Respondent, an enforcement meeting was held between members of the Department and representatives of the facility. The Respondent stated that the facility recently learned that one of its customers has been delivering, for storage, one or more crude oils that have higher volatilities content than certified to the Respondent. On February 10, 2006, the Department issued the Respondent a variance for Tank Nos. 151, 152, 201, 202, 203, N-21, N-23, and N-24 to emit at higher than permitted emission limits until a revision of Title V Permit No. 2520-00033-V0 was issued. The Respondent stated that the facility would investigate the product movement in the above listed tanks dating back to 2002 with the purpose of collecting historical emission calculations.

While the Department's investigation is not yet complete, the following emissions for Tank Nos. 151, 152, 201, 202, N-21, N-22, and N-23 were self-reported in a letter to the Department dated June 30, 2006.

The Respondent reported the following emissions for the 2002-2005 calendar years:

Tank *	VOC Limit prior to Title V (tons/year)	VOC Limit in Title V (2/15/05) (tons/year)	2002 (tons)	2003 (tons)	2004 (tons)	2005 (tons)
151	1.26	1.66	0.89	1.08	1.01	1.28
152	1.26	1.64	0.85	1.14	0.96	0.98
201	1.41	1.8	0.89	1.02	0.98	1.61
202	1.41	1.8	0.65	0.96	1.55	2.08
N-21	1.56	2.09	0.84	1.32	2.7	3.82
N-22	1.56	2.09	1.46	2.09**	2.69	4.47
N-23	1.56	2.09	1.43	2.33	2.51	3.56

*Tank No. 203 was included in the variances but not in the analysis because it was later determined that Tank No. 203 did not receive the higher volatility crude oils.

****Noncompliant tank emissions in bold**

Each of the Respondent's failures to operate the facility under proposed emission limitations is a violation Air Permit No. 2520-00033-01, Title V Permit No. 2520-00033-V0, LAC 33:III.501.C.4, and Sections 2057(A)(1) and 2057(A)(2) of the Act."

On December 16, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty (CONOPP), Enforcement No. AE-CN-10-00154, which was based upon the following findings of fact:

"The Respondent owns and/or operates St. Rose Terminal (the Facility), AI# 4885, a "for hire" liquid bulk tank storage farm, located at 11842 River Road in St. Rose, St. Charles Parish, Louisiana. The facility currently operates under Title V Permit No. 2520-00033-V7, issued on or about August 10, 2010 and PSD-LA-736(M-2), issued on or about May 20, 2010. The following permit history table is included to provide clarity to the violations cited:

Permit Number	Permit issue date
2520-00033-V0	February 16, 2005
2520-00033-V1	August 29, 2006
2520-00033-V2	April 25, 2008
2520-00033-V3	July 10, 2008
2520-00033-V4	July 31, 2009
2520-00033-V5	May 20, 2010
2520-00033-V6	June 10, 2010
2520-00033-V7	August 10, 2010

Title V Permit 2520-0033-V2, issued on or about April 25, 2008, was the first permit modification that required Engine A through Engine I be tested semiannually by no later than the following dates:

1 st Semiannual Test	10/22/2008
2 nd Semiannual Test	4/20/2009
3 rd Semiannual Test	10/17/2009
4 th Semiannual Test	4/15/2010

On or about February 3, 2010, a file review of the facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

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

- A. In the facility's 2006 1st Semiannual Monitoring Report, dated September 11, 2006, for the period encompassing January 1, 2006 through June 30, 2006, the Respondent reported that Audible, Visible and/or Olfactory (AVO) inspections for leaks were not conducted while loading methanol in nineteen (19) instances in the period encompassing January 3, 2006 through February 17, 2006 on Truck Rack No. 1 (Emission Point 7-84/EQT011). Each failure to conduct a loading inspection is a violation of Title V Permit No. 2520-00033-V0, issued on or about February 16, 2005, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- B. In the facility's 2006 1st Semiannual Monitoring Report, dated September 11, 2006, for the period encompassing January 1, 2006 through June 30, 2006, the Respondent reported that, on or about February 26, 2006, a mixture of Crude Oil and No. 6 Fuel Oil was transferred to Tank 690 (Emission Point 012-00/EQT0004). Tank 690 was permitted to store only No. 6 Fuel Oil. The mixture was eventually transferred, over a period of 58 days, to barges for disposal. In correspondence dated May 1, 2006, the Respondent reported the following calculation for the emission that exceeded the permit:

	No. days	VOC, lbs
	Day 1	52,261.9 lb/day
Total emitted for the event		64,914
Permit limit, VOC		4,889.28 lb/day

The Respondent calculated emissions included 37.2 pounds of benzene (reportable quantity ten pounds) during the transfer. The failure to prevent transferring Crude Oil into Tank 690, a tank permitted solely for storage of No. 6 Fuel Oil, is a violation of Title V Permit No. 2520-00033-V0, issued on or about February 16, 2005, LAC 33:III.905.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- C. In the facility's 2006 1st Semiannual Monitoring Report, dated September 11, 2006, for the period encompassing January 1, 2006, through June 30, 2006, the Respondent reported an incident in transferring methanol to Tank 116 (Emission Point 036-99/EQT0136). While pumping methanol into the tank on or about March 27, 2006, the internal roof sank into the product. The Respondent reported that emission of 5,639 pounds of methanol (reportable quantity 5,000 lb/day) occurred on that day. During the three following days, the emission rate was 42.50 lb/day, below the reportable quantity, but above the permit limit of 23.52 lb/day. The noncompliance ended on or about March 31, 2006 when the methanol was stripped from Tank 116. Each of the four days of excess methanol emission is a violation of Title V Permit No. 2520-00033-V0, issued on or about February 16, 2005, LAC 33:III.905.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- D. In the facility's 2006 2nd Semiannual Monitoring Report, dated March 27, 2007, for the period encompassing July 1, 2006, through December 31, 2006, the Respondent reported two instances where Method 9 inspections were conducted by an observer whose Method 9 certification had expired on or about October 12, 2006. The observer conducted Method 9 observations when visible emissions were noted on Internal Combustion Engine 13 (Emission Point 20-05/EQT0327) on or about October 24, 2006, and on or about November 3, 2006. Each failure to conduct Method 9 inspections by a certified observer when visible emissions are noted, is a violation of Title V Permit No. 2520-00033-V1, issued on or about August 29, 2006, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- E. In the facility's 2008 3rd Quarter Deviation Report, dated December 30, 2008, for the period encompassing July 1, 2008 through September 30, 2008, the Respondent reported that AVO inspections for leaks were not conducted while loading methanol in five (5) instances in the period encompassing August 4, 2008 through August 8, 2008 on Truck Rack No. 1 (EQT0111). Each failure to conduct each AVO inspection is a violation Title V Permit No. 2520-00033-V3, issued on or about July 10, 2008, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- F. In the facility's 2008 3rd Quarter Deviation Report dated December 30, 2008, for the period encompassing July 1, 2008, through September 30, 2008, the Respondent reported that emissions from Tank 502 (EQT0252) exceeded the tank emission limits on five occasions in 2007 and in 2008. Emissions in pounds per hour (lb/hr) are shown in the table below for Volatile Organic Compound (VOC) and for Hydrogen Sulfide (H₂S):

	7/21/07	7/22/07	2/8/08	3/14/08	5/9/08
Hours exceeded	7.0	13.7	12.1	1.0	5.8
VOC limit, max	149.22	149.22	149.22	149.22	149.22
VOC actual	158.01	161.11	190.56	198.57	221.15
H ₂ S limit, max	2.98	2.98	2.98	2.98	2.98
H ₂ S actual	3.16	3.22	3.81	3.97	4.42
Benzene, limit	-	-	0.67	0.67	0.67
Benzene, actual	-	-	0.74	0.76	0.70
Biphenyl, limit	-	-	0.13	0.13	0.13
Biphenyl, actual	-	-	0.15	0.15	0.19
Ethyl benzene, limit	-	-	1.95	1.95	1.95
Ethyl benzene, actual	-	-	2.15	2.23	2.22
Naphthalene, limit	-	-	0.70	0.70	0.70
Naphthalene, actual	-	-	0.76	0.80	0.93
Toluene, limit	-	-	2.00	2.00	
Toluene, actual	-	-	2.21	2.28	2.19
Xylene, limit	-	-	6.94	6.94	6.94
Xylene, actual	-	-	7.65	7.92	7.94

Each hour of exceedance of the permit limits of each criteria pollutant is a violation of Title V Permit No. 2520-00033-V1, issued on or about August 29, 2006, and Title V Permit No. 2520-00033-V2, issued on or about April 25, 2008, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- G. In correspondence dated August 31, 2009, the Respondent notified the Department of the results of emission tests conducted on compressor engines from July 22, 2009, through July 24, 2009, for Engine A through Engine G. Engine H and Engine I were not tested. Compressor engine emission results in pounds per hour (lb/hr) that exceeded the limits are shown in the table below:

	Engine A	Engine B	Engine C	Engine D	Engine E	Engine F	Engine G
EQT No.	0056	0057	0058	0059	0060	0061	0062
NO _x limit, lb/hr	18.83	15.12	12.75	11.74	17.41	15.28	11.55
NO _x test, lb/hr	19.44	18.74	14.99	17.02	19.92	22.93	23.04
CO limit, lb/hr	-	4.66	-	-	-	4.95	-
CO test, lb/hr	-	5.17	-	-	-	5.84	-

Each exceedance of the permit limits of each criteria pollutant for each emission source is a violation of Title V Permit No. 2520-00033-V3 issued on or about July 10, 2008, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- H. The emission tests described in paragraph G first became semiannual requirements when Title V Permit No. 2520-00033-V2 was issued on or about April 25, 2008:

	Required test date	Test Result
Permit 2520-0033-V2 issued requiring semiannual testing of Engine A through Engine I	4/25/2008	Start Date
1 st Semiannual Test Due	10/22/2008	Testing Missed
2 nd Semiannual Test Due	4/20/2009	Testing Missed
First round of testing actually conducted	7/22 – 7/24/2009	Engine A to G tested Engine H and I not tested
Next Semiannual Test Due	1/22/2010	Testing Missed
Next round of testing actually conducted	2/22/2010	Engine A to H tested Engine I not tested

The facility failed to timely conduct two entire rounds of semiannual testing on each engine. After eventually conducting the first round of testing, the facility failed to conduct the following round of testing within 180 days. Each failure to timely conduct each emission test on each engine, for each

pollutant, is a violation of Title V Permit No. 2520-00033-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- I. In correspondence dated October 20, 2009, the Respondent submitted an application to modify Title V Permit No. 2520-00033-V3, issued on or about July 10, 2008, to reflect the results of the emission testing conducted on or about July 22, 2009, through July 24, 2009, on Engine A through Engine G, and testing conducted on Engine H on or about August 31, 2009. The Respondent verified that the test results had been received on or about August 24, 2009, a period of 57 days prior to submitting the application to modify the permit. The failure to request a permit modification within forty-five (45) days after receiving test results (for Engine A through Engine G) which demonstrate that the permit is inadequate is a violation of LAC 33:III.523.A, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- J. In correspondence dated September 29, 2009, the Respondent notified the Department of the results of emission tests conducted on or about August 31, 2009 on Engine H (EQT0063). Test results indicated a Carbon Monoxide (CO) emission level of 9.90 lb/hr which exceeded the permit limit for CO of 4.95 lb/hr maximum. The failure to demonstrate compliance with the limits of the permit for emission of CO is a violation of Title V Permit No. 2520-00033-V4, issued on or about July 31, 2009 and LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- K. The emission test conducted on or about August 31, 2009, for Engine H first became a semiannual requirement when Title V Permit No. 2520-00033-V2 was issued on or about April 25, 2008. The testing should have been conducted no later than October 22, 2008, and then again no later than on or about April 20, 2009. The failure to timely conduct the emission test is a violation of Title V Permit No. 2520-00033-Vs4, issued on or about July 31, 2009 and LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- L. In correspondence dated May 3, 2010, the Respondent notified the Department of the results of emission tests conducted in the time period from on or about February 22, 2010 through on or about February 24, 2010. Compressor engine emission results, in pounds per hour (lb/hr) that exceeded the limits, of Title V Permit No. 2520-00020-V4, the permit current at the time of the testing, are shown in the table below:

	Engine A	Engine B	Engine C	Engine D	Engine E	Engine F	Engine H
EQT No.	0056	0057	0058	0059	0060	0061	0063
NO _x max, lb/hr	18.83	15.12	12.75	11.74	17.41	15.28	21.60

NOx test, lb/hr	24.56	20.96	23.59	16.77	23.59	20.93	23.81
CO max, lb/hr	-	-	-	-	-	4.95	-
CO test, lb/hr	-	-	-	-	-	6.33	-

Each exceedance of the permit limits of each criteria pollutant for each emission source is a violation of Title V Permit No. 2520-00033-V4, issued on or about July 31, 2009, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- M. The emission tests for NO_x and CO described in Paragraph L for Engine A through Engine F and Engine H were semiannual requirements when Title V Permit No. 2520-00033-V4 was issued on or about July 31, 2009. The February 22, 2010 testing should have been conducted no later than 180 days from the previous test date (July 22, 2009 through July 24, 2009), on or about January 22, 2010. Each failure to timely conduct each emission test for each pollutant is a violation of Title V Permit No. 2520-00033-V4, issued on or about July 31, 2009, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- N. In correspondence dated May 3, 2010, the Respondent submitted the results of emission testing conducted on or about February 22, 2010 for Engine A through Engine F and for Engine H. All engines failed on NO_x. Engine F also failed on CO. In electronic correspondence dated April 28, 2010, the Respondent submitted an informal request to modify the NO_x limits for Engine A, Engine C and Engine H, only. The Department has not received a formal request. Title V Permit No. 2520-00020-V4 was in effect at the time of the testing. The Respondent failed to submit a modification request for Engine B, Engine D, Engine E and Engine F. Each failure to request a permit modification, for each pollutant, within forty-five (45) days after receiving test results which demonstrate that the permit is inadequate, is a violation of LAC 33:III.523.A, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- O. In correspondence dated May 3, 2010, the Respondent submitted the results of emission testing conducted on or about February 22, 2010, for Engine A through Engine F and Engine H, a period of 70 days following the conclusion of the testing. The failure to report the results of emission testing within 60 days following the conclusion of testing is a violation of General Condition VIII of Title V Permit 2520-00033-V4, issued on or about July 31, 2009, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- P. In correspondence dated June 14, 2010, the Respondent notified the Department of the results of emission tests conducted on or about May 19, 2010 on Engine G (EQT0062) and on Engine I (EQT0064). Engine I test results indicated a NO_x emission level of 24.72 lb/hr, which exceeds the permit level of 21.60 lb/hr. The exceedance of the permit limit for Engine I is a violation of Title V Permit No. 2520-00033-V4, issued on or about July 31, 2009 and LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- Q. In correspondence dated June 14, 2010, the Respondent notified the Department of the results of emission tests conducted on or about May 19, 2010 on Engine G (EQT0062) and on Engine I (EQT0064). These tests are semiannual requirements in Title V Permit No. 2520-00033-V4, issued on or about July 31, 2009. The emission testing should have been conducted no later than on or about January 18, 2010, six months following the previous testing conducted on or about July 22, 2009. Each failure to timely conduct each emission test is a violation of Title V Permit No. 2520-00033-V4 issued on or about July 31, 2009, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- R. In the facility's 2007 1st Quarter Deviation Report, dated June 28, 2007, for the period encompassing January 1, 2007, through March 31, 2007, the Respondent reported the results of the facility's annual tank seal inspection conducted on or about February 2, 2007. A comprehensive contractor tank inspection conducted on or about February 22, 2007 revealed that the floating roof seal on Tank 501 (Emission Point 114-82) was completely absent. Tank 501 is a crude oil storage tank. In correspondence dated March 8, 2007, the Respondent submitted calculations of the volumes of pollutants emitted above the permitted levels for Tank 501. The Respondent calculates that the seal had been missing for six months prior to the inspection. In correspondence dated April 19, 2007, the Respondent reported that the tank was emptied on or about April 12, 2007. Incorporating the emission rates calculated in the March 8, 2007 report, and the tank empty date of on or about April 12, 2007, the calculated emissions are:

Date(s)	Pollutant	Reportable Quantity, lbs.	Permit Limit, lbs.	Excess Emission, lbs.	Excess Emission, Tons
10/10/06	Benzene	10 lbs	10	55	-
12/21/06	Benzene	10 lbs	10	36	-
8/3/06 – 4/12/07	Benzene	-	-	-	50.65 in 6 months

The failure to limit emissions to the permit limit is a violation of Title V

Permit No. 2520-00033-V1 issued on or about August 29, 2006, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

The Respondent owns and/or operates Gretna Terminal (the Facility), **AI# 8100**, a “for hire” liquid bulk tank storage farm, located at 1145 Fourth Street in Harvey, Jefferson Parish, Louisiana. The facility currently operates under Air Permit No. 1340-00078-04, issued on or about January 6, 2010. At the time the violation occurred, the facility operated under Air Permit No. 1340-00078-02, issued on or about July 26, 2002.

On or about February 3, 2010, a file review of the facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

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

In correspondence dated March 25, 2008, the Respondent notified the Department of excess emission of VOC at Emission Point 21-78, Dock Loading Arm, for calendar year 2007. The Emission Inventory Questionnaire (EIQ) incorporated in Air Permit No. 1340-00078-02 restricts the yearly throughput to 16,075,000 barrels per year (bbl/yr). The Respondent reported that the yearly throughput was exceeded by approximately 3%, (480,000 bbl), and calculated that the VOC emission for the year was 7.00 tons which exceeded the permit limit of 0.49 tons per year. The failure to restrict the yearly throughput to less than the permit limit for emission point 21-78 is a violation of Air Permit No. 1340-00078-02, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).”

On May 13, 2011, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty (CONOPP), Enforcement No. AE-CN-10-00154A, which was based upon the following findings of fact:

“The Department hereby amends CONOPP AE-CN-00154 to remove all references to Agency Interest No. 8100 and Air Permit No. 1340-00078-04.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-10-00154** and **AGENCY INTEREST NO. 4885** as if reiterated herein.”

On October 1, 2007, the Department issued to Respondents a Compliance Order (CO), Enforcement No. AE-C-07-0033, which was based upon the following findings of fact:

“The Respondent owns and/or operates a bulk liquid storage terminal, located at 1145 Fourth Street in Harvey, Jefferson Parish, Louisiana. The Respondent currently operates the facility under Air Permit No. 1340-00078-02 issued on July 26, 2002.

In a letter to the Department dated October 17, 2003, the Respondent requested a variance to operate Tank No. 106 (Emission Point No. 1-82) and Tank No. 107 (Emission Point No. 2-82) at higher than permitted rates in the facility’s air permit. According to the letter, the estimated emissions for Tank Nos. 106 and 107 were understated in Air Permit No. 1340-00078-02. The Respondent was issued a 48 day temporary variance (Activity No. PER20030004), to emit a combined 0.53 tons of Volatile Organic Compounds (VOCs) for Tank Nos. 106 and 107, on November 13, 2003.

To rectify permitting issues the Respondent submitted a modification application to the Department dated September 13, 2004, requesting authorization to place all of the tanks under a single cap. In a letter to the Department dated July 22, 2005, the Respondent requested a second variance to operate Tank Nos. 106 and 107 at higher than permitted rates. The Respondent was issued a second temporary variance (Activity No. PER20050001), authorizing the Respondent for 180 days to emit a combined 0.66 tons of VOCs for Tank Nos. 106 and 107, on August 23, 2005.

In a letter to the Department dated January 15, 2007, the Respondent requested a third variance to operate the facility at higher than permitted emissions. The Respondent was issued a third

temporary variance (Activity No. PER20070002), authorizing the Respondent for 180 days to emit a combined 0.82 tons of VOCs for Tank Nos. 106 and 107, on February 26, 2007. Also, the Respondent submitted a revised modification application to the Department dated March 29, 2007. This application is currently under review by the Department. In a letter to the Department dated August 17, 2007, the Respondent requested interim authorization to operate the facility according to the limits in the following table:

Source	Current VOC Emissions Limit (TPY)	Requested VOC Interim Limits (TPY)
Tank 106 (EPN 1-82)	1.09	2.20
Tank 107 (EPN 2-82)	1.09	2.20

On or about August 9, 2007, a file review of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

While the Department's investigation is not yet complete, the following violations were noted at the time of the file review:

The Respondent stated in letter to the Department dated January 15, 2007, that emissions from Tank No. 106 (Emission Point No. 1-82) and Tank No. 107 (Emission Point No. 2-82) exceeded permitted VOC emissions during the 2006 calendar year. Each of these sources were permitted to emit 1.09 tons/year of VOCs. According to the January 15, 2007, letter the Respondent reported that actual emissions from these sources were 1.83 and 1.98 tons/year respectively. Each exceedance of the permitted annual VOC limit for Emission Point Nos. 1-82 and 2-82 is a violation General Condition III of Air Permit No. 1340-00078-02, LAC.III.501.C.4, and La R.S. 30: 2057(A)(1) and 2057(A)(2)."

On November 17, 2011, the Department issued to Respondent a Notice of Potential Penalty (NOPP), Enforcement No. AE-PP-11-00341, which was based upon the following findings of fact:

"On or about February 7, 2011, a file review of **GRETNA FACILITY**, owned and/or operated by **IMTT-GRETNA (RESPONDENT)**, was performed to determine the degree of

compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is a “for hire” liquid bulk tank storage farm, located at 1145 Fourth Street in Harvey, Jefferson Parish, Louisiana. The facility currently operates under Air Permit No. 1340-00078-04, issued on or about January 6, 2010. At the time the violation occurred, the facility operated under Air Permit No. 1340-00078-02, issued on or about July 26, 2002.

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

In correspondence dated March 25, 2008, the Respondent notified the Department of excess emission of Volatile Organic Compounds (VOCs) at Emission Point 21-78, Dock Loading Arm, for calendar year 2007. All products are transferred only through Emission Point 21-78. Air Permit No. 1340-00078-02 restricts the yearly throughput to 16,075,000 barrels per year (bbl/yr) of a mix of various products. The Respondent reported that the mix of various products had changed since the original estimates were calculated. More barrels of higher vapor pressure products were transferred in 2007. Therefore the AP-42 calculations now show higher emissions than the original calculations indicated. In addition, the facility exceeded the yearly throughput restriction by approximately 3% (480,000 bbl) in calendar year 2007. The Respondent calculated that the VOC emissions for Emission Point 21-78 for 2007 were 7.00 tons, which exceeded the permit limit of 0.433 tons per year. The failure to update the Emission Inventory Questionnaire is a violation of LAC 33:III.919.B, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The failure to restrict the yearly throughput to less than or equal the permit limit for Emission Point 21-78 is a violation of Air Permit No. 1340-00078-02, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).”

The following violations, although not cited in the foregoing enforcement action(s), are included within the scope of this settlement:

- A. In correspondence dated March 30, 2011, the Respondent submitted the facility’s 2010 Second Semiannual Monitoring Report, for the period encompassing July 1, 2010 through December 31, 2010, notifying the Department of the results of emission tests conducted on or about October 20, 2010, for Engine F (EQT0061). Engine F test results indicated a NOx emission level of 31.41 pounds per hour (lb/hr), which exceeded the permit level of 15.28 lb/hr maximum (max). Engine F test results indicated a CO

emission level of 6.57 lb/hr, which exceeded the permit level of 4.95 lb/hr max. In correspondence dated October 20, 2009, the Respondent had previously submitted an application to modify Title V Permit No. 2520-00033-V4 to raise the NOx permit limit to 33.46 lb/hr and the CO limit to 9.06 lb/hr. Those changes were not incorporated into the permit until Title V Permit No. 2520-00033-V8 was issued on or about March 14, 2011. Each exceedance of the permit limit, for each pollutant, for Engine F, is a violation of Title V Permit No. 2520-00033-V7, issued on or about August 10, 2010 and LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- B. In correspondence dated March 30, 2011, the Respondent submitted the facility's 2010 Second Semiannual Monitoring Report, for the period encompassing July 1, 2010 through December 31, 2010, notifying the Department of the results of emission tests conducted on or about October 20, 2010, for Engine F (EQT0061). The tests are semiannual requirements in Title V Permit No. 2520-00033-V7, issued on or about August 10, 2010. The emission testing should have been conducted no later than on or about September 22, 2010, six months following the previous testing conducted on or about February 22, 2010. The failure to timely conduct the emission test is a violation of Specific Requirements 392, 395, and 397 of Title V Permit No. 2520-00033-V7, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- C. In correspondence dated March 30, 2011, the Respondent submitted the facility's 2010 Second Semiannual Monitoring Report, for the period encompassing July 1, 2010 through December 31, 2010. From on or about August 1, 2010 until on or about November 18, 2010, for Vapor Recovery Unit 1 (EQT0119) (VRU 1) and VRU 2 (EQT0120) temperature monitoring was performed but temperatures were not recorded. The failures to record the VRU temperatures are violations of Specific Requirement 231 of Title V Permit No. 2520-00033-V7, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- D. In correspondence dated August 4, 2011, the Respondent submitted written Release Notification Report, informing the Department of a spill of methanol that occurred on or about July 31, 2011. The Respondent reported the spill was 737.92 tons, of which 177.12 tons was lost to evaporation. Title V Permit No. 2520-00033-V9 restricts Tank 104 to an annual emission of 0.375 tons of methanol per year. The failure to restrict the annual emission of methanol is a violation of Title V Permit No. 2520-00033-V9, LAC 33:III.905.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- E. In correspondence dated September 25, 2012, the Respondent submitted the facility's 2012 First Semiannual Monitoring Report for the period encompassing January 1, 2012 through June 30, 2012, notifying the Department of the facility's failure to conduct the 10-year since last inspection of the primary seal for EQT122, Tank 701. The inspection was due March 19, 2012. In correspondence dated March 22, 2012, the Respondent reported that the inspection was completed on or about October 4, 2012. The failure to conduct inspections at a 10 year interval from the previous inspection is a violation of Specific Requirement 183 of Title V Permit No. 2520-00033-V10, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

III

Respondents deny they committed any violations or that they are liable for any fines, forfeitures and/or penalties.

IV

Nonetheless, Respondents, without making any admission of liability under state or federal statute or regulation, agree to pay, and the Department agrees to accept, a payment in the amount of ONE HUNDRED SIXTEEN THOUSAND AND NO/100 DOLLARS (\$116,000.00), of which Two Thousand One Hundred Forty-Six and 78/100 Dollars (\$2,146.78) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondents on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondents further agree that the Department may consider the permit record(s), the CONOPPs, NOPPs, CO and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondents, and in any such action Respondents shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of

determining Respondents' compliance history.

VI

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

VII

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

VIII

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.

IX

The Respondents have caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. Charles Parish and Jefferson Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondents have submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than

forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XI

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

XII

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.

**INTERNATIONAL-MATEX TANK
TERMINALS**

BY: 
(Signature)

John F. Little III
(Printed)

TITLE: Terminal Manager

THUS DONE AND SIGNED in duplicate original before me this 14th day of September, 20 15, at New Orleans, Louisiana.


NOTARY PUBLIC (ID # _____)

RICHARD B. JURISICH, JR.
Notary Public ID # 3509
Embossed hereon is my Orleans Parish,
State of LA. Notary Public Seal.
My commission is issued for life.
(stamped or printed)

IMTT-GRETNA

BY: 
(Signature)

John F. Little III
(Printed)

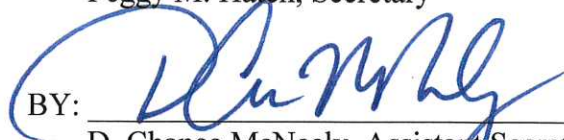
TITLE: Terminal Manager

THUS DONE AND SIGNED in duplicate original before me this 14th day of September, 20 15, at New Orleans, Louisiana.

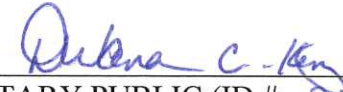

NOTARY PUBLIC (ID # _____)

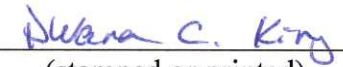
RICHARD B. JURISICH, JR.
Notary Public ID # 3509
Embossed hereon is my Orleans Parish,
State of LA. Notary Public Seal.
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Peggy M. Hatch, Secretary

BY: 
D. Chance McNeely, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 14~~th~~ day of December, 20 15, at Baton Rouge, Louisiana.


NOTARY PUBLIC (ID # 20590)
La. Bar Roll #
Life Commission


(stamped or printed)

Approved: 
D. Chance McNeely, Assistant Secretary