

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

EQUILON ENTERPRISES LLC

AI # 2719

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT

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

* Settlement Tracking No.

* SA-MM-19-0027

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* Enforcement Tracking Nos.

* AE-CN-16-01017

* MM-CN-18-00423

* AE-L-17-01026

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* Docket Nos. 2019-8277-DEQ

* 2019-14544-DEQ

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SETTLEMENT

The following Settlement 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 Convent, St. James Parish, Louisiana (“the Facility”).

II

On April 10, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-16-01017 (Exhibit 1).

On December 28, 2018, the Department issued Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-18-00423 (Exhibit 2).

On October 31, 2017, the Department issued to Respondent a Warning Letter, Enforcement No. AE-L-17-01026 (Exhibit 3).

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

Air

1. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, the Respondent reported a valve, General Plant Fugitive Emissions (FUG 0002), missed quarterly monitoring from January 1, 2012-January 1, 2016. The component was deleted from the monitoring schedule in 2012. Failure to monitor as required is a violation of LAC 33:III.5109.A, Specific Requirement 3400 of Title V Permit No. 2560-00001-V14, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent submitted a revised 2016 1st Semiannual Monitoring and Deviation Report dated April 27, 2017.
2. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, the Respondent reported Refinery Flare No. 3 (EQT 0074) exceeded the H₂S 162 ppmv 3-hour rolling average for 10 hours on January 5, 2016. The Respondent reported two (2) possible causes of the concentration exceedance were due to condensable liquids entrained with the Dowtherm (1) causing the pressure to escalate above normal potentially causing the relief valve to simmer or (2) the manual vent valve being open longer than normal to flare. Failure to comply with the concentration standard is a violation of 40 CFR 60.103a(h), which language has been incorporated by reference as Louisiana Regulation LAC 33:III.3003, Specific Requirement 674 of Title V Permit No. 2560-00001-V14, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent submitted a revised 2016 1st Semiannual Monitoring and Deviation Report dated April 27, 2017.
3. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, the Respondent reported TGTU No. 3 Incinerator Stack (EQT 0056) exceeded the SO₂ 250 ppmv 12-hour rolling average for four (4) hours on January 18, 2016. The concentration exceedance was due to the manual control to thermal air blower failing. Failure to comply with the concentration standard is a violation of 40 CFR 60.104(a)(2)(i), which language has been incorporated by reference as Louisiana Regulation LAC 33:III.3003, Specific Requirement 432 of Title V Permit No. 2560-00001-V14, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent submitted a revised 2016 1st Semiannual Monitoring and Deviation Report dated April 27, 2017.
4. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, the Respondent reported TGTU No. 4 Incinerator Stack (EQT 0057) exceeded the SO₂ 250 ppmv 12-hour rolling average for two (2) hours on January 18, 2016. The concentration exceedance was due to the unit near the end of the run having difficulty handling abrupt feed swings as a result of other SRU trip. Failure to comply with the concentration standard is a violation of 40 CFR 60.104(a)(2)(i), which language has been incorporated by reference as

Louisiana Regulation LAC 33:III.3003, Specific Requirement 450 of Title V Permit No. 2560-00001-V14, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent submitted a revised 2016 1st Semiannual Monitoring and Deviation Report dated April 27, 2017.

5. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, the Respondent reported a valve, General Plant Fugitive Emissions (FUG 0002), missed quarterly monitoring during the January 1, 2016-March 31, 2016 monitoring period. The missed monitoring was due to an error in re-designation of equipment when a change of status was required in LDAR database. Failure to monitor as required is a violation of LAC 33:III.5109.A, Specific Requirement 3400 of Title V Permit No. 2560-00001-V14 and Specific Requirement 3412 of Title V Permit No. 2560-00001-V15, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent submitted a revised 2016 1st Semiannual Monitoring and Deviation Report dated April 27, 2017.
6. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, the Respondent reported a valve, General Plant Fugitive Emissions (FUG 0002), was misclassified resulting in the valve not being monitored. The duration of the violation was August 27, 2012-February 11, 2016. The reported cause of the violation was misclassification of equipment. Each failure to monitor as required is a violation of LAC 33:III.5109.A, Specific Requirement 3400 of Title V Permit No. 2560-00001-V14, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent submitted a revised 2016 1st Semiannual Monitoring and Deviation Report dated April 27, 2017.
7. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, the Respondent reported a valve, General Plant Fugitive Emissions (FUG 0002) missed quarterly monitoring from January 4, 2014-February 17, 2016, due to an error in re-designation of equipment when a change of status was required in LDAR database. The duration of the violation was January 4, 2014-February 17, 2016. Failure to monitor as required is a violation of LAC 33:III.5109.A, Specific Requirement 3400 of Title V Permit No. 2560-00001-V14, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent submitted a revised 2016 1st Semiannual Monitoring and Deviation Report dated April 27, 2017.
8. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, the Respondent reported the East Side Fuel System and East-Side Heaters exceeded the SO₂ maximum hourly permit limits for four (4) hours on March 21, 2016. The exceedances were due to the feed containing H₂S. Each exceedance is a violation of Title V Permit No. 2560-00001-V15, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

The Respondent submitted a revised 2016 1st Semiannual Monitoring and Deviation Report dated April 27, 2017.

9. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, the Respondent reported the East Side Fuel System and East-Side Heaters exceeded the H₂S 162 ppmv 3-hour rolling average for four (4) hours on March 21, 2016. The concentration exceedances were due to the feed containing H₂S. Each failure to comply with the concentration standard is a violation of 40 CFR 60.104(a)(1), which language has been incorporated by reference as Louisiana Regulation LAC 33:III.3003, and La. R.S. 30:2057(A)(2). The Respondent submitted a revised 2016 1st Semiannual Monitoring and Deviation Report dated April 27, 2017.
10. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, the Respondent reported TGTU No. 2 Incinerator Stack (EQT 0055) exceeded the SO₂ 250 ppmv 12-hour rolling average for three (3) hours on March 25-26, 2016. The concentration exceedance was caused by the HTU-2 sour water flash drum carrying over hydrocarbon liquids to the ARU amine system due to the inability to see the hydrocarbon/amine interface in the drum. Failure to comply with the concentration standard is a violation of 40 CFR 60.104(a)(2)(i), which language has been incorporated by reference as Louisiana Regulation LAC 33:III.3003, Specific Requirement 414 of Title V Permit No. 2560-00001-V15, LAC 33:III.501.C.4, and La. 30:2057(A)(2). The Respondent submitted a revised 2016 1st Semiannual Monitoring and Deviation Report dated April 27, 2017.
11. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, the Respondent reported TGTU No. 4 Incinerator Stack (EQT 0057) exceeded the SO₂ 250 ppmv 12-hour rolling average for three (3) hours on March 25-26, 2016. The concentration exceedance was caused by the HTU-2 sour water flash drum carrying over hydrocarbon liquids to the ARU amine system due to the inability to see the hydrocarbon/amine interface in the drum. Failure to comply with the concentration standard is a violation of 40 CFR 60.104(a)(2)(i), which language has been incorporated by reference as Louisiana Regulation LAC 33:III.3003, Specific Requirement 450 of Title V Permit No. 2560-00001-V15, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent submitted a revised 2016 1st Semiannual Monitoring and Deviation Report dated April 27, 2017.
12. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, and correspondence dated August 15, 2018, the Respondent reported Storage Tank 20T-210 (EQT 0176) had an elevated pump rate to the tank. In response to a process upset in the Vacuum Tower of VPS-1 crude unit, operations re-routed the gas oil feed to the

slop system to prevent the overfilling of the Vacuum Tower. The sudden increase in the rate of slop pumped into the tankage resulted in product on top of the internal roof of Tank 20T-210. Approximately 25 gallons of slop material was on top of the internal floating roof. The event occurred on April 15, 2016, for one (1) hour. This is a violation of LAC 33:III.905.A, Specific Requirement 3495 of Title V Permit No. 2560-00001-V15, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent submitted a revised 2016 1st Semiannual Monitoring and Deviation Report dated April 27, 2017.

13. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, and correspondence dated August 15, 2018, the Respondent reported a written notification was not submitted to the Department at least thirty (30) days prior to filling or refilling Tank 37T-301. (EQT 0201). Failure to submit the notification is a violation of 40 CFR 60.113b(a)(5), Specific Requirement 2858 of Title V Permit No. 2560-00001-V15, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent submitted a revised 2016 1st Semiannual Monitoring and Deviation Report dated April 27, 2017.
14. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, the Respondent reported the incorrect valve received maintenance during a scheduled outage. Failure to meet fugitive emission requirements is a violation of LAC 33:III.5109.A, Specific Requirement 3394 of Title V Permit No. 2560-00001-V15, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
15. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, the Respondent reported the classification of a sensory leak component was changed to a connector. The classification change resulted in the component missing monitoring events. Failure to meet fugitive emission requirements is a violation of Specific Requirement 3412 of title V Permit No. 2560-00001-V16, LAC 33:III.5109.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent submitted a revised 2016 1st Semiannual Monitoring and Deviation Report dated April 27, 2017.
16. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, the Respondent reported TGTU No. 4 Incinerator Stack (EQT 0057) exceeded the SO₂ 250 ppmv 12-hour rolling average for 13 hours from June 7-8, 2016. The concentration exceedance was caused by hydrocarbons being carried over to the Amine Recovery Unit 4 (ARU4) new amine header. The hydrocarbon continued to the regenerator and filled up the accumulators, eventually carrying over into the acid gas knock out KO drum at the Sulfur Recovery Unit 5 (SRU5), which caused the unit trip due to high level in the KO drum. The sudden trip and shift of acid gas led to upsets in SRU3 and SRU4. The actual SO₂ concentration ranged from 58.74-823.16 ppmv during the event. Failure to comply with the

concentration standard is a violation of 40 CFR 60.104(a)(2)(i), which language has been incorporated by reference as Louisiana Regulation LAC 33:III.3003, Specific Requirement 450 of Title V Permit No. 2560-00001-V15, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent submitted a revised 2016 1st Semiannual Monitoring and Deviation Report dated April 27, 2017.

17. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, the Respondent reported TGTU No. 4 Incinerator Stack (EQT 0057) exceeded the SO₂ hourly limit of 35 lb/hr for 13 hours on June 7-8, 2016. The exceedance was caused by hydrocarbons being carried over to the Amine Recovery Unit 4 (ARU4) new amine header. The hydrocarbon continued to the regenerator and filled up the accumulators, eventually carrying over into the acid gas knock out KO drum at the Sulfur Recovery Unit 5 (SRU5), which caused the unit trip due to high level in KO drum. The sudden trip and shift of acid gas led to upsets in SRU3 and SRU4. In correspondence dated August 15, 2018, the Respondent reported the 35 lb/hr permit limit was exceeded for 11 hours resulting in 335.26 lbs of SO₂ in excess of the permit limit. Exceeding the SO₂ hourly limit is a violation of Specific Requirement 463 of Title V Permit No. 2560-00001-V15, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent submitted a revised 2016 1st Semiannual Monitoring and Deviation Report dated April 27, 2017.
18. In the 2016 1st Semiannual Monitoring and Deviation Report dated September 29, 2016, the Respondent reported a valve or line, General Plant Fugitive Emissions (FUG 0002), was left unplugged or uncapped. The open valve or line was discovered during the first half of 2016, January 1, 2016-June 30, 2016. Failure to meet fugitive emission requirements is a violation of LAC 33:III.5109.A, Specific Requirement 3377 of Title V Permit No. 2560-00001-V15, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent submitted a revised 2016 1st Semiannual Monitoring and Deviation Report dated April 27, 2017. In correspondence dated August 15, 2018, the Respondent reported 38 valves/OELs were discovered during the first half of 2016.
19. In the 2016 2nd Semiannual Monitoring and Deviation Report and 2016 Annual Compliance Certification dated March 31, 2017, the Respondent reported TGTU No. 5 Incinerator Stack (EQT 0061) exceeded the SO₂ 250 ppmv 12-hour rolling average for 1.08 hours on August 23, 2016. The concentration exceedance was due to the SRU/TGTU-5 console operator entering two inputs incorrectly when transitioning feed from the SRU/TGTU-4 to SRU/TGTU-5. The error resulted in less oxygen than necessary and more acid gas than necessary being introduced to the unit preventing it from processing all of the gas effectively. Failure to comply with the concentration limit is a violation of 40 CFR 60.104(a)(2)(i), which has been incorporated by reference as Louisiana Regulation LAC 33:III.3003, Specific

Requirement 484 of Title V Permit No. 2560-00001-V16, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

20. In the 2016 2nd Semiannual Monitoring and Deviation Report and 2016 Annual Compliance Certification dated March 31, 2017, the Respondent reported Refinery Flare No. 3 (EQT 0074) exceeded the SO₂ and H₂S maximum hourly permit limit of 671.43 lb/hr and 3.36 lb/hr, respectively for four (4) hours from November 30, 2016-December 1, 2016. The exceedances were caused by “gassing up (cavitation)” of the charge pumps. Each exceedance is a violation of Title V Permit No. 2560-00001-V16, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
21. In the 2016 2nd Semiannual Monitoring and Deviation Report and 2016 Annual Compliance Certification dated March 31, 2017, the Respondent reported Refinery Flare No. 3 (EQT 0074) exceeded the SO₂ and H₂S maximum hourly permit limit of 671.43 lb/hr and 3.36 lb/hr, respectively for one (1) hour on December 15, 2016. The exceedances were due to the failure to re-apply heating tracing on flow transmitter 70FT-156 after maintenance during an outage. Each exceedance is a violation of Title V Permit No. 2560-00001-V16, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
22. In the 2016 2nd Semiannual Monitoring and Deviation Report and 2016 Annual Compliance Certification dated March 31, 2017, the Respondent reported Flare No. 5-Dock No. 1 & 2 Vapor Recovery (EQT 0028) exceeded the ≤ 20% opacity standard for 0.05 hour on July 6, 2016. Failure to operate according to permitted requirements is a violation of Specific Requirement 33 of Title V Permit No. 2560-00001-V15, LAC 33:III.1105, LAC 33:III.501.C4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
23. In the 2016 2nd Semiannual Monitoring and Deviation Report and 2016 Annual Compliance Certification dated March 31, 2017, the Respondent reported a valve or line, General Plant Fugitive Emissions (FUG 0002), was left unplugged or uncapped. The open valve or line was discovered during the second half of 2016, July 1, 2016-December 31, 2016. Failure to meet fugitive emission requirements is a violation of Specific Requirement 3381 of Title V Permit No. 2560-00001-V16, LAC 33:III.5109.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
24. In the 2016 2nd Semiannual Monitoring and Deviation Report and 2016 Annual Compliance Certification dated March 31, 2017, the Respondent reported the FCCU Wet Gas Scrubber Stack (EQT 0071) exceeded the CO 500 ppmv hourly rolling average for one (1) hour on October 22, 2016. The concentration exceedance was caused by insufficient combustion due to loss of pipeline oxygen. Failure to comply with the concentration standard is a violation of

40 CFR 60.103(a), which has been incorporated by reference as Louisiana Regulation LAC 33:III.3003, Specific Requirement 604 of Title V Permit No. 2560-00001-V16, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

25. In the 2016 2nd Semiannual Monitoring and Deviation Report and 2016 Annual Compliance Certification dated March 31, 2017, the Respondent reported FCCU Wet Gas Scrubber Stack (EQT 0071) exceeded the CO maximum hourly permit limit, 366 lb/hr, for one (1) hour on October 22, 2016. The concentration exceedance was caused by insufficient combustion due to loss of pipeline oxygen. Exceeding the hourly permit limit is a violation of Title V Permit No. 2560-00001-V16, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
26. In the 2016 2nd Semiannual Monitoring and Deviation Report and 2016 Annual Compliance Certification dated March 31, 2017, the Respondent reported the West Side Heaters exceeded the H₂S 162 ppmv 3-hour rolling average for 12 hours from October 23-24, 2016. The concentration exceedance was due to non-stable operations on the Deethanizer which led to flood conditions on the FCCU Fuel Gas Scrubber 2AF-102. The flow disruption prevented the scrubber from performing as intended and allowed higher concentrations of H₂S to enter the refinery fuel gas system. Failure to operate according to permitted requirements is a violation of 40 CFR 60.104(a)(1) and La. R.S. 30:2057(A)(2).
27. In the 2016 2nd Semiannual Monitoring and Deviation Report and 2016 Annual Compliance Certification dated March 31, 2017, the Respondent reported the West Side Heaters exceeded the H₂S 162 ppmv 3-hour rolling average for seven (7) hours from November 27-28, 2016. The concentration exceedance was due to the West side fuel gas system experiencing elevated levels of H₂S as a result of a failed C2 analyzer on the FCU Amine Tower/Absorber 2AF-102 (Fuel Gas Scrubber). Failure to operate according to permitted requirements is a violation of 40 CFR 60.104(a)(1) and La. R.S. 30:2057(A)(2).
28. In the 2017 1st Semiannual Monitoring and Deviation Report dated September 28, 2017, the Respondent reported nineteen (19) open-ended lines (OELs) were discovered during the first half of 2017, January 1, 2017-December 31, 2017. This is a violation of LAC 33:III.5109.A, Specific Requirement 3381 of Title V Permit No. 2560-00001-V16, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
29. In the 2017 1st Semiannual Monitoring and Deviation Report dated September 28, 2017, the Respondent reported the failure to submit written notification of return to service for Storage Tank 37T-301 (EQT 0201). The Respondent is required to notify the Department in writing at least 30 days prior to filling or refilling of each storage vessel for which an inspection is required; notification was required to be submitted by March 20, 2017. Failure to submit

written is a violation of 40 CFR 60.113b(a)(5), Specific Requirement 2862 of Title V Permit No. 2560-00001-V16, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

30. In the 2017 1st Semiannual Monitor and Deviation Report dated September 28, 2017, the Respondent reported the failure operate Flare No. 5-Dock No. 1 & 2 Vapor Recovery (EQT 0028) without visible emissions. On May 28, 2017, EQT 0028 smoked for approximately eight (8) minutes when the ship, overseas New York, vented while loading product. This is a violation of 40 CFR 63.11(b)(4), Specific Requirement 27 of Title V Permit No. 2560-00001-V16, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
31. In the Unauthorized Discharge Notification Report for Incident No. T177910 dated May 26, 2017, and Follow-up Unauthorized Discharge Reports dated July 20, 2017, and August 8, 2017, respectively, the Respondent reported an incident occurred at the Convent Refinery (the facility) on May 22, 2017. According to the July 20, 2017 report, on May 21, 2017, the facility experienced a heavy rainfall event. During the event, oil overflowed from the oil water sewers and spilled onto shell areas of multiple process units. The facility also experienced a malfunction on the roof of Tank 20D-61 that resulted in the accumulation of product on the roof in addition to rain water. Approximately one (1) pint of product washed down from the roof of 20D-1 and reached the earthen dike area. The incident investigation determined two (2) of the roof pontoons had filled with liquid prior to the May 21st incident. Additional pontoons were compromised, which along with the heavy rains, resulted in the roof tipping and product accumulating on the roof. The incident resulted in the release of approximately 909 lbs of benzene over the course of 77 hours. The Respondent determined the incident was preventable. This is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(1). The incident was also reported in the 2017 1st Semiannual Monitoring and Deviation Report dated September 28, 2017.
32. In the Unauthorized Discharge Notification Report for Incident No. T178663 dated July 11, 2017, and Follow-Up Unauthorized Discharge Report dated August 3, 2017, the Respondent reported an incident occurred at the facility on July 5, 2017. According to the reports, on July 5, 2017, the FCCU experienced a unit trip followed by an emergency unit shut-down. The FCCU upset and subsequent unit start-up activities resulted in flaring from Refinery Flare No. 2 (EQT 0072). As part of normal start-up efforts, Torch oil was introduced in an effort to stabilize the bed temperatures on the Regenerator Section of the FCCU while the necessary repairs were completed. This resulted in elevated carbon monoxide (CO) from the FCCU Wet Gas Scrubber Stack (EQT 0072). The Respondent's internal investigation determined the trip occurred as a result of an upset in the Reactor/Regenerator catalyst circulation loop when the Regen Cat Slide Valve (RCSV) closed position suddenly decreased. The sudden change was due to either an emulsion caused by water in the hydraulic oil or contaminants in

the hydraulic oil plugging off a component of the servo valve. The Respondent determined the release was preventable. The incident was also reported in the 2017 2nd Semiannual Monitoring and Deviation Report and 2017 Annual Compliance Certification dated March 29, 2018.

- a. Failure to use and/or diligently maintain a control device in the proper manner is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(2).
 - b. In the 2017 2nd Semiannual Monitoring and Deviation Report and 2017 Annual Compliance Certification dated March 29, 2018, the Respondent reported Refinery Flare No. 2 (EQT 0072) exceeded the SO₂ permitted emission limit of 674.47 max lb/hr and the H₂S permitted emission limit of 3.36 max lb/hr as a result of the incident. Approximately 6,533 lbs of SO₂ and 3.72 lbs of H₂S were released in excess of the permit limit. Exceeding a permitted emission limit is a violation of Title V Permit No. 2560-00001-V16, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
 - c. In the 2017 2nd Semiannual Monitoring and Deviation Report and 2017 Annual Compliance Certification dated March 29, 2018, the Respondent reported FCCU Wet Gas Scrubber (EQT 0071) exceeded CO permitted emission limit of 366 max lb/hr during startup following the incident. Approximately 38,450 lbs of CO was released in excess of the permit limit. Exceeding a permitted emission limit is a violation of Title V Permit No. 2560-00001-V16, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
 - d. In the 2017 2nd Semiannual Monitoring and Deviation Report and 2017 Annual Compliance Certification dated March 29, 2018, the Respondent reported FCCU Wet Gas Scrubber (EQT 0071) failed to comply with the CO concentration standard of 500 ppm for four (4) hours. Failure to comply with permitted operating parameters is a violation of 40 CFR 60.103(a), Specific Requirement 604 of Title V Permit No. 2560-00001-V15, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
33. In the 2017 2nd Semiannual Monitoring and Deviation Report and 2017 Annual Compliance Certification dated March 29, 2018, the Respondent reported a connector, General Plant Fugitive Emissions (FUG 0002), was mistakenly placed on Delay of Repair (DOR) prior to verifying and attempting isolation for repair. The component was eventually isolated but was not repaired within the allowed 15-day period. Failure to meet fugitive emission

requirements is a violation of Specific Requirement 3374 of Title V Permit No. 2560-00001-V16, LAC 33:III.5109.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

34. In the 2017 2nd Semiannual Monitoring and Deviation Report and 2017 Annual Compliance Certification dated March 29, 2018, the Respondent reported ten (10) open-ended lines, General Plant Fugitive Emissions (FUG 0002), were discovered during the second half of 2017, July 1, 2017-December 31, 2017. Failure to meet fugitive emission requirements is a violation of LAC 33:III.5109.A, Specific Requirement 3381 of Title V Permit No. 2560-00001-V15, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

35. In the 2017 2nd Semiannual Monitoring and Deviations Report and 2017 Annual Compliance dated March 29, 2018, the Respondent reported new individual drain systems (IDS) associated with the FCCU shutdown were not closed before November 1, 2017. This is a violation of 40 CFR 60.692-2(a) and La. R.S. 30:2057(A)(2).

Water

Equilon Enterprises LLC owns and/or operates a petroleum refinery located at 10700 Louisiana Highway 44 in Convent, St. James Parish, Louisiana. Motiva Enterprises LLC (Motiva) was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0006041 on September 21, 2010, with an effective date of November 1, 2010, and an expiration date of October 31, 2015. Motiva submitted a permit renewal application under cover letter dated April 22, 2015, which was received by the Department on April 23, 2015, and LPDES Permit LA0006041 was administratively continued until it was reissued on April 21, 2016, with an effective date of June 1, 2016, and an expiration date of May 31, 2021. Under cover letter dated February 6, 2017, Motiva Enterprises LLC submitted an application to revoke and reissue LPDES Permit LA0006041. A notification of change (NOC-1) form under cover letter dated May 31, 2017, was received by the Department on June 7, 2017, which indicated a transfer of ownership of the Convent Refinery from Motiva to Respondent occurred on May 1, 2017. By letter dated June 22, 2017, the Department transferred LPDES Permit LA0006041 to Respondent with an effective date of May 1, 2017. LPDES Permit

LA0006041 was issued to Respondent on August 25, 2017, with an effective date of August 25, 2017, and an expiration date of August 24, 2022. A modification application under cover letter dated December 21, 2017, was received by the Department on December 27, 2017. LPDES Permit LA0006041 was modified on May 22, 2018, with an effective date of July 1, 2018, and an expiration date of August 24, 2022. Under the terms and conditions of LPDES Permit LA0006041, Respondent is permitted to discharge treated process wastewater, utility wastewaters, first flush and post first flush stormwater runoff, potable waters, leachate from biosludge landfarms and closed hazardous waste landfarms, sanitary wastewater, minor quantities of off-site wastewaters, fire-fighting wastewaters, hydrostatic test wastewaters, wastewater from the wet gas scrubber purge treatment unit, wet gas scrubber area drainage overflows, de minimis once-through non-contact cooling water, wastewater from remediation projects, ballast and dock area wastewaters, miscellaneous waters and clarifier underflow (Outfalls 001 and 003) to the Mississippi River; and post first flush process area stormwater, non-process area stormwater runoff, hydrostatic test waters, filter backwash water, de minimis once-through non-contact cooling water, various maintenance wastewaters and miscellaneous wastewaters (Outfall 002) to Ascension ditch, thence to St. James Canal, thence to Blind River, all waters of the state.

1. A file review conducted by the Department on or about October 2, 2018, revealed the following effluent limitation exceedances as reported by Motiva on Discharge Monitoring Reports (DMRs):

Date	Outfall	Parameter	Permit Limit	Sample Value
12/31/2013	002A	pH (Instantaneous Maximum)	10 Standard Units	10.1 Standard Units
4/1/2015 - 06/30/2015	002Q	Total Suspended Solids (Daily Maximum)	135 mg/L	267 mg/L
08/31/2016*	001A	Total Suspended Solids (Daily Maximum)	2503 lb/d	11484 lb/d
08/31/2016*	001A	Total Suspended Solids (Monthly Average)	1597 lb/d	1973 lb/d
10/1/2016 - 12/31/2016	002Q	Total Suspended Solids (Daily Maximum)	135 mg/L	234 mg/L

* On the August 2016 DMR, Motiva reported these exceedances as occurring during the 2016 flood event. These exceedances occurred during the effective time of the Declaration of Emergency and Administrative Order issued by the Department on August 12, 2016.

Each effluent exceedance of a permit limitation is a violation of LPDES permit LA0006041 (Part I, Effluent Limitations and Monitoring Requirements and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

2. A file review conducted by the Department on or about October 2, 2018, revealed that Motiva failed to implement its Spill Prevention Plan and Control (SPCC) Plan. Specifically, in the unauthorized discharge notification report dated May 1, 2013, Motiva reported a release of approximately 27 barrels of oil which occurred on April 24, 2013, during a heavy rainfall event. Motiva determined that the block valves on the sewer junction box south of Avenue C East and Alabama Street were inadvertently left open. The sewer junction box controls drainage from the tank farm and can be lined up to go either to the process sewer system or clean stormwater. Motiva reported that it appeared the clean stormwater block valve was left open from a previous rain event. During the rain event, the process sewer system swelled and filled the junction box, which then flowed into the storm ditch via the clean water side of the sewer box that had been left open. Once the valve was identified, Operations immediately closed it, thus stopping any additional flow of oil to stormwater. The failure to implement the SPCC plan is a violation of La. R.S. 30:2076(A)(3) and LAC 33:IX.905.B.
3. A file review conducted by the Department on or about October 2, 2018, revealed that Motiva caused and/or allowed an unauthorized discharge of diesel to waters of the state. Specifically, in the written notification report dated August 22, 2013, Motiva reported a release of diesel that occurred on August 17, 2013, at Motiva's Dock No. 2. According to Motiva, approximately 15 gallons of diesel were released to secondary containment at Dock No. 2 with approximately two (2) gallons released to the Mississippi River from secondary containment. Motiva reported that the cause of the spill was the result of unintentionally leaving the Dock Arm #3 drain valve open during the initial stages of the transfer. At the time, the dock arm inboard drain valve was lined up to the dock slop oil tank rather than being in the closed position per the loading procedure. According to Motiva, the diesel that was spilled on the dock was pumped back into the slop system and the diesel that had fallen on the grating below the dock was cleaned with absorbent pads and disposed as oily contaminated industrial solid waste. Motiva noted that any diesel reaching the Mississippi River was dispersed and naturally attenuated. The discharge of diesel from a source or location not authorized by the permit to the Mississippi River, waters of the state, is a violation of La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D.
4. A file review conducted by the Department on or about October 2, 2018, revealed that Motiva caused and/or allowed an unauthorized discharge of treated but unclarified wastewater to waters of the state. As reported by Motiva in the unauthorized discharge notification report dated October 9, 2013, a sump at the aeration basin overflowed into the gravel area between Clarifiers 1 and 2. The treated wastewater bypassed the clarifiers to the

recycle pond. From there, the treated but unclarified wastewater, was discharged via Outfall 001 to the Mississippi River. The event occurred on October 2, 2013, and 126 gallons of treated but unclarified wastewater was discharged through Outfall 001. According to Motiva, upon discovery, Operations began reducing flow to the aeration basins, shutting down flow from 37T-314 and slowing flow from 37T-316 and 37T-317. Motiva noted that additional training was conducted with the Operation's personnel regarding the flow management of the system. No exceedances were reported as a result of this event for October 2013. The discharge of unclarified effluent to the Mississippi River, waters of the state, was not authorized by the permit, in violation of La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D.

5. A file review conducted by the Department on or about October 2, 2018, revealed that Motiva failed to collect and/or analyze samples in accordance with Environmental Protection Agency (EPA) procedures. Specifically, Motiva reported in the November 2013 DMR for Outfall 001A that the incubation time for method 2510B was five days, and the laboratory failed to meet this requirement for the November 11, 2013 BOD sample. The failure to collect and/or analyze samples in accordance with EPA procedures is a violation of LPDES permit LA0006041 (Part III, Sections A.2 and C.5.), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.J.4.
6. A file review conducted by the Department on or about October 2, 2018, revealed that Motiva failed to take samples at the outfall location for Outfall 003 as indicated in the permit. Specifically, on the cover letter dated August 14, 2014, for the DMR submittals due August 2014, Motiva reported that samples for Outfall 003 were discovered to have been collected from the clarifiers themselves and not the "common header" as required by the LPDES permit. However, Motiva believed the samples taken were representative. Motiva indicated that it was evaluating alternative mechanisms to allow for the samples to be collected at the "common header." In the cover letter dated April 15, 2015, for the DMR submittals due April 2015, Motiva indicated that it had installed the necessary piping to allow for the samples to be collected at the "common header" and would put the sample point into service once the management of change procedure was completed and approved. In the cover letter dated May 14, 2015, for the DMR submittals due May 2015, Motiva noted that the sample point was in service and was being tested for the operational procedures to be updated, training to be performed and implementation of the procedures. In the cover letter dated July 15, 2015, for the DMR submittals due July 2015, Motiva indicated the procedures for sampling this outfall had been updated and were currently awaiting issuance and implementation. In the cover letter dated August 13, 2015, for the DMR submittals due August 2015, Motiva noted that the procedures had been updated, reviewed by operations and would be issued by the end of the week. In the cover letter dated September 15, 2015, for the DMR submittals due September 2015, Motiva noted that during the first attempt to sample from this outfall, it was found to be plugged and they were trying to unplug the line. In the cover letter dated December 15, 2015, for the DMR submittals due December 2015, Motiva noted it was working with the Department to reissue the permit with the sample location changed to "a representative sample of the clarifier underflow stream taken from one of the clarifiers operating at the time of the discharge to the Mississippi River." The failure to

take samples at the outfall location for Outfall 003 indicated in the permit is a violation of LPDES permit LA0006041 (Part I, page 7 of 7 and Part III, Sections C.2 and A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.J.1. LPDES permit LA0006041 was reissued on April 21, 2016, with an effective date of June 1, 2016. The permit changed the sample location for Outfall 003 to the clarifier underflow stream taken from one of the clarifiers operating at the time of the discharge to the Mississippi River.

7. A file review conducted by the Department on or about October 2, 2018, revealed that Motiva failed to collect and/or analyze samples of the effluent from Outfall 002 daily for total organic carbon (TOC), oil and grease, pH, and/or p-alkalinity as required by LPDES Permit LA0006041. Specifically, in the cover letter dated April 15, 2015, for the DMR submittals due April 2015, Motiva reported that on March 11, 2015, the stormwater pumps were placed back in service after repairs. In an effort to confirm the pumps were operational, the pumps were started (one for approximately 6 (six) minutes and the other for approximately 17 minutes). During the event, a compliance sample was not obtained. Additionally, stormwater Outfall 002 was discharged to the Ascension Canal during March 15 through March 17, 2015. All samples were obtained and analyzed for March 15, 2015. On March 16, 2015, a sample was obtained, but due to confusion of the intent of the sample, the sample was not analyzed. On March 17, 2015, samples were obtained and sent to the contract lab for analyses; however, the contract lab lost the sample for p-alkalinity. A retained sample was later provided to the contract lab; however, it was past its 14-day hold time. The failure to collect and/or analyze samples of the effluent for TOC, oil and grease, pH, and/or p-alkalinity is a violation of LPDES Permit LA0006041 (Part I, Effluent Limitations and Monitoring Requirements, page 4 of 5 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.
8. A file review conducted by the Department on or about October 2, 2018, revealed that Motiva failed to sample the effluent from Outfall 002 daily for oil and grease and total organic carbon (TOC) as required by LPDES Permit LA0006041. Specifically, in the cover letter dated November 16, 2015, for the October 2015 DMR for Outfall 002A, Motiva reported that no sample results for oil and grease and total organic carbon (TOC) were obtained for October 26, 2015, due to a breach in sample protocol. The failure to sample for oil and grease and TOC is a violation of LPDES Permit LA0006041 (Part I, Effluent Limitations and Monitoring Requirements, page 4 of 5 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.
9. A file review conducted by the Department on or about October 2, 2018, revealed that Motiva failed to sample the effluent from Outfall 002 daily for TOC, oil and grease, and pH as required by LPDES Permit LA0006041. In the DMR submittals due August 2015 under cover letter dated August 13, 2015, Motiva reported that during the month of July 2015, the second sample was collected approximately ten (10) minutes prior to the subsequent 24-hour period. Therefore, there were two samples collected for the first 24-hour period and no samples collected during the second 24-hour period. According to Motiva, the procedures for sampling this outfall were recently revised. Each failure to sample for TOC, oil and grease, and pH is a violation of LPDES Permit LA0006041 (Part I, Effluent Limitations and

Monitoring Requirements, page 4 of 5 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

10. A file review conducted by the Department on or about October 2, 2018, revealed that Motiva failed to sample the effluent from Outfall 003 daily for pH as required by LPDES Permit LA0006041. In the DMR submittal under cover letter dated December 15, 2015, Motiva reported that Outfall 003 discharged for thirty (30) days during the month of November 2015. However, there were no sample results for pH for November 7, 2015, due to a breach in sample protocol. The failure to sample for pH is a violation of LPDES Permit LA0006041 (Part I, Effluent Limitations and Monitoring Requirements, page 5 of 5 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.
11. A file review conducted by the Department on or about October 2, 2018, revealed that Motiva failed to collect samples and analyze in accordance with EPA procedures. Specifically, in the DMR submittals under cover letter dated March 15, 2016, Motiva reported that during the last week of February, it was identified that the thermometer for Outfall 001 composite sampler was reading above 6 degrees Celsius. The analytical methods for preservation of the samples requires that they be maintained at or below 6 degrees Celsius. The composite sample includes the following: BOD, COD, TSS, and total ammonia. Due to this issue, all composite samples collected during the week of February 14, 2016, are considered to be invalid samples. The initial composite sample collected during the week of February 21, 2016, was also considered invalid due to the elevated temperature; therefore, Motiva collected another composite sample on Friday, February 26, 2016. Unfortunately, due to unforeseen circumstances, the new composite sample did not arrive at the contract lab until the following Monday, which was beyond the hold time, and therefore, the BOD sample was considered to be invalid. The resample event conducted on February 26, 2016 also included the permit-required grab samples; therefore, two sets of grab samples were collected for the week of February 21, 2016. Motiva stated that a new refrigerated sample compositor was on order, but as an immediate corrective action, the current sample compositor was being cooled to the required temperature using bags of ice. Motiva also modified the operator rounds so the actual temperature of the sample compositor is recorded and will be flagged as an exception in the electronic system should it be outside of the required range. The failure to collect samples and analyze in accordance with EPA procedures is a violation of LPDES permit LA0006041 (Part III, Sections A.2 and C.5.), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.J.4.
12. A file review conducted by the Department on or about October 2, 2018, revealed that Motiva caused and/or allowed an unauthorized discharge of process wastewater mixed with rainwater to waters of the state. Specifically, according to Motiva's report dated June 1, 2014, on May 28, 2014, and continuing through May 30, 2014, heavy rain inundated the facility causing flooding throughout the site. According to Motiva, at 12:00 p.m. it was discovered that storm water with a slight sheen had migrated off site at two locations (the Saint James Canal and the Ascension Ditch) due to an overflow of the site storm water ditch system. Oil containment and absorbent booms were deployed in the Ascension Ditch and Saint James Canal. Flooding continued across the site and storage capacity was exceeded.

At 1:00 p.m. on May 28, 2014, Motiva began discharging process wastewater into the storm water system to prevent the discharge of untreated process wastewater to the Mississippi River. In addition, Motiva began discharging from Outfall 002 to alleviate on-site flooding. According to Motiva, the majority of the discharge occurred from Outfall 002 which discharges to the Ascension Ditch and some storm water discharged overland from the overtopping of the Storm Water System and flowed into the Saint James Canal. The discharge of process wastewater mixed with rainwater to the Ascension Ditch and Saint James Canal, waters of the state, was not authorized by the permit, in violation of La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D.

13. A file review conducted by the Department on or about October 2, 2018, revealed that Motiva caused and/or allowed an unauthorized discharge of process wastewater mixed with rainwater to waters of the state. Specifically, according to Motiva's report of unanticipated emergency bypass and unauthorized discharge dated August 16, 2015, prior to and on August 12, 2016 and through August 14, 2016, the Convent area experienced heavy rainfall which resulted in the wastewater treatment system (WTS) reaching maximum capacity levels. Motiva explained that in order to prevent flooding of the facility and damage to the WTS from overtopping of the WTS South Surge and East Surge Ponds, an emergency bypass of the WTS to the facility Storm Water System was initiated. The process wastewater that was heavily diluted with rainwater, bypassed the WTS and was routed to the stormwater system while Outfall 002 was being discharged. This event occurred during the severe weather and flooding of August 2016. The discharge of process wastewater mixed with rainwater to the Mississippi River, waters of the state, was not authorized by the permit, in violation of La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D.
14. A file review conducted by the Department on or about October 2, 2018, revealed that Motiva failed to sample the effluent from Outfall 002 on a daily basis as required by LPDES Permit LA0006041 for TOC, Oil & Grease, pH, and p-alkalinity. Specifically, in the DMR submittals under cover letter dated April 13, 2016, Motiva reported that during the first discharge event of the month, it discharged from approximately 11:00 a.m. on March 9, 2016, until approximately 1:30 p.m. on March 14, 2016. Motiva sample personnel obtained a compliance sample for each 24-hour period of the discharge per the permit with the exception of March 14, 2016, when the pumps lost suction and shut down prior to obtaining the sample for the day. The discharge on the last 24-hour period lasted for approximately 2.5 hours. The discharge results for all previous five (5) days were well within limits. Upcoming training that will be provided for operations will include this event. The failure to sample the aforementioned parameters daily as required is a violation of LPDES permit LA0006041 (Part I, Effluent Limitations and Monitoring Requirements, page 4 of 5 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.
15. A file review conducted by the Department on or about October 2, 2018, revealed that Motiva caused and/or allowed an unauthorized discharge of a diesel-range hydrocarbon material to waters of the state. Specifically, in the report dated December 27, 2016, Motiva reported that on the afternoon of December 25, 2016, the dock operator noticed a leak on the ¾ inch pressure safety valve (PSV) piping on the LCGO, a diesel-range hydrocarbon

material, line while making rounds. According to Motiva, the leak location was inside the dock secondary containment; however, there was a failure of the sealing material where the pipe penetrated the deck of the dock. The failure of the sealing material allowed a very small amount (estimated to be approximately 6 drops) of LCGO through the deck and into the river. Motiva reported that upon discovery, the LCGO line was opened to a tank to relieve the pressure on the line and stop the PSV leak and associated release. The line was taken out of service and wrapped with absorbent material to prevent any additional release through the deck penetration. According to Motiva, the sheen rapidly dissipated in the river current. All penetrations through the deck of the dock were to be inspected and resealed. In addition, a routine inspection program was to be implemented to prevent recurrence. The discharge of a diesel-range hydrocarbon material to the Mississippi River, waters of the state, was not authorized by the permit, in violation of La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D.

16. A file review conducted by the Department on or about October 2, 2018, revealed that Respondent caused and/or allowed an unauthorized discharge of treated but unclarified wastewater to waters of the state. Specifically, Respondent reported in the unauthorized discharge notification report dated November 9, 2017, that during monitoring rounds on November 7, 2017, Operations personnel discovered an overflow of effluent from a splitter-box at 6:30 a.m. Respondent noted that the splitter-box is located immediately prior to the system's clarifier, which is the final polishing section of the wastewater treatment system. Treated effluent from the aeration basin is supposed to flow through the splitter-box, which is part of the Effluent Treating System, prior to being routed to the clarifiers. However, the treated wastewater overflowed into the Recycle Pond and was then discharged to the Mississippi River via Outfall 001 resulting in a bypass of a de minimis amount of treated but unclarified effluent. At the time of the discovery, the splitter-box overflow had ceased, and the facility was being operated properly. The discharge of unclarified effluent to the Mississippi River, waters of the state, was not authorized by the permit, in violation of La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D.

III

In response to the Consolidated Compliance Orders and 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 ONE HUNDRED FIFTY-FOUR THOUSAND AND NO/100 DOLLARS (\$154,000.00), of which Eight Thousand Two Hundred Seventy-Four and 38/100 Dollars (\$8,274.38) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent 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).

VI

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

VII

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

VIII

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.

IX

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.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. James Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice 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.

XI

Payment is to be made within thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XII

In consideration of the above, any claims for penalties are hereby compromised and settled in

accordance with the terms of this Settlement.

XIII

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: *Allen Pertuit*
(Signature)

ALLEN PERTUIT
(Printed)

TITLE: GENERAL MANAGER
SHELL CONVENT REFINERY

THUS DONE AND SIGNED in duplicate original before me this 8th day of February, 20 21, at Darrou LA.

Sandy Savoy
NOTARY PUBLIC (ID # 78183)

THE UNDERSIGNED NOTARY
DID NOT PREPARE THIS
DOCUMENT, AND IS
NOT RESPONSIBLE FOR ITS
CONTENTS.

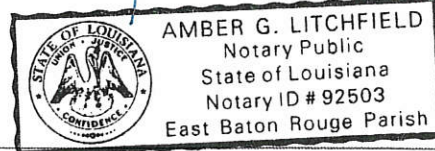
Sandy Savoy
(stamped or printed)

LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary

BY: *LC*
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 18th day of October, 20 21, at Baton Rouge, Louisiana.

Amber G. Litchfield
NOTARY PUBLIC (ID # 92503)



(stamped or printed)

Approved: *LC*
Lourdes Iturralde, Assistant Secretary