

## VIII.

The Respondent reported that it had discovered open-ended valves or lines as follows:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	DEVIATION DATES	NUMBER OF OPEN-ENDED LINES	REGULATORY or PERMIT REQUIREMENT CITATIONS
A	2009 1 <sup>st</sup> Quarter Permit Deviations Report (6/24/09)	3017-V1	FE-ARO FUG 0010	1/6/2009	1	Specific Requirement 332, 40 CFR 63.167(a)
		3017-V1	FE-ARO FUG 0010	1/8/2009	1	Specific Requirement 332, 40 CFR 63.167(a)
		3004-V0	FE-OM FUG 0007	2/3/2009	1	Specific Requirement 1669, 40 CFR 63.167(a)
		3004-V0	FE-OM FUG 0007	2/4/2009	1	Specific Requirement 1669, 40 CFR 63.167(a)
		3022-V3	FE-FCC FUG 0008	2/12/2009	1	Specific Requirement 67, 40 CFR 63.167(a) as required by 40 CFR 63.648(c)
		2933-V1	FE-CRCK2 FUG 0003	3/12/2009	1	Specific Requirement 89, 40 CFR 60.482-6(a)(1)
		3023-V2	FE-SRU FUG 0009	3/21/2009	1	Specific Requirement 90, 40 CFR 60.482-6(a)(1)
B	2009 1 <sup>st</sup> Quarter Permit Deviations Report (6/24/09)	3018-V1	FE-CRCK1 FUG 0006	1/1/2009 through 11/24/2009	2	Specific Requirement 73, 40 CFR 60.482-6(a)(1)
	2009 1 <sup>st</sup> Half Semiannual Monitoring Report (9/15/09)					
	2009 3 <sup>rd</sup> Quarter Permit Deviations Report (12/15/09)					
	2009 2 <sup>nd</sup> Half Semiannual Monitoring Report (3/24/10)					
C	2009 1 <sup>st</sup> Quarter Permit Deviations Report (6/24/09)	2933-V1	FE-CRCK2 FUG 0003	1/1/2009 through 12/31/2009	6	Specific Requirement 89, 40 CFR 60.482-6(a)(1)
	2009 1 <sup>st</sup> Half Semiannual Monitoring Report (9/15/09)					
	2009 3 <sup>rd</sup> Quarter Permit Deviations Report (12/15/09)					
D	2009 1 <sup>st</sup> Half Semiannual Monitoring Report (9/15/09)	3004-V1	FE-OM FUG 0007	5/27/2009	1	Specific Requirement 1686, 40 CFR 63.167(a)

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	DEVIATION DATES	NUMBER OF OPEN ENDED LINES	REGULATORY or PERMIT REQUIREMENT CITATIONS
E	2009 2 <sup>nd</sup> Half Semiannual Monitoring Report (3/24/10)	3004-V1	FE-OM FUG 0007	10/21/2009	1	Specific Requirement 1686, 40 CFR 63.167
		3017-V2	FE-ARO FUG 0010	11/24/2009	1	Specific Requirement 291, 40 CFR 63.167
F	2010 Annual Compliance Certification (3/24/2011)	3011-V1	Fugitives EQT 0005	1/22/2010	2	Specific Requirement 73, 40 CFR 63.167(a) as required by 40 CFR 63.648(c)
		3004-V1	Oil Movements and Loading FUG 0007	3/22/2010	2	Specific Requirements 1686 and 1629, 40 CFR 63.167(a) as required by 40 CFR 63.648(c), 40 CFR 60.482-6(a)
		3004-V1	Oil Movements and Loading FUG 0007	5/13/2010 and 5/25/2010	3	Specific Requirements 1686 & 1629, 40 CFR 63.167(a) as required by 40 CFR 63.648(c), 40 CFR 60.482-6(a)
		3015-V1	FE-HCU Fugitives FUG 0011	5/28/2010	3	Specific Requirement 128, 40 CFR 63.167(a) as required by 40 CFR 63.648(c)
		3022-V4	FE-FCC-Alky Fugitives FUG 0008	6/29/2010	3	Specific Requirement 64, 40 CFR 63.167(a) as required by 40 CFR 63.648(c), 40 CFR 60.482-6(a)
		3022-V4	FE-FCC-Alky FUG 0008	7/20/2010	3	Specific Requirement 64, 40 CFR 63.167(a) as required by 40 CFR 63.648(c), 40 CFR 60.482-6(a)
		3018-V2	FE-CRCK1 FUG 0006	7/22/2010	2	Specific Requirement 81, CFR 60.482-6(a)
		3015-V1	FE-HCU FUG 0011	7/23/2010	1	Specific Requirement 128, 40 CFR 60.482-6(a)
		3011-V1	FE-CFHT FUG 0005	7/2/2010, 12/17/2010	5	Specific Requirements 68 and 73, 40 CFR 63.167(a) as required by 40 CFR 63.648(c), 40 CFR 60.482-6(a)
		3004-V2	FE-OM FUG 0007	7/2/2010, 7/8/2010, 7/19/2010, 7/13/2010, 7/21/2010, 11/11/2010, 11/16/2010, 11/17/2010, 11/19/2010, 11/22/2010	24	Specific Requirement 1686, 40 CFR 63.167(a)

REPORT (date)	PERMIT NUMBER	EMISSION POINT	DEVIATION DATES	NUMBER OF OPEN-ENDED LINES	REGULATORY or PERMIT REQUIREMENT CITATIONS
	2933-V3	FE-CRCK2 FUG 0003	7/15/2010, 8/31/2010, 11/12/2010	4	Specific Requirements 88 and 95, 40 CFR 60.482-6(a), 40 CFR 63.167(a) as required by 63.648(c)
	3023-V4	FE-SRU FUG 0009	12/7/2010	2	Specific Requirement 118, 40 CFR 63.167(a) as required by 40 CFR 63.648(c)

Each open-ended line is a violation of LAC 33:III.5122 which incorporates by reference 40 CFR 63.167(a)(1), LAC 33:III.3003 incorporated by reference 40 CFR 60.482-6(a), and/or LAC 33:III.5122 which incorporates by reference 40 CFR 63.167(a)(1) as required by 40 CFR 63.648(c), each facility Specific Condition or permit requirement of the Title V Permits as listed in the table above, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

## IX.

The Respondent reported the following violations from fugitive emissions regulations requirements:

REPORT (date)	PERMIT NUMBER	EMISSION POINT	DEVIATION DATES	REQUIREMENT	REPORTED CAUSE/NATURE OF VIOLATION	REGULATORY or PERMIT REQUIREMENT CITATIONS
2009 1 <sup>st</sup> Quarter Permit Deviations Report (6/24/2009)	3017-V1	EQT 0211 Isom Recycle Compressor	1/1/2009 through 1/9/2009	Compressor must be equipped with seal system that prevents leakage of VOC to the atmosphere.	Compressor not equipped with seal system that prevents leakage of VOC to the atmosphere until 1/9/2009.	Specific Requirement 105, LAC 33:III.2111
3/24/2011 (Quarterly, Semiannual, and Annual)	3011-V1	FE-CFHT, CFHT-PT1-RF1-GHU Fugitives FUG0005	5/9/2010 and 5/21/2010	If a leak is detected, the valve shall be monitored monthly until a leak is not detected for 2 successive months.	Monthly monitoring was not completed for 17 valves. Required monitoring completed in the subsequent month.	Specific Requirement 68, 40 CFR 60.482-7(a)(1)
	3004-V1					Specific Requirement 1629, 40 CFR 60.482-7(a)(1)
3/24/2011 (Quarterly, Semiannual, and Annual)	3017-V3	FE-ARO - Aromatics FUG 0010	5/25/2010	A first repair attempt or monitoring shall be made within 5 days of initial detection.	A first repair attempt or monitoring was not made within 5 days of initial detection. The required monitoring was completed within 16 days and was below the regulatory threshold.	Specific Requirement 346

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	DEVIATION DATES	REQUIREMENT	REPORTED CAUSE/NATURE OF VIOLATION	REGULATORY OR PERMIT REQUIREMENT CITATIONS
D	3/24/2011 (Quarterly, Semiannual, and Annual)	3018-V2	FE-CRCK1 No.1 Crude/Coker Fugitives FUG 0006	7/19/2010 and 11/12/2010	Performance of initial inspections and Method 21 monitoring and monthly monitoring of each valve in gas or light liquid service and then after two successive months may be monitored quarterly.	Forty-five components subject to routine monitoring were not tagged and included in the LDAR program. Performance of initial inspections and monitoring were not performed.	Specific Requirement 81, 40 CFR 60.482-7(a)
		3004-V2	FE-OM – Fugitives Oil Movements FUG 0007				40 CFR 60.482.7(a)(1)
		3022-V2	FE-FCC, FCC-Alky Process Fugitives FUG 0008				Specific Requirement 64, 40 CFR 60.482-7(a)(1)
		2933-V3	FE-CRCK2 – No. 2 Crude/Coker Fugitives FUG 0003				Specific Requirement 88, 40 CFR 60.482.7(a)(1)
E	3/24/2011 (Quarterly, Semiannual, and Annual)	3022-V4	FE-FCC - FCC-Alky Fugitives FUG 0008	10/9/2010	A first repair attempt or monitoring shall be made within 5 days of initial detection.	A first repair attempt or monitoring was not made within 5 days of initial detection for one component. The required monitoring was completed after the 5 <sup>th</sup> day, but monitoring results indicated it was not leaking above the regulatory threshold.	Specific Requirement 64, 40 CFR 60.482-8(a)
F	3/24/2011 (Quarterly, Semiannual, and Annual)	2933-V3	FE-CRCK2 – No. 2 Crude/Coker Fugitives FUG 0003	11/12/2010	A first repair attempt or monitoring shall be made within 5 days of initial detection.	The VOC leak and open-ended reporting form was turned in after the 5 <sup>th</sup> day from evidence of leak, resulting in the failure to monitor 18 components after the 7 <sup>th</sup> day of evidence of the leak. Monitoring results indicated the leaks were above the regulatory threshold.	Specific Requirement 88 and 95, 40 CFR 60.482-8(a), 40 CFR 63.169(a)
G	3/24/2011 (Quarterly, Semiannual, and Annual)	3017-V3	FE-ARO - Aromatics Fugitives FUG 0010	12/5/2010	Weekly visual inspections.	Weekly visual inspections were not performed. Monitoring was subsequently performed on 12/12/2010.	Specific Requirement 274, 40 CFR 63.163(b)(3), 40 CFR 60.482-2(a)(2), 40 CFR 60.482-2(d)(4)

Each deviation from fugitive emission requirements 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 La. R.S. 30:2057(A)(2).

X.

The Respondent operates under Consent Decree 05-4662 that specifies in paragraph 118 that it would complete a Coke Barn Compliance Review which would specify a schedule for implementing all additional reasonable precautions to be taken to ensure compliance with the requirements of

LAC 33:III.1305.A at the Chalmette Refinery's coke barn. The Respondent was to implement all such additional precautions in accordance with the specified schedule. The Respondent submitted the compliance review report dated July 20, 2006, and a revised report dated October 3, 2006. The schedule for implementation of enhancements indicated completion by September 1, 2006, cleaning of coker handling and transfer areas, washing down of coker handling and transfer areas, roadways and transfer vehicles, cleaning of the coke barn floor and roadways and washing down of transfer vehicles. The Respondent reported that less than adequate housekeeping performed in accordance with LAC 33:III.2113 and/or failure to prevent particulate matter from becoming airborne in accordance with LAC 33:III.1305.A as follows:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	DEVIATION DATES	REPORTED CAUSE/NATURE OF VIOLATION	REGULATORY or PERMIT REQUIREMENT CITATIONS
A	2009 1 <sup>st</sup> Quarter Permit Deviations Report (6/24/2009)	3018-V1	No.1 Crude/ Coker UNF 0011	1/1/2009 through 12/31/2009	Less than adequate housekeeping identified by Operations personnel. Insufficient doors and damage to roof allows particulate matter to become airborne.	Specific Requirement 107, LAC 33:III.1305.A
	2009 1 <sup>st</sup> Semiannual Monitoring Report (9/15/2009)					
	2009 3 <sup>rd</sup> Quarter Permit Deviations Report (12/15/2009)					
	2009 2 <sup>nd</sup> Semiannual Monitoring Report (3/24/2010)					
B	2009 1 <sup>st</sup> Quarter Permit Deviations Report (6/24/2009)	2933-V1	No. 2 Crude/ Coker UNF 0006	1/1/2009 through 12/31/2009	All reasonable precautions not taken to prevent particulate matter from becoming airborne.	Specific Requirement 127, LAC 33:III.1305.A
	2009 1 <sup>st</sup> Semiannual Monitoring Report (9/15/2009)					
	2009 3 <sup>rd</sup> Quarter Permit Deviations Report (12/15/2009)					
	2009 2 <sup>nd</sup> Semiannual Monitoring Report (3/24/2010)					

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	DEVIATION DATES	REPORTED CAUSE/NATURE OF VIOLATION	REGULATORY or PERMIT REQUIREMENT CITATIONS
C	2009 1 <sup>st</sup> Quarter Permit Deviations Report (6/24/2009)	2933-V1	No. 2 Crude/ Coker UNF 0006	First Half 2009	Failure to maintain best practical housekeeping and maintenance practices to reduce the quantity of organic compound emissions.	Specific Requirement 129, LAC 33:III.2113.A
	2009 1 <sup>st</sup> Semiannual Monitoring Report (9/15/2009)					
	2009 2 <sup>nd</sup> Semiannual Monitoring Report (3/24/2010)					

Each failure to maintain adequate housekeeping and/or take all reasonable precautions to prevent particulate matter from becoming airborne is a violation the Specific Requirement of the respective Title V Permit as indicated in the table above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

**COMPLIANCE ORDER**

Based on the foregoing, the Respondent is hereby ordered:

I.

To submit to the Enforcement Division, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, a written report including the updated RMP cited in Paragraph V.E of the **FINDINGS OF FACT** portion of this **COMPLIANCE ORDER**.

II.

To submit to the Enforcement Division, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, a written report including the updated CEMS data cited in Paragraph V.F of the **FINDINGS OF FACT** portion of this **COMPLIANCE ORDER**.

III.

To submit to the Enforcement Division, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, a written report including an update to the two outstanding RMP equipment inspections referenced in Paragraph V.K of the **FINDINGS OF FACT** portion of this **COMPLIANCE ORDER**.

IV.

To submit to the Enforcement Division, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, a written report including the quantity of each emission exceedance not

reported as cited in Paragraph VI of the **FINDINGS OF FACT** portion of this **COMPLIANCE ORDER**.

V.

To submit to the Enforcement Division, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, a written report including the root cause for the violations cited in Paragraphs VI.Z and VI.VVV of the **FINDINGS OF FACT** portion of this **COMPLIANCE ORDER**.

VI.

To submit to the Enforcement Division, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, a written report that includes the breakthrough reports not submitted as cited in Paragraph VII.R-Y of the **FINDINGS OF FACT** portion of this **COMPLIANCE ORDER**.

VII.

To submit to the Enforcement Division, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, a written report in accordance with LAC 33:I.3925 that includes the update and/or conclusion of each unauthorized discharge investigation not submitted as cited in Paragraph VII.AA, VII.DD, and VII.GG of the **FINDINGS OF FACT** portion of this **COMPLIANCE ORDER**.

VIII.

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

IX.

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

Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
**Attn: Deonne Bodin**  
**Re: Enforcement Tracking No. AE-CN-11-00838**  
**Agency Interest No. 1376**

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

I.

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

II.

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

Department of Environmental Quality  
Office of the Secretary  
Post Office Box 4302  
Baton Rouge, Louisiana 70821-4302  
**Attn: Hearings Clerk, Legal Division**  
**Re: Enforcement Tracking No. AE-CN-11-00838**  
**Agency Interest No. 1376**

III.

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

IV.

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

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from



contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is stopped 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 Deonne Bodin at (225) 219-3760 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

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

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

IV.

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

Baton Rouge, Louisiana, this 14 day of March, 2014.



Cheryl Sonnier Nolan  
Assistant Secretary  
Office of Environmental Compliance

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

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