STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-AE-19-0062**
CALCASIEU REFINING COMPANY	*	
	*	**Enforcement Tracking No.**
AI # 3585	*	**AE-CN-09-0286**
	*	**AE-CN-10-01465**
	*	**AE-CN-10-01465A**
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	*	
	*	**Docket No. 2015-6450-EQ**
	*	

SETTLEMENT

The following Settlement is hereby agreed to between Calcasieu Refining Company ("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 corporation that owns and/or operates a refinery located in Lake Charles, Calcasieu Parish, Louisiana ("the Facility").

II

On April 25, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-09-0286 (Exhibit 1).

On February 25, 2014, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-10-01465 (Exhibit 2).

On May 24, 2016, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-10-01465A (Exhibit

3).

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

Deviations Reported in 2015 Title V Reports

2015 1st Semiannual Monitoring Report

The F-400 Flare (EQT 0015) had visible smoke for less than 30 minutes on June 9, 2015 caused by temporary loss of plant power due to provider upset during inclement weather (item 6 in offer table), in violation of Permit No. 0520-00050-V11 Specific Requirement 41, 40 CFR 60.18(c)(1), LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

A spare NOx CEMS analyzer was placed on the H-204 heater (EQT 19) in place of the malfunctioning unit while it was sent to the manufacturer for repair, between January 20, 2015 and February 28, 2015. The spare analyzer did not have initial certification for 39 days (item 4 in offer table). This is a violation of Permit No. 0520-00050-V11 Specific Requirement 65, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

The 701 VG H2S meter was below 90% reliable data availability between June 1 and June 30, 2015. The facility reported it was due to a plant power outage during a severe weather event and difficulty restarting the instrument after a turnaround in a shorter month. (item 3 in offer table), in violation of 40 CFR 60 Subpart VV and 63 Subpart H, and La. R.S. 30:2057(A)(2).

2015 1st & 2nd Semiannual Monitoring Reports

Nine (9) total open ended lines found and corrected in 2014. Respondent reported three (3) in the 2015 1st Semi and six (6) in the 2016 2nd Semi. OELs were capped, plugged, or blinded the same day they were found. (item 1 in offer table), in violation of Permit No. 0520-00050-V11 Specific Requirement 319, 40 CFR 60.592(a), LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

2015 2nd Semiannual Monitoring Report

Small 30 hp diesel engine for P-402 pump was not maintained as per the 40 CFR Part 63 Subpart ZZZZ requirements (item 8 in offer table), in violation of Permit No. 0520-00050-V12 Specific Requirements 22-24, 40 CFR 63.6603(a)), LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The report stated that the engine was added to maintenance rounds and that this small pump was only used for 18 hours.

For External Floating Roof Tank TK-300 (EQT 0027), a visual inspection noted small amounts of heavy asphalt-like material by the roof seal. After review, it was determined a wax scraper was not installed below the primary and secondary seals. During the process of adding the wax scraper and replacing the seals, there were sections of the seal that were not in place during the days this work was performed, in violation of Specific Requirement 96 of Permit No. 0520-00050-V12, 40 CFR 60.112 a(a)(1)(i)(D), LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). This issue occurred between July 26 and August 23, 2015. The report stated that a vapor barrier foam was applied to reduce emissions. (item 5 in offer table)

Twelve (12) components were not tagged and monitored within 30 days of being put into service, in violation of Specific Requirement 383 of Title V Permit No. 0520-00050-V12, 40 CFR 60.592(a), LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). These components were put into place during a 2010 project. (item 2 in offer table)

Repairs to a closed vent system were not made within the required timeframe (5 days initial attempt, 15 days repair), in violation of Specific Requirement 396 of Title V Permit No. 0520-00050-V12, 40 CFR 61.355(k), LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). Th report stated the deviation occurred between July 5-6, 2015; July 5-7, 2015; and December 22, 2015-January

12, 2016. Repairs were inadvertently scheduled in accordance with 40 CFR Part 60 Subpart QQQ (30 days) instead of the requirements of Subpart FF. (item 7 in offer table)

2016 Inspection Referral AE-16-00415

The Respondent failed to repair the facility's closed vent system no later than five (5) days after problems were identified and complete the repair within 15 calendar days after detection. Specifically, during the inspections performed by the Department on February 24-25, 2016, the inspector noted that detectable emissions were discovered on June 30, 2014 for three (3) components during the facility's Annual Method 21 monitoring of the wastewater closed vent system. The instrument readings were greater than 500 ppmv above background. In correspondence dated August 8, 2019, the Respondent stated that the leaking components were repaired on July 22, 2014, seven (7) days after the required 15-day timeframe to complete repairs. This is a violation of LAC 33:III.2122.C.3, 40 CFR 61.349(g), and La. R.S. 30:2057(A)(2).

2018 Inspection Referral AE-18-00682

The Respondent failed to conduct the first time monitoring of 13 new valves (components) within 30 days after the "In Service Date" of the valves. Specifically, during the inspections conducted on or about March 12-13, 2018 and March 15, 2018, the inspector noted that the 13 new components (Tag Nos. 1079A, 1082A, 0691A, 0691B, 0691C, 0691D, 0691E, 0692A, 0692B, 0692C, 0692D, 0694A, and 0695A) which were added to the LDAR program via MOC procedures as of result of the Respondent's Phase 2A expansion project, were not monitored to ensure proper installation. The failure to monitor each valve after the initial service startup date for the process unit is a violation of Specific Requirement 400 of Permit No. 0520-00050-V15, 40 CFR 60.592(a), 40 CFR 60.482-7(a)(2)(i), LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing.

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 EIGHTY TWO THOUSAND ONE HUNDRED TWENTY FOUR AND 11/100 DOLLARS ($82,124.11), of which Nine Thousand Nine Hundred Sixty Four and 11/100 Dollars ($9,964.11) 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, the Amended Consolidated Compliance Order & Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

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 Calcasieu 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 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).

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.

CALCASIEU REFINING COMPANY

BY: _____
(Signature)

_____
(Printed)

TITLE: _____

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

_____
NOTARY PUBLIC (ID #_____)

_____
(stamped or printed)

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

BY: _____
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

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

_____
NOTARY PUBLIC (ID # _____)

_____
(stamped or printed)

Approved: _____
Lourdes Iturralde, Assistant Secretary

BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

April 25, 2011

CERTIFIED MAIL 7004 2510 0005 5767 5868
RETURN RECEIPT REQUESTED

CALCASIEU REFINING COMPANY
c/o C T Corporation System
Agent of Service
5615 Corporate Boulevard, Suite 400 B
Baton Rouge, Louisiana 70808

RE: CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-09-0286
AGENCY INTEREST NO. 3585

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **CALCASIEU REFINING COMPANY (RESPONDENT)** for the violations described therein.

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

Any questions concerning this action should be directed to Stan Carpenter at (225) 219-3760.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/SBC/sbc
Alt ID No. 0520-00050
Attachment

c: Calcasieu Refining Company
4359 W. Tank Road
Lake Charles, Louisiana 70605

EXHIBIT
tabbies
1

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
CALCASIEU REFINING COMPANY	*	ENFORCEMENT TRACKING NO.
CALCASIEU PARISH	*	
ALT-ID NO. 0520-00050	*	AE-CN-09-0286
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	3585
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

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

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Lake Charles Crude Oil Refinery, 4359 W. Tank Farm Road, Lake Charles, Calcasieu Parish Louisiana.. The facility operates under Title V Permit No. 0520-00050-V6 which was issued on April 16, 2007.

II.

The Department conducted an inspection of the Respondent's facility during the period March 31 to April 4, 2008. The report from this inspection, dated August 6, 2008, listed a number of areas of concern. While the Louisiana Department of Environmental Quality's

(the Department) investigation is not yet complete, the following violations were noted during the course of the inspection:

A. In the Wastewater Treatment Area, the facility was utilizing a Frac Tank which is an unpermitted emission source that had been in service since July 2007. The facility commenced operation of the Frac Tank, which has resulted in an emission increase, without obtaining a permit or minor permit modification. This is a violation of provision of General Condition Q of Title V Permit No. 0520-00050-V6, LAC 33:III.525.B, LAC 33:III.501.C.2, and La. R.S. 30: 2057(A)(2). The Respondent included the Frac Tank in the permit renewal application dated May 29, 2009. Estimated VOC emissions from this tank are 0.97 tpy.

B. The Respondent did not include dates of process unit shutdowns in the semi-annual Leak Detection and Repair (LDAR) reports as required by 40 CFR 60.487(c)(3) and as referred to in 40 CFR 60.592(e) which language has been adopted as a Louisiana regulation in LAC 33:III.3003.

C. The Respondent failed to have the design analysis information as required by New Source Performance Standard (NSPS) for Petroleum Refineries Wastewater Systems-40 CFR 60.696 for elements of its wastewater system. These elements include eight (8) carbon canisters at the Parking Lot, South Culvert, Mid Culvert, North Culvert, API, TK-309, TK-7001 (old DAF), and the new DAF. This is a violation of Specific Condition 278 of Title V Permit No. 0520-00050-V6, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

D. The Respondent did not submit the 45-day and 60-day test report for the Marine Vapor Combustor compliance test, conducted on January 17, 2008, to the Department within the time periods required. The report was not received until May 2, 2008. This is a violation of General Condition VIII and Specific Requirement No. 85 of Title V Permit No. 0520-00050-V6, LAC 33:III.2108.F.1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

E. The facility failed to keep records on the Marine Vapor Combustor (control equipment) operating parameters such as combustion temperature, as required by LAC 33:III.2108.F.2.d which is a violation of Specific Requirement No. 86 of Title V Permit No. 0520-00050-V6, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

F. During a review of records for the F-400 Flare (EQT015), it was determined that the flare had no pilot flame for a period of 8.5 hours from October 17 through October 22, 2008. This is a violation of specific requirement Nos. 32 and 37 of Title V Permit No. 0520-00050-V6 that require the facility to operate the F-400 Flare with a flame present at all times.

G. In addition, it was determined that the facility failed to comply with the recordkeeping requirements of General Conditions I and X of Title V Permit No. 0520-00050-V6 in that continuous records of monitoring of the F-400 Flare (EQT015) pilot flame were not maintained for a total of 181 days during the period from March 17, 2006, (assumed startup date of the F-400 Flare) through June 30, 2007. In addition to the violation already cited, this is a violation of LAC 33:III.501.C.4,and La. R.S.30:2057(A)(2).

H. The internal floating roofs of TK-302 (Mineral Spirits Tank) and TK-303 (currently

permitted as a Naphtha Tank) are not equipped with double seals meeting the requirements of LAC 33:III.2103.C.1.c which is a violation of Specific Requirement Nos. 130 and 138 of Title V Permit No. 0520-00050-V6, LAC33:III.501.C.4, and La. R.S. 30: 2057(A)(2).

I. During a walk-through tour of the truck loading/unloading area, the Department observed mineral spirits leaking/dripping from tubing adjacent to the mineral spirits metering pump within the concrete containment area of the Truck Loading Rack. In addition, crude oil had leaked/dripped onto the ground from a hose coupling at the Plains Meter Station (crude oil truck unloading station). Based on these observations, at the time of the inspection the facility was not maintaining best practical housekeeping and maintenance practices at the highest possible standards to reduce the quantity of organic compound emissions as required by LAC 33:III.2113 which is a violation of Specific Requirement No. 299 of Title V Permit No. 0520-00050-V6. This also constitutes a violation of LAC 33:III.501.C.4 and La. R.S. 30: 2057(A)(2).

J. For the period from initial startup of the Vacuum Unit on July 25, 2007, to the date of the inspection, the Respondent failed to ensure that a sewer line (drain cleanout located adjacent to P-702B HVGO Pump) was not open to the atmosphere as required by 40 CFR 60.692-2(c)(1) and failed to perform visual inspections of the sewer line once initially and semiannually thereafter checking for indication of cracks, gaps, or other problems that could result in VOC emissions as required by 40 CFR 60.692-2(c)(2). These are violations of Specific Requirement Nos. 270 and 271 of Title V Permit No. 0520-00050-V6, LAC33:III.501.C.4, and La. R.S. 30: 2057(A)(2). The facility initiated corrective action subsequent to the inspection (on April 8, 2008) by documenting that this component is being incorporated into their inspection program.

K. In the Title V Annual Compliance Certification for 2007 dated March 31, 2008, the Respondent self-reported that two (oily water sewer) trench drains in the new Vacuum Unit do not have water seal controls. This is a violation of Specific Requirement No. 262 of Title V Permit No. 0520-00050-V6, LAC33:III.501.C.4, and La. R.S. 30: 2057(A)(2).

III.

On or about February 25, 2009, the Department conducted an inspection of the facility which focused on the facility's Process Hazard Analysis Plan (PHA) and preparedness for emergencies.

While the Louisiana Department of Environmental Quality's (the Department) investigation is not yet complete, the following violations were noted during the course of the inspection:

A. The Respondent failed to complete the Process Hazard Analysis (PHA) plan of the 2006 #6 Stabilizer. The facility failed to analyze engineering and administrative

controls applicable to hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases. The facility also failed to conduct a quantitative evaluation of possible health and safety effects of failures of controls. This is a violation of 40 CFR 68.67(c)(3), and 68.67(c)(7), which language has been adopted by LAC 33:III.5901.A, Specific Requirement 328 of Title V Permit No. 0520-00050-V6, and La. R.S. 30:2057(A)(2).

B. The Respondent failed to resolve the PHA recommendations and to develop a written schedule for resolution of the PHA of the 2006 #6 Stabilizer and the 1999 LPG. This is a violation of 40 CFR 68.67(e) which language has been adopted by LAC 33:III.5901.A, Specific Requirement 328 of Title V Permit No.0520-00050-V6, and La. R.S. 30:2057(A)(2).

C. The Respondent failed to conduct a revalidation of the LPG PHA within the required five (5) year time limit. This is a violation of 40 CFR 68.67(g) which language has been adopted by LAC 33:III.5901.A, Specific Requirement 328 of Title V Permit No. 0520-00050-V6, and La. R.S. 30:2057(A)(2).

D. The Respondent failed to conduct initial training involving an overview of the process and in the operating procedures as specified in 40 CFR 68.69 for all employees. Furthermore required three (3) year refresher training was not provided for all operators and the Respondent did not document that each employee received and understood the training. This is a violation of 40 CFR 68.71 which language has been adopted by LAC 33:III.5901.A, Specific Requirement 328 of Title V Permit No. 0520-00050-V6, and La. R.S. 30:2057(A)(2).

E. The owner or operator did not establish and implement written procedures to maintain the on-going integrity of process equipment, the owner or operator did not perform inspections or tests on process equipment, and the frequency of inspections and tests of process equipment was not consistent with applicable manufacturer's recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience. This is a violation of 40 CFR 68.73(b), 68.73 (d)(1), and 68.73 (d)(3) which language has been adopted by LAC 33:III.5901.A, Specific Requirement 328 of Title V Permit No. 0520-00050-V6, and La. R.S. 30:2057(A)(2).

F. Management of Change (MOC) procedures were not followed or implemented for MOC 2007-49 that resulted in the incorrect impact level being identified. This is a violation of 40 CFR 68.75 (a) which language has been adopted by LAC 33:III.5901.A, Specific Requirement 328 of Title V Permit No. 0520-00050-V6, and La. R.S. 30:2057(A)(2).

G. The owner or operator did not perform a pre-startup safety review (PSSR) for new stationary resources and for modified stationary sources when the modification is significant enough to require a change in the process safety information. This is a violation of 40 CFR 68.77 (a) which language has been adopted as LAC 33:III.5901.A, in Specific Requirement 328 of Title V Permit No. 0520-00050-V6, and La. R.S. 30:2057(A)(2).

H. The owner or operator did not investigate each incident which could reasonably have resulted in a catastrophic release of a regulated substance. This is a violation of 40

CFR 68.81 (a). which language has been adopted by LAC 33:III.5901.A, Specific Requirement 328 of Title V Permit No. 0520-00050-V6, and La. R.S. 30:2057(A)(2).

I. The owner or operator failed to include contributing factors in each investigation report. This is a violation of 40 CFR 68.81(d)(4). which language has been adopted by LAC 33:III.5901.A, Specific Requirement 328 of Title V Permit No. 0520-00050-V6, and La. R.S. 30:2057(A)(2).

J. The owner or operator did not establish a system to promptly address and resolve the incident report findings and recommendations. Resolutions and corrective actions shall be documented. This is a violation of40 CFR 68.81 (e). which language has been adopted in LAC 33:III.5901.A, Specific Requirement 328 of Title V Permit No. 0520-00050-V6, and La. R.S. 30:2057(A)(2).

K. The owner or operator failed to periodically evaluate that contract employees are trained in practices to safely perform his/her job. This is a violation of 40 CFR 68.87(b)(5). which language has been adopted in LAC 33:III.5901.A, Specific Requirement 328 of Title V Permit No. 0520-00050-V6, and La. R.S. 30:2057(A)(2).

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with the Act, all applicable Air Quality Regulations, and the terms and conditions of Title V Permit No. 0520-00050-V6, including, but not limited to, LAC 33:III.501.C, LAC 33:III.521.B, and LAC 33:III.5901.A.

II.

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
Attention: Stan Carpenter
Enforcement Tracking No. AE-CN-09-0286
Agency Interest No. 3585

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-09-0286
Agency Interest No. 3585

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

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars ($27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more that 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 Stan Carpenter 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 25 day of April, 2011.

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: Tyler Ginn

BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 25, 2014

CERTIFIED MAIL (7004 2510 0006 3852 5617)
RETURN RECEIPT REQUESTED

CALCASIEU REFINING COMPANY
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Boulevard, STE. 400B
Baton Rouge, LA 70808

RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-10-01465
AGENCY INTEREST NO. 3585

Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **CALCASIEU REFINING COMPANY (RESPONDENT)** for the violations described therein.

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

Any questions concerning this action should be directed to Maggie Turner at (225) 219-4468.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/MBT/mbt
Alt ID No. 0520-00050

EXHIBIT
tabbies
2

c: Calcasieu Refining Company
c/o Donald Johnson, HSE Manager
4359 West Tank Farm Road
Lake Charles, LA 70605

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
CALCASIEU REFINING COMPANY	*	**ENFORCEMENT TRACKING NO.**
CALCASIEU PARISH	*	
ALT ID NO. 0520-00050	*	**AE-CN-10-01465**
	*	
	*	**AGENCY INTEREST NO.**
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	**3585**
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

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

FINDINGS OF FACT

I.

The Respondent owns and/or operates a refinery located at 4359 West Tank Farm Road in Lake Charles, Calcasieu Parish, Louisiana. The Facility operates or has operated under the authority of the following Title V Air Permits:

PERMIT	ISSUE DATE	EXPIRATION DATE
0520-00050-V6	4/16/2007	11/29/2009
0520-00050-V7	6/17/2010	6/17/2015
0520-00050-V8	11/22/2010	6/17/2015
0520-00050-V9	8/16/2011	6/17/2015
0520-00050-V10	8/10/2012	6/17/2015

II.

The Department and the EPA entered into Consent Decree Civil Action No. 2:08-cv-1215 with the Respondent on January 8, 2009. The Consent Decree was lodged on August 19, 2008.

III.

On or about April 14, 2010, an inspection of the Respondent's facility was conducted 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 during the course of the inspection:

A. The Respondent failed to conduct the secondary seal gap measurements of external floating roof tanks 300 (EQT 0027) and 311 (EQT 0038) annually as required. Specifically, the measurements for both tanks were conducted on April 8, 2008, and subsequently on April 22, 2009, more than one (1) year apart. Each failure to conduct annual seal gap measurements is a violation of 40 CFR 60.113a(a)(1)(i)(B), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Specific Requirements 124 and 211 of Title V Permit No. 0520-00050-V6, LAC 33:III.2103.D.2.e, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

B. The Respondent failed to conduct the annual visual inspection of tank 312 (EQT 0039) for 2008 and of tank 310 (EQT 0037) for 2008 and 2009. The Respondent is required to inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every twelve (12) months after initial fill. Each failure to inspect the tanks as required is a violation of 40 CFR 60.113b(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Specific Requirements 164 and 227 of Title V Permit No. 0520-00050-V6, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

IV.

On or about July 10, 2013, the Department conducted a file review to determine the Respondent's degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. While the review is not complete, the Department noted the violations found in paragraphs V-XIV of the Findings of Fact portion of this enforcement action.

V.

The Respondent is required by Title V Permit No. 0520-00050 and the IAMP dated October 13, 2011, and approved by EPA on February 28, 2012, to measure the level of H_2S in certain fuel gas and vent gas streams within the facility. The Respondent reported the following violations of the applicable H_2S limits:

	REPORT (date)	PERMIT NUMBER or AUTHORIZATION	EMISSION POINT	INCIDENT DATE (duration)	MONITORING PARAMETER	DESCRIPTION	REGULATORY or PERMIT REQUIREMENTS
A.	2009 Fourth Quarter H_2S Excess Emission Report (2/1/2010)	0520-00050-V6	No. 2 CDU Heater H-204 (EQT 0019), No. 5 CDU Heater H-501 (EQT 0021), and Vacuum Tower Unit Reboiler H-701 (EQT 0051)	12/30/2009 (1 hr 59 min)	No owner or operator shall burn in any fuel gas combustion device any fuel gas that contains H_2S in excess of 230 mg/dscm (0.1 gr/dscf)	Caustic circulation on #5 VG scrubber partially plugged. Resulting in an *H_2S reading of 182.56* ppm for two (2) hours.	Specific Requirement 58 Specific Requirement 74 Specific Requirement 287 *40 CFR 60.104(a)(1)*
B.				12/30/2009 (1 hr 59 min)		Caustic circulation on #5 VG scrubber partially plugged. Resulting in an H_2S reading of 221.94 ppm for two (2) hours.	
C.	2010 First Semiannual H_2S Excess Emission Report (7/30/2010)			(*Report incident date(s)) (2.0 hr)		(*provide root cause and amount of H_2S reading)	
D.	2010 Second Semiannual H_2S Excess Emission Report (1/31/2011)	*0520-00050-V7* 0520-00050-V8		(*Report incident date(s)) (2.0 hr)	No owner or operator shall burn in any fuel gas combustion device any fuel gas that contains H_2S in excess of 230 mg/dscm (0.1 gr/dscf)	(*provide root cause and amount of H_2S reading)	Specific Requirement 52 Specific Requirement 60 Specific Requirement 273 40 CFR 60.104(a)(1)
E.			Flare F-400 (EQT 0015)	(*Report incident date(s)) (2.0 hr)		(*provide root cause and amount of H_2S reading)	Specific Requirement 31 40 CFR 60.104(a)(1)
F.	*2011 First* Semiannual H_2S Excess Emission Report (7/29/2011)	0520-00050-V8	No. 2 CDU Heater H-204 (EQT 0019), No. 5 CDU Heater H-501 (EQT 0021), and Vacuum Tower Unit Reboiler H-701 (EQT 0051)	(*Report incident date(s)) (3.0 hr)	No owner or operator shall burn in any fuel gas combustion device any fuel gas that contains H_2S in excess of 230 mg/dscm (0.1 gr/dscf)	(*provide root cause and amount of H_2S reading)	Specific Requirement 52 Specific Requirement 60 Specific Requirement 273 40 CFR 60.104(a)(1)
G.			Flare F-400 (EQT 0015)	(*Report incident date(s)) (3.0 hr)			Specific Requirement 31 40 CFR 60.104(a)(1)
H.	2011 Second Semiannual Monitoring Report (3/28/2012)	IAMP dated *10/13/2011 and* approved by EPA 2/28/2012	Vacuum Tower Unit Reboiler H-701 (EQT 0051)	12/30/2011 (4 hrs)	Meet a more restrictive emission standard than that set forth in NSPS Subpart J. Calcasieu shall be deemed to be in exceedance of the regulatory level of H_2S for a content of 105 ppm (approximately 150 mg/dscm) rather than the level of 230 mg/dscm as specified in 40 CFR 60.104(a)(1).	H_2S reading of 161 ppm. Fresh caustic was batched to the Vacuum Caustic Scrubber.	*40 CFR 60.13(i)*
I.	2012 First Semiannual Monitoring Report (9/28/2012)	0520-00050-V9	Heater H-201 (EQT 0018)	1/20/2012-1/21/2012 (4 hrs)	No owner or operator shall burn in any fuel gas combustion device any fuel gas that contains H_2S in excess of 230 mg/dscm (0.1 gr/dscf).	Crude slate caused spike in H_2S in the fuel gas system. Fresh caustic was batched to the scrubber. (*provide amount of H_2S reading)	Specific Requirement 46 40 CFR 60.104(a)(1)

Each exceedance of the H_2S limit is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

VI.

The Respondent reported the following emission exceedances:

	REPORT (date)	PERMIT NUMBER or UNIT	EMISSION POINT	INCIDENT DATE (DURATION)	POLLUTANTS RELEASED	QUANTITY REPORTED	PERMIT LIMIT	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
A.	2011 Second Semiannual Monitoring Report (3/28/2012)	0520-00050-V8 0520-00050-V9	Crude Oil Heater H-204 (EQT 0019)	8/14/2011 8/18/2011 8/29/2011 9/7/2011 9/16/2011 12/13/2011 (total 8 hrs)	SO_2	(*report quantity for each event)	0.75 lb/hr 2.72 tpy	SO_2 permit limits were based on data available prior to installation of the H_2S CMS. However, maximum hourly SO_2 emissions for this reporting period were calculated using the H_2S CMS data. Title V Permit No. 0520-00050-V10 was issued on 8/10/2012 and changed the permitted SO_2 limits to 3.48 max lb/hr and 4.71 tpy.	LAC 33:III.501.C.4
B.	2012 First Semiannual Monitoring Report (9/28/2012)			1/1/2012-6/30/2012 (total 20 hrs)					
C.	2012 Second Semiannual Monitoring Report (3/28/2013)			7/1/2012-7/31/2012 (86 hrs)					
D.	2011 Second Semiannual Monitoring Report (3/28/2012)	0520-00050-V9	CDU Heater H-501 (EQT 0021)	8/18/2011 8/29/2011 9/7/2011 (4 hrs)	SO_2	(*report quantity for each event)	2.87 lb/hr 6.85 tpy	SO_2 permit limits were based on data available prior to installation of the H_2S CMS. However, maximum hourly SO_2 emissions for this reporting period were calculated using the H_2S CMS data. Title V Permit No. 0520-00050-V10 was issued on 8/10/2012 and changed the permitted SO_2 limits to 6.70 max lbs/hr and 7.92 tpy.	LAC 33:III.501.C.4
E.	2012 First Semiannual Monitoring Report (9/28/2012)			1/1/2012-6/30/2012 (4 hrs)					
F.	2012 Second Semiannual Monitoring Report (3/28/2013)			7/1/2012-7/31/2012 (4 hrs)					

	REPORT (date)	PERMIT NUMBER or UNIT	EMISSION POINT	INCIDENT DATE (DURATION)	POLLUTANTS RELEASED	QUANTITY REPORTED	PERMIT LIMIT	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
G.	2011 Second Semiannual Monitoring Report (3/28/2012)	0520-00050-V9	Vacuum Tower Unit Reboiler H-701 (EQT 0051)	8/18/2011 8/29/2011 9/7/2011 (4 hrs)	SO_2	(*report quantity for each event)	0.68 lb/hr 2.47 tpy	SO_2 permit limits were based on data available prior to installation of the H_2S CMS. However, maximum hourly SO_2 emissions for this reporting period were calculated using the H_2S CMS data. Title V Permit No. 0520-00050-V10 was issued on 8/10/2012 and changed the permitted SO_2 limits to 2.93 max lbs/hr and 3.26 tpy.	LAC 33:III.501.C.4
H.	2012 First Semiannual Monitoring Report (9/28/2012)			1/1/2012-6/30/2012 (45 hrs)					
I.	2012 Second Semiannual Monitoring Report (3/28/2013)			7/1/2012-7/31/2012 (45 hrs)					
J.	2012 First Semiannual Monitoring Report (9/28/2012)	0520-00050-V9	Stabilizer Reboiler H-201 (EQT 0018)	1/1/2012-6/30/2012 (total 5 hours)	SO_2	(*report quantity for each event)	0.35 lb/hr	SO_2 permit limits were based on data available prior to installation of the H_2S CMS. However, maximum hourly SO_2 emissions for this reporting period were calculated using the H_2S CMS data. Title V Permit No. 0520-00050-V10 was issued on 8/10/2012 and changed the maximum hourly limit to 1.15 lbs/hr.	LAC 33:III.501.C.4
K.	2012 First Semiannual Monitoring Report (9/28/2012) And	0520-00050-V9	Intermediate Products Tank Cap CAP-3 (GRP 0007)	3/1/2012-3/20/2012	VOC	7.887 tpy	7.73 TPY (12 month rolling total)	The internal floating roof of Tk-314 became inoperable and was removed. This increased the emissions from this cap above the limit. A variance was requested and received to account for these emissions (5/1/2012). In addition, a new permit application was submitted in April 2012.	LAC 33:III.501.C.4 LAC 33:III.905
L.	2012 Annual Tank Cap Reports (3/4/2013)			4/1/2012-4/30/2012		8.203 tpy			
M.	2012 First Semiannual Monitoring Report (9/28/2012)	0520-00050-V9	Mineral Spirits Stabilizer Reboiler H-205 (EQT 0020)	1/1/2012-6/30/2012 (1,260 hrs)	NO_x	(*report quantity for each event)	0.16 lb/hr 0.57 tpy	There was a calculation error included in an earlier permit application. Permit limits for NO_x emissions were reconciled in the permit modification issued 8/10/2012.	LAC 33:III.501.C.4
N.	2012 Second Semiannual Monitoring Report (3/28/2013)			7/1/2012-7/31/2012 (15 hrs)					

	REPORT (date)	PERMIT NUMBER or UNIT	EMISSION POINT	INCIDENT DATE (DURATION)	POLLUTANTS RELEASED	QUANTITY REPORTED	PERMIT LIMIT	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
O.	2012 Second Semiannual Monitoring Report (3/28/2013)	0520-00050-V9	Mineral Spirits Stabilizer Reboiler H-205 (EQT 0020)	8/1/2012-8/13/2012 (241 hrs)	SO_2	(*report quantity)	0.12 lb/hr 0.45 tpy	Refinery fuel gas was inadvertently used as the fuel for this heater instead of purchased natural gas.	LAC 33:III.501.C.4

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

VII.

The Respondent reported that the minimum degree of data availability for the CEMS was less than 90 percent of the operating time of the emission sources listed below in violation of Part 70 General Condition V.

	REPORT (date)	PERMIT NUMBER or AUTHORIZATION	EMISSION POINT	INCIDENT DATE	REPORTED CAUSE
A.	2011 First Semiannual Monitoring Report (9/29/2011)	0520-00050-V8	Crude Oil Heater H-204 (EQT 0019)	1/1/2011-3/31/2011	NO_x CEMS below 90% reliable data availability. The Respondent has taken steps to reduce response time to data validity issues. Also, spare parts kept on site have been expanded to aid in reducing time for repair of malfunctioning analyzers and sampling systems.
B.			No. 5 CDU Heater H-501 (EQT 0021)	4/1/2011-5/31/2011	
C.	2011 Second Semiannual Monitoring Report (3/28/2012)	0520-00050-V9	Crude Oil Heater H-204 (EQT 0019)	11/1/2011-11/30/2011	NO_x CEMS below 90% reliable data availability. Due to a planned outage for much of November, this unit operated for only 244.5 hrs for the month. Therefore, the 30.3 hrs of invalid data exceeded 10% of the reduced operating time for the unit.
D.			No. 5 CDU Heater H-501 (EQT 0021)		NO_x CEMS below 90% reliable data availability. Due to a planned outage for much of November, this unit operated for only 131 hrs for the month. Therefore, the 29.7 hrs of invalid data exceeded 10% of the reduced operating time for the unit.
E.					O_2 meter below 90% reliable data availability. O_2 meter was measuring oxygen, but due to a software update during the turnaround and subsequent error this data was not recorded in the electronic historian.
F.	2012 First Semiannual Monitoring Report (9/28/2012)	0520-00050-V9	Vacuum Tower Unit Reboiler H-701 (EQT 0051)	3/1/2012-3/31/2012	AX-4 H_2S CMS below 90% reliable data availability. AX-4 was installed on a new stream (H-701 vent gas stream) on 3/15/2012 and due to the abbreviated time frame and startup and familiarization issues with the new system less than 10% downtime was not achieved.
G.				6/1/2012-6/30/2012	AX-4 H_2S CMS below 90% reliable data availability. Correcting calibration factors inadvertently caused the CEMS to lock up. Onsite I&E could not repair. Since this time, I&E has dedicated a single employee that will specialize in environmental monitoring instruments in an effort to improve data availability.
H.			Crude Oil Heater H-204 (EQT 0019)		O_2 meter below 90% reliable data availability. Wrong O_2 calibration gas used and all data associated was discarded.
I.			No. 5 CDU Heater H-501 (EQT 0021)		NO_x CEMS below 90% reliable data availability. Analyzer sent offsite for repair and spare analyzer put online to reduce data unavailability.

	REPORT (date)	PERMIT NUMBER or AUTHORIZATION	EMISSION POINT	INCIDENT DATE	REPORTED CAUSE
J.	2012 Second Semiannual Monitoring Report (3/28/2013)	0520-00050-V9 0520-00050-V10	Crude Oil Heater H-204 (EQT 0019)	7/1/2012-8/31/2012	O_2 meter below 90 percent reliable data availability. The wrong O_2 calibration gas was used and all data associated was discarded.
K.			Vacuum Tower Unit Reboiler H-701 (EQT 0051)		AX-4 H_2S CEMS below 90 percent reliable data availability. A large portion of the downtime that AX-4 experienced was due to the meter not being able to auto start after power loss. The Respondent and the manufacturer worked numerous times on the issue and the Respondent has applied all manufacturer recommendations.
L.		0520-00050-V10	Stabilizer Reboiler H-201 (EQT 0018)	10/1/2012-10/31/2012	AX-1 H_2S CEMS below 90 percent reliable data availability. Calibration software became corrupted preventing good daily validations. Onsite technician trained on how to fix this issue.

Each deviation from Part 70 General Condition V is a violation of any applicable permit listed above, LAC 33:III.535, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

VIII.

The Respondent reported the following deviations from permitted operating parameters:

	REPORT (date)	PERMIT NUMBER or AUTHORIZATION	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE/DESCRIPTION	REGULATORY or PERMIT REQUIREMENTS
A.	2009 First Semiannual Monitoring Report (9/24/2009)	0520-00050-V6	Flare F-400 (EQT 0015)	5/17/2009 (104.75 min)	Operate with a flame present at all times.	Maintenance was performed on the flare in May and reportedly no additional outages were experienced in the first half of 2009. Two new thermocouples will be installed during the next shutdown. (*report any excess emissions which occurred as a result.)	Specific Requirement 32 40 CFR 60.18(c)(2)
B.				5/24/2009 (111.08 min)			
C.				5/26/2009 (24.42 min)			Specific Requirement 32 40 CFR 60.18(c)(2)
D.	2009 First Semiannual Monitoring Report (9/24/2009)	0520-00050-V6	Flare F-400 (EQT 0015)	6/22/2009 (3.0 hrs)	Design and operate for no visible emissions, as determined by the methods specified in 40 CFR 60.18(f), except for periods not to exceed a total of five (5) minutes during any two (2) consecutive hours.	During the repair of the V-601 fin fan, the tower began to overheat causing a gas build-up which had to be routed to the flare. After the fin fan was repaired, the gas was routed back to the tower.	Specific Requirement 31 40 CFR 60.18(c)(1)
E.	2009 Annual Compliance Certification (3/31/2010)			9/28/2009 (0.55 hr)		There were visible emissions from the flare during the shutdown of Unit 5.	Specific Requirement 31 40 CFR 60.18(c)(1)
F.				12/7/2009 (0.33 hr)		There were visible emissions from the flare during the startup of Unit 2.	
G.	2010 Annual Compliance Certification (3/31/2011)	0520-00050-V7		11/17/2010 (0.35 hr)		Visible smoke from the flare was observed for approximately 21 minutes. The cause is reportedly unknown.	Specific Requirement 35 40 CFR 60.18(c)(1)

	REPORT (date)	PERMIT NUMBER or AUTHORIZATION	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE/DESCRIPTION	REGULATORY or PERMIT REQUIREMENTS
H.	2011 Second Semiannual Monitoring Report (3/28/2012)	0520-00050-V9	Flare F-400 (EQT 0015)	9/23/2011 (0.30 hr)	Design and operate for no visible emissions, as determined by the methods specified in 40 CFR 60.18(f), except for periods not to exceed a total of five (5) minutes during any two (2) consecutive hours.	H-501 Heater tripped due to low flow on pass two (2) sending more flow than usual to the flare. Excess flow was stopped as safely and quickly as possible.	Specific Requirement 35 40 CFR 60.18(c)(1)
I.	2011 Second Semiannual Monitoring Report (3/28/2012)	0520-00050-V9	Crude Oil Storage Tank TK-313 (EQT 0040)	7/8/2011-8/18/2011	Equip with a fixed roof and an internal floating type cover having a continuous closure device between the tank wall and the cover edge. The cover is to be floating at all times (i.e. off the leg supports) except during initial fill and when the tank is completely emptied and subsequently refilled.	The internal roof on tank 313 sank. The tank was taken out of service. It took approximately 41 days to develop and implement a plan to safely remove crude from above and below the damaged roof. Once the tank was drained, a new internal floating roof was installed. As reported in the correspondence dated 8/19/2011, the emissions resulting from this incident did not exceed the permitted limits. (*report root cause)	Specific Requirement 230 LAC 33:III.905 40 CFR 60.112a(a)(2)
J.	2012 Second Semiannual Monitoring Report (3/28/2013)	0520-00050-V9	Marine Vapor Combustion Unit (CON003)	6/6/2012 (<0.25 hr)	Opacity less than or equal to 20 percent; except emissions may have an average opacity in excess of 20 percent for not more than one (1) six-minute period in any 60 consecutive minutes.	Liquid accumulated due to a plugged drain on the K.O. pot. Loading was stopped and drain was cleared. Event was brief and Respondent was unable to get certified opacity reading and therefore do not know the exact duration or opacity.	Specific Requirement 20 LAC 33:III.1311.C
K.	2012 Second Semiannual Monitoring Report (3/28/2013)	0520-00050-V9	Flare F-400 (EQT 0015)	6/8/2012 (0.40 hr)	Design and operate for no visible emissions, as determined by the methods specified in 40 CFR 60.18(f), except for periods not to exceed a total of five (5) minutes during any two (2) consecutive hours.	Startup of #5 Unit after turnaround. Excess flow was stopped as safely and as quickly as possible.	Specific Requirement 35 40 CFR 60.18(c)(1)
L.		0520-00050-V10	Wastewater Collection and Treatment (EQT 0049)	(*report date of discovery)	Equip each drain with water seal controls.	A drain was found inside a catch basin without water seal controls. A temporary plug was installed until a permanent p-trap can be installed.	Specific Requirement 247 LAC 33:III.905 40 CFR 60.692-2(a)(1)
M.	2012 Second Semiannual Monitoring Report (3/28/2013)	0520-00050-V9 0520-00050-V10	Internal Floating Roof Tank TK-310 (EQT 0037)	(*report date violation began and ended)	Each penetration of the internal floating roof or cover that allows for passage of a column supporting the fixed roof, shall have a flexible fabric sleeve seal or gasketed sliding cover.	Internal floating roof tank's slotted guide pole does not have any other control besides the external roof. (*report any excess emissions which occurred as a result and report corrective action taken)	Specific Requirement 141 Specific Requirement 136 40 CFR 60.112b(a)(1) LAC 33:III.905

	REPORT (date)	PERMIT NUMBER or AUTHORIZATION	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE/DESCRIPTION	REGULATORY or PERMIT REQUIREMENTS
N.	2012 Second Semiannual Monitoring Report (3/28/2013)	0520-00050-V9 0520-00050-V10	Internal Floating Roof Tank TK-312 *(EQT 0039)*	(*report date violation began and ended)	Each penetration of the internal floating roof or cover that allows for passage of a column supporting the fixed roof, shall have a flexible fabric sleeve seal or gasketed sliding cover.	Internal floating roof tank's slotted guide pole does not have any other control besides the external roof. (*report any excess emissions which occurred as a result and report corrective action taken)	Specific Requirement 206 Specific Requirement 201 40 CFR 60.112b(a)(1) LAC 33:III.905
O.			Internal Floating Roof Tank TK-313 (EQT 0040)		Equip with a fixed roof and an internal floating type cover having a continuous closure device between the tank wall and cover edge. Equip each opening in the cover except for automatic bleeder vents, rim space vents, stub drains, and leg sleeves with a cover, seal or lid and maintain in a closed position at all times.		Specific Requirement 230 Specific Requirement 225 40 CFR 60.112a(a)(2) LAC 33:III.905
P.			Internal Floating Roof Tank TK-316 (EQT 0043)				Specific Requirement 237 Specific Requirement 232 40 CFR 60.112a(a)(2) LAC 33:III.905
Q.	2012 Annual BWON Report (4/8/2013)	052-00050-V10	N/A	9/25/2012 And 10/8/2012	A first effort to repair the closed-vent system and control device shall be made as soon as practicable but no later than five (5) calendar days after detection. Repair shall be completed no later than 15 calendar days after the emissions are detected or the visible defect is observed.	The Respondent reported that on 9/25/2012 and 10/8/2012 during monthly visual inspections of the carbon canister bypass lines, it was discovered that two (2) bypass line valves were not car sealed/locked. The Respondent replaced and locked the car seal more than 15 days after the initial detection. (*report dates of first effort to repair)	LAC 33:III.905 40 CFR 61.349(g)

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

IX.

The Respondent reported the following deviations from monitoring requirements:

	REPORT (date)	PERMIT NUMBER or AUTHORIZATION	EMISSION POINT	INCIDENT DATE (duration)	MONITORING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
A.	2010 Annual Compliance Certification (3/31/2011)	0520-00050-V7 0520-00050-V8	Crude Oil Storage Tank TK-300 (EQT 0027)	7/1/2010-12/31/2010	Secondary seal or closure mechanism monitored by visual inspection/determination semiannually.	The seal gap measurement was conducted in the 1st half of 2010, but no semiannual inspection was conducted in the 2nd half of 2010. Semiannual visual inspections of the tanks have been added to the Compliance Tracker tool schedule.	Specific Requirement 103 LAC 33:III.2103.D.2.e
B.			Crude Oil Storage Tank TK-311 (EQT 0038)				Specific Requirement 187 LAC 33:III.2103.D.2.e

	REPORT (date)	PERMIT NUMBER or AUTHORIZATION	EMISSION POINT	INCIDENT DATE (duration)	MONITORING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
C.	2010 Annual Compliance Certification (3/31/2011)	0520-00050-V6 0520-00050-V7 0520-00050-V8	Mineral Spirits Storage Tank TK-302 (EQT 0029)	1/1/2010-12/31/2010	Maintain a record of the petroleum liquid stored, the period of storage, and the maximum true vapor pressure of that liquid during the respective storage period.	Maximum true vapor pressure records were not maintained. The Respondent is initiating routine sampling of the tanks for vapor pressure.	Specific Requirement 136 Specific Requirement 120 Specific Requirement 120 40 CFR 60.113
D.			Stormwater/ Wastewater Storage Tank TK-309 (EQT 0036)				Specific Requirement 152 Specific Requirement 131 Specific Requirement 131 40 CFR 60.113
E.			Wastewater Storage Tank TK-310 (EQT 0037)		Records consist of the volatile organic liquid (VOL) stored, the period of storage, and the maximum true vapor pressure of that VOL during the respective storage period.		Specific Requirement 175 Specific Requirement 154 Specific Requirement 154 40 CFR 60.116b(c)
F.	2011 Second Semiannual H_2S Excess Emission Report (1/24/2012)	IAMP dated 10/13/2011 and approved by EPA 2/28/2012	Vacuum Tower Unit Reboiler H-701 (EQT 0051)	12/11/2011	At least six (6) times per day (twice each eight hour shift), use a portable electro-chemical H_2S analyzer to measure the level of H_2S at a sample point on the fuel gas line just prior to the fuel gas entering the H-701 heater for combustion.	One instance of a sample not being taken. (*report reason for missed sampling event)	LAC 33:III.501.C.4
G.	2012 First Semiannual H_2S Excess Emission Report (7/30/2012)			(*report dates)		There were three (3) instances of a sample not being taken. (*report reason for missed sampling events)	

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

X.

The Respondent reported the following deviations from fugitive emission requirements:

	REPORT (date)	PERMIT NUMBER	INCIDENT DATE	FUGITIVE REQUIREMENT	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
A.	2011 First Semiannual Monitoring Report (9/29/2011)	0520-00050-V8	June 2011	Each owner or operator subject to the provisions of Subpart VV shall demonstrate compliance with the requirements for all equipment within 180 days of initial startup.	A third party LDAR Audit required by Consent Decree Civil Action No. 2:08-cv-1215 found 17 untagged VOC components. The components were tagged and added to the database on 6/30/2011. (*report the number of missed monitoring events for these components)	Specific Requirement 338 40 CFR 60.482-1(a) 40 CFR 60.592
B.				Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve.	A third party LDAR Audit required by Consent Decree Civil Action No. 2:08-cv-1215 found two (2) open-ended lines (OELs). The OELs were capped, plugged, or blinded by 6/14/2011.	Specific Requirement 338 40 CFR 60.482-6(a)(1) 40 CFR 60.592(a)
C.	2011 Second Semiannual Monitoring Report (3/28/2012)	0520-00050-V9	12/30/2011	Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve.	Component was not properly capped or double blocked. The open-ended line was capped, plugged, or blinded.	Specific Requirement 338 40 CFR 60.482-6(a)(1) 40 CFR 60.592(a)

	REPORT (date)	PERMIT NUMBER	INCIDENT DATE	FUGITIVE REQUIREMENT	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
D.	2012 First Semiannual Monitoring Report (9/28/2012)	0520-00050-V9	1/18/2012-6/7/2012	Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve.	Components were not properly capped or double blocked. OEL(s) were capped, plugged, or blinded. (*report the number of OELs discovered)	Specific Requirement 338 40 CFR 60.482-6(a)(1) 40 CFR 60.592(a)
E.			1/1/2012-6/30/2012	Comply with the requirement of 40 CFR 60.482-1 to 482-10 as soon as practicable, but no later than 180 days after initial start-up.	New components were not tagged and monitored within 30 days of being put into service. Changes are being made to the Management of Change (MOC) program to more effectively identify new or updated components. (*report the number of components involved and the number of missed monitoring events for each component)	Specific Requirement 338 40 CFR 60.482-1(a) 40 CFR 60.592
F.	2012 Second Semiannual Monitoring Report (3/28/2013)	0520-00050-V9 0520-00050-V10	7/18/2012-12/27/2012	Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve.	Components were not properly capped or double blocked. The open-ended lines were capped, plugged, or blinded. (*report the number of OELs discovered)	Specific Requirement 338 Specific Requirement 337 40 CFR 60.482-6(a)(1) 40 CFR 60.592(a)

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, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

XI.

The Respondent failed to meet the following reporting requirements:

	REPORT (date)	PERMIT NUMBER	REPORTING REQUIREMENT	DUE DATE	SUBMITTAL DATE	REGULATORY or PERMIT REQUIREMENTS
A.	2010 First Semiannual H_2S Excess Emission Report (7/30/2010)	0520-00050-V6	The owner or operator of an affected facility shall submit the reports required under this subpart to the Administrator semiannually for each six-month period. All semiannual reports shall be postmarked by the 30th day following the end of each six-month period.	7/30/2010	2/13/2013	40 CFR 60.107(f)
B.	2011 Second Semiannual Subpart QQQ Report (1/30/2012)	0520-00050-V8 0520-00050-V9	A report that summarizes all inspections when a water seal was dry or otherwise breached, when a drain cap or plug was missing or improperly installed, or when cracks, gaps, or other problems were identified that could result in VOC emissions, including information about the repairs or corrective action taken, shall be submitted initially and semiannually thereafter to the Administrator.	1/30/2012	2/13/2013	Specific Requirement 271 40 CFR 60.698(c)
C.	2011 Annual Tank Seal Gap Measurement Report for Tank 300 (EQT 027) (10/14/2011)	0520-00050-V8	Submit notification: Due to DEQ at least 30 days prior to the gap measurement to afford DEQ to have an observer present.	8/23/2011	Failed to submit 30-day notification. Verbal notification was provided to the regional office two (2) days in advance of the inspection.	Specific Requirement 96 40 CFR 60.113a(a)(1)(iv)
D.	2012 First Semiannual Monitoring Report (9/28/2012)	0520-00050-V9	The semiannual report shall be certified by a responsible official and submitted to the Office of Environmental Compliance by September 30 for the preceding period encompassing January through June.	9/30/2012	10/1/2012	Specific Requirement 388 LAC 33:III.535.A

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

XII.

In the first 2012 Semiannual Subpart QQQ Report dated July 31, 2012, the Respondent reported that on June 7, 2012, it was discovered that the 200 pound carbon drum for the parking lot sump was spent. Due to an unplanned emergency shutdown of the number five (5) crude unit, the drum was not changed until June 11, 2012. The failure to immediately replace the carbon is a violation of 40 CFR 60.695(a)(3)(ii), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Title V Permit No. 0520-00050-V9, LAC 33:III.905, and La. R.S. 30:2057(A)(2). The failure to operate the vapor recovery system with a control efficiency of 95 percent or greater is a violation of 40 CFR 60.692-5(b), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Title V Permit No. 0520-00050-V9, LAC 33:III.905, and La. R.S. 30:2057(A)(2).

XIII.

In the 2010 Annual Compliance Certification dated March 31, 2011, the Respondent reported that a registration form was not included in the Risk Management Plan (RMP) as required by Title V Permit No. 0520-00050-V6. The failure to include a registration form in the RMP is a violation of 40 CFR 68.160(a), which language has been adopted as a Louisiana regulation in LAC 33:III.5901, Specific Requirement 346 of Title V Permit No. 0520-00050-V6, Specific Requirement 363 of Title V Permit No. 0520-00050-V7, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

XIV.

In the 2010 Annual Compliance Certification dated March 31, 2011, and the first 2011 Semiannual Monitoring Report dated September 29, 2011, the Respondent reported that a standby plan for the reduction or elimination of emissions during an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency had not been developed for the facility as required by the permit. The plan was completed in July 2011. The Respondent's failure to develop a standby plan is a violation of LAC 33:III.5609.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

XV.

Consent Decree Civil Action No. 2:08-cv-1215 and appendices sets forth stipulated penalties for the violations referenced in Findings of Fact paragraph V.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

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

II.

To submit to the Enforcement Division, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, a written report that includes required information as denoted by an asterisk (*) in paragraphs V-XI of the Findings of Fact and the following table:

	REPORT (date)	PERMIT or AUTHORIZATION	EMISSION POINT	DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE and/or DESCRIPTION	REGULATORY or PERMIT REQUIREMENTS
A.	2009 Annual Compliance Certification (3/31/2010)	0520-00050-V6	Steam Boiler No. 3 H-103 (EQT 0017) Heater H-201 (EQT 0018)	Used new stack test data to calculate NO_x emissions for emissions inventory statement (EIS). A renewal application was submitted to the Department in May 2009. The new calculation is based on stack test data. (*report what method of emission calculation was used prior to stack test data; report what, if any, emission exceedances occurred during the stack test or following the test prior to the permit modification being issued; and submit a copy of the stack test results)			
B.			Vacuum Tower Unit Reboiler H-701 (EQT 0051)	Used new stack test data to calculate CO emissions for EIS. A renewal application was submitted to the Department in May 2009. The new calculation is based on stack test data. (*report what method of emission calculation was used prior to stack test data; report what, if any, emission exceedances occurred during the stack test or following the test prior to the permit modification being issued; and submit a copy of the stack test results)			
C.	2010 Annual Compliance Certification (3/31/2011)	0520-0050-V6	Flare F-400 (EQT 0015)	2/17/2010 (0.4 hr)	Presence of a flame monitored by flame monitor continuously.	Loss of communication with Capstone Data Historian. (*report root cause and corrective action taken to restore communication)	Specific Requirement 37 40 CFR 60.18(f)(2)
D.		0520-0050-V7		7/19/2010 (1.0 hr)			Specific Requirement 41 40 CFR 60.18(f)(2)
E.	2011 First Semiannual H_2S Excess Emission Report (7/29/2011)	0520-0050-V8	Stabilizer Reboiler H-201 (EQT 0018) Fuel Gas	(*Report date(s)) (7.0 hrs)	Hydrogen sulfide monitored by continuous emission monitor (CEM) continuously.	Non-monitoring equipment malfunctions (*report for each event the type and root cause of malfunction and if it was preventable)	Specific Requirement 47 40 CFR 60.105(a)(4)
F.			Stabilizer Reboiler H-201 (EQT 0018) Vent Gas	(*Report date(s)) (7.0 hrs)			
G.	2011 First Semiannual H_2S Excess Emission Report (7/29/2011)	0520-0050-V8	No. 2 CDU Heater H-204 (EQT 0019), No. 5 CDU Heater H-501 (EQT 0021), and Vacuum Tower Unit Reboiler H-701 (EQT 0051)	(*Report date(s)) (7.0 hrs)	Hydrogen sulfide monitored by continuous emission monitor (CEM) continuously.	Non-monitoring equipment malfunctions (*report for each event the type and root cause of malfunction and if it was preventable)	Specific Requirement 53 Specific Requirement 61 Specific Requirement 274 40 CFR 60.105(a)(4)
H.			Flare F-400 (EQT 0015)	(*Report date(s)) (7.0 hrs)			Specific Requirement 32 40 CFR 60.105(a)(4)

	REPORT (date)	PERMIT or AUTHORIZATION	EMISSION POINT	DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE and/or DESCRIPTION	REGULATORY or PERMIT REQUIREMENTS
I.	2011 Second Semiannual H_2S Excess Emission Report (1/24/2012)	0520-0050-V8 0520-0050-V9	Stabilizer Reboiler H-201 (EQT 0018) Fuel Gas	(*Report date(s)) (63.0 hrs)	Hydrogen sulfide monitored by CEM continuously.	Monitoring equipment malfunctions. (*report for each event the type and root cause of malfunction and if it was preventable)	Specific Requirement 47 40 CFR 60.105(a)(4)
J.			Stabilizer Reboiler H-201 (EQT 0018) Vent Gas	(*Report date(s)) (63.0 hrs)			
K.			No. 2 CDU Heater H-204 (EQT 0019), No. 5 CDU Heater H-501 (EQT 0021), and Vacuum Tower Unit Reboiler H-701 (EQT 0051)	(*Report date(s)) (63.0 hrs)			Specific Requirement 53 Specific Requirement 61 Specific Requirement 274 40 CFR 60.105(a)(4)
L.			Flare F-400 (EQT 0015)	(*Report date(s)) (63.0 hrs)			Specific Requirement 32 40 CFR 60.105(a)(4)
M.			Flare F-400 (EQT 0015)	(*Report date(s)) (62.0 hrs)		Other known causes. (*report root cause of and if it was preventable)	Specific Requirement 32 40 CFR 60.105(a)(4)
N.	2012 First Semiannual H_2S Excess Emission Report (7/30/2012)	0520-0050-V9	Stabilizer Reboiler H-201 (EQT 0018) Fuel Gas	(*Report date(s)) (25.0 hrs)	Hydrogen sulfide monitored by CEM continuously.	Monitoring equipment malfunctions. (*report for each event the type and root cause of malfunction and if it was preventable)	Specific Requirement 47 40 CFR 60.105(a)(4)
O.			Stabilizer Reboiler H-201 (EQT 0018) Vent Gas	(*Report date(s)) (25.0 hrs)			
P.			No. 2 CDU Heater H-204 (EQT 0019), No. 5 CDU Heater H-501 (EQT 0021), and Vacuum Tower Unit Reboiler H-701 (EQT 0051)	(*Report date(s)) (23.0 hrs)			Specific Requirement 53 Specific Requirement 61 Specific Requirement 274 40 CFR 60.105(a)(4)
Q.			Flare F-400 (EQT 0015)	(*Report date(s)) (23.0 hrs)			Specific Requirement 32 40 CFR 60.105(a)(4)
R.	2012 First Semiannual Monitoring Report (9/28/2012)	0520-00050-V9	Flare F-400 (EQT 0015)	6/29/2012 (0.03 hr)	Operate with a flame present at all times, as determined by the methods specified in 40 CFR 60.18(f)(2).	Power bump. Operations relit the pilot. (*report if caused by provider or if internal issue, report any excess emissions which occurred as a result, and report if controls are in place to prevent reoccurrence)	Specific Requirement 36 40 CFR 60.18(c)(2)
S.			No. 6 Stabilizer Reboiler H-201 (EQT 0018)	1/1/2012-6/30/2012 (4 hrs)	Currently the n-Hexane maximum hourly limits are the same as average. (*Title V Permits 0520-00050-V9 or V10 do not show that the permit limits are the same for this source and parameter. Please clarify the deviation and report what, if any, violations occurred including reporting any emission exceedances which occurred as a result.)		

	REPORT (date)	PERMIT or AUTHORIZATION	EMISSION POINT	DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE and/or DESCRIPTION	REGULATORY or PERMIT REQUIREMENTS
T.	2012 First Semiannual Monitoring *Report* (9/28/2012)	0520-00050-V9	Vacuum Tower Unit Reboiler H-701 (EQT 0051)	1/1/2012-6/30/2012 (57 hrs)	Currently the PM_{10} maximum hourly limits are the same as average. (*Title V Permits 0520-00050-V9 or V10 do not show that the permit limits are the same for this source and parameter. Please clarify the deviation and report what, if any, violations occurred including reporting any emission exceedances which occurred as a result.)		
U.			No. 5 CDU Heater H-501 (EQT 0021)	1/1/2012-6/30/2012 (224 hrs)	Currently the VOC maximum hourly limits are the same as average hourly limits. (*Title V Permits 0520-00050-V9 or V10 do not show that the permit limits are the same for this source and parameter. Please clarify the deviation and report what, if any, violations occurred including reporting any emission exceedances which occurred as a result.)		
V.	2012 Second Semiannual Monitoring Report (3/28/2013)	0520-00050-V9	No. 5 CDU Heater H-501 (EQT 0021)	7/1/2012-7/31/2012 (11 hrs)	Currently the VOC maximum hourly limits are the same as average hourly limits. (*Title V Permits 0520-00050-V9 or V10 do not show that the permit limits are the same for this source and parameter. Please clarify the deviation and report what, if any, violations occurred including reporting any emission exceedances which occurred as a result.)		
W.			Flare F-400 (EQT 0015)	7/21/2012 (3.0 hrs)	No owner or operator shall burn in any fuel gas combustion device any fuel gas that contains H_2S in excess of 230 mg/dscm (0.1 gr/dscf)	Power interruption due to bad weather caused unit upsets that sent untreated gas to the flare. (*report if power outage was internal or caused by provider and report amount of H_2S reading)	Specific Requirement 31 40 CFR 60.104(a)(1)
X.	2012 Second Semiannual Monitoring Report (3/28/2013)	0520-00050-V9	Flare F-400 (EQT 0015)	7/7/2012 (0.1 hr)	Operate with a flame present at all times, as determined by the methods specified in 40 CFR 60.18(f)(2).	Unit Upset. (*report root cause and report any excess emissions *which occurred as a* result)	Specific Requirement 36 40 CFR 60.18(c)(2)
Y.				7/20/2012 (0.4 hr)		Power Bump. (*report if caused by provider or if internal and report any excess emissions which occurred as a result)	
Z.				7/21/2012 (0.3 hr)		Weather. (*report root cause and report any excess emissions which occurred as a result)	
AA.				7/29/2012 (0.02 hr)		Wind. (*report if was preventable and report any excess emissions which occurred as a result)	
BB.	*2012 Second* Semiannual Monitoring Report (3/28/2013)	0520-00050-V10	Flare F-400 (EQT 0015)	8/28/2012 (0.1 hr)	Operate with a flame present at all times, as determined by the methods specified in 40 CFR 60.18(f)(2).	Wind. (*report if was preventable and report any excess emissions which occurred as a result)	Specific Requirement 31 40 CFR 60.18(c)(2)
CC.		0520-00050-V9 0520-00050-V10	Internal Floating Roof Tank TK-315 (EQT 0042)	(*report date violation began and ended)	Internal floating roof tank's slotted guide pole does not have any other control besides the external roof. The Respondent reported this is in violation of 40 CFR 60.112a(a)(2); however, the Respondent reported in the permit application that this source is not subject to Subpart Ka since the vapor pressure of the liquid stored is less than 1.5 psia. (* report if a change has occurred making this tank subject to subpart Ka or Kb or if this was an error in reporting. If the tank is subject to new requirements, report what, if any, other deviations have occurred.)		

	REPORT (date)	PERMIT or AUTHORIZATION	EMISSION POINT	DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE and/or DESCRIPTION	
DD.	2012 Second Semiannual Monitoring Report (3/28/2013)	0520-00050-V9 0520-00050-V10	Vacuum Tower Unit Reboiler H-701 (EQT 0051)	7/1/2012-12/23/2012 (60 hrs)	PM_{10} Permit Limits 0.68 max lb/hr 2.48 tpy	A more accurate fuel flow meter was installed on a small but high heat value fuel gas stream on the H-701 furnace showing higher than projected firing rates. An application for permit modification will be submitted to reconcile this issue. (*report the actual firing rate; report the dates, durations, and amounts of excess emissions; and report when the permit modification was/will be submitted)	
EE.		0520-00050-V10			PM_{10} Permit Limits 0.83 max lb/hr 2.48 tpy		
FF.				10/9/2012-12/23/2012 (53 hrs)	$PM_{2.5}$ Permit Limits 0.83 max lb/hr 2.48 tpy		
GG.	2012 Annual BWON Report (4/8/2013)	0520-00050-V9 0520-00050-V10	N/A	(*report date(s) violation(s) discovered)	During the Respondent's effort to become fully compliant with Subpart FF in 2012, it was discovered several sampling locations in the process units included uncontrolled catch pots. (*report number of uncontrolled catch pots discovered)		(*report type of system [ie, closed-vent, individual drain] and applicable regulations)

III.

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: Maggie Turner
Re: Enforcement Tracking No. AE-CN-10-01465
Agency Interest No. 3585

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-10-01465
Agency Interest No. 3585

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

VI.

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

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

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

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

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Maggie Blunschi at (225) 219-4468 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 25 day of February, 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: Maggie Turner

JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 24, 2016

CERTIFIED MAIL (7014 0510 0002 3595 3106)
RETURN RECEIPT REQUESTED

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

RE: AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-10-01465A
AGENCY INTEREST NO. 3585

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **CALCASIEU REFINING COMPANY (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Bridget Rogers at (225) 219-3748 or via email at bridget.rogers@la.gov.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/BDR/bdr
Alt ID No. 0520-00050
Attachment

EXHIBIT
tabbies
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c: Calcasieu Refining Company
c/o Donald Johnson, Environmental Manager
4359 W. Tank Farm Road
Lake Charles, LA 70605

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
CALCASIEU REFINING COMPANY	*	**ENFORCEMENT TRACKING NO.**
CALCASIEU PARISH	*	
ALT ID NO. 0520-00050	*	**AE-CN-10-01465A**
	*	
	*	**AGENCY INTEREST NO.**
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.	*	**3585**

AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-10-01465** issued to **CALCASIEU REFINING COMPANY (RESPONDENT)** on February 25, 2014 in the above-captioned matter as follows:

I.

The Department hereby removes Paragraph III.A, Paragraphs VIII.M, N, O, and P, and Paragraph XIII of the Findings of Fact portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-10-01465.

II.

The Department hereby amends Paragraph III.B of the Findings of Fact portion to read as follows:

> "B. The Respondent failed to conduct the annual visual inspection of Tank 310 (EQT 0037) for 2008 and 2009. The Respondent is required to inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every twelve (12) months after initial fill. The failure to inspect the tank as required is a violation of 40 CFR 60.113b(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Specific Requirement 164 of Title V Permit No. 0520-00050-V6, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2)."

III.

The Department hereby adds the following Paragraphs, XVI to XXV, to the Findings of Fact portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-10-01465, as follows:

"XVI.

In Semiannual Monitoring Reports, the Respondent reported the following deviations regarding open-ended lines (OELs):

	Report (date)	Emissions Source	Permit Number and Requirements	Description
A.	2013 First Semiannual Monitoring Report (9/27/2013)	FUG 0007 Facility Fugitives	Specific Requirement 337 of Title V Permit No. 0520-00050-V10; 40 CFR 60.592(a)	28 components were not properly capped or double blocked
B.	2013 First Semiannual Monitoring Report (9/27/2013)	FUG 0007 Facility Fugitives	Specific Requirement 337 of Title V Permit No. 0520-00050-V10; 40 CFR 60.592(a)	11 new components were not tagged/monitored within 30 days of being put into service
C.	2013 First Semiannual Monitoring Report (9/27/2013)	FUG 0007 Facility Fugitives	Specific Requirement 337 of Title V Permit No. 0520-00050-V10; 40 CFR 60.592(a)	5 valves were discovered to be incorrectly classified as difficult to monitor
D.	2013 Second Semiannual Monitoring Report (3/28/2014)	FUG 0007 Facility Fugitives	Specific Requirement 337 of Title V Permit No. 0520-00050-V10; 40 CFR 60.592(a)	19 components were not properly capped or double blocked
E.	2014 First Semiannual Monitoring Report (9/25/2014)	FUG 0007 Facility Fugitives	Specific Requirement 319 of Title V Permit No. 0520-00050-V11; 40 CFR 60.592(a)	17 components were not properly capped or double blocked
F.	2014 Second Semiannual Monitoring Report (3/26/2015)	FUG 0007 Facility Fugitives	Specific Requirement 319 of Title V Permit No. 0520-00050-V11; 40 CFR 60.592(a)	2 components were not properly capped or double blocked

Each failure to ensure a component is properly capped, double blocked, tagged and/or monitored is a violation of 40 CFR 60.592(a), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, and is also a violation of Specific Requirement 337 of Title V Permit No. 0520-00050-V10, Specific Requirement 319 of Title V Permit No. 0520-00050-V11, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In the respective Semiannual Reports, the Respondent stated that the OELs were capped, plugged, blinded, properly classified, and/or monitored on the day of discovery, or as soon as possible after discovery.

XVII.

In the 2013 First Semiannual Monitoring Report, the Respondent reported the failure to replace two (2) spent carbon drums within the required timeframe from February 22 to February 25, 2013, during a turnaround. According to the report, the Respondent opted for the use of activated carbon on all junction boxes instead of pipe. In the 2013 Second Semiannual Monitoring Report, the Respondent reported that a 200 pound (lb) spent carbon drum was not replaced within the facility's QQQ policy timeframe (24 hours) and was over that timeframe between 9:41 and 10:30 AM on November 1, 2013. The Respondent stated that the spent drum was replaced within 25 hours after discovery. Each occurrence is a violation of 40 CFR 60.692-2(b)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Specific Requirement 251 of Title V Permit No. 0520-00050-V10, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In the 2014 First Semiannual Monitoring Report, the Respondent reported that two (2) carbon vessels were not replaced within the required timeframe on January 17, 2015 between 10:50 AM and 12:30 PM, and on January 24, 2014 between 11:00 AM and 12:45 PM. The Respondent stated that all spent carbon vessels have been replaced within the required timeframe since these incidents. Each occurrence is a violation of 40 CFR 61.342(c)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5116, Specific Requirement 331 of Title V Permit No. 0520-00050-V11, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

XVIII.

In the 2013 First and Second Semiannual Monitoring Reports, the Respondent reported the following emission exceedances from three sources:

	Emission Source	**Report (date)**	**Pollutant/ Exceedance**	**Time Operated Over Limit**	**Exceedance Amounts**
A.	EQT 0018 Stabilizer Reboiler	2013 First Semiannual Monitoring Report (9/27/2013)	PM_{10}	4 Hours	*Not reported
			$PM_{2.5}$	4 Hours	
			VOC	5 Hours	
B.	EQT 0021 CDU Heater	2013 First Semiannual Monitoring Report (9/27/2013)	NO_X	105 Hours	*Not reported
C.		2013 Second Semiannual Monitoring Report (3/28/2014)	Max lbs/hr limit	532 Hours	*Not reported

	Emission Source	Report (date)	Pollutant/ Exceedance	Time Operated Over Limit	Exceedance Amounts
D.	EQT 0051 Tower Unit Reboiler	2013 First Semiannual Monitoring Report (9/27/2013)	PM_{10}	36 Hours	*Not reported
			$PM_{2.5}$	36 Hours	
			NO_X	37 Hours	
E.		2013 Second Semiannual Monitoring Report (3/28/2014)	PM_{10}	715 Hours	0.36 TPY
			$PM_{2.5}$	715 Hours	0.36 TPY
			NO_X	724 Hours	2.17 TPY

Each exceedance of the permitted hourly or total emission limits is a violation of Title V Permit No. 0520-00050-V10, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

XIX.

In 2013 and 2014 Semiannual Monitoring Reports, the Respondent reported the following deviations concerning Continuous Emission Monitoring System (CEMS) meters on three process heaters:

A. In the 2013 First Semiannual Monitoring Report, the Respondent reported that the H-501 (EQT 0021) NO_X CEMS meter was below 90% reliable data availability during February 2013. According to the report, a peristaltic pump malfunctioned, which resulted in a failed validation and 11.3% downtime for the month of February. In the 2014 First Semiannual Monitoring Report, the Respondent reported that the H-501 NO_X meter was below 90% reliable data availability during February 2014. This was reportedly due to a leak in the sample cabinet that caused more than 10% downtime in the month of February. Each failure to maintain CEMS data reliability at 90% or more is a violation of Part 70 General Condition V, Title V Permit Nos. 0520-00050-V10 and 0520-00050-V11, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In email correspondence, a representative of the Respondent stated two CEMS units (a primary and a secondary) were certified for the H-501 heater on or about November 10, 2015, to minimize downtime for the NO_X CEMS.

B. In the 2014 First Semiannual Monitoring Report, the Respondent reported the H-204 (EQT 0019) NO_X meter was below 90% reliable data availability for March 2014. According to the report, the CEMS required maintenance, but before it was replaced, it accumulated greater than 10% downtime for the month of March. In the 2014 Second Semiannual Monitoring Report, the Respondent reported that the H-204 O_2 meter was below 90%

reliable data availability during July 2014. The Respondent reported that maintenance issues caused several out-of-control days of invalid data due to process downtime because of a turnaround. In the 2014 Second Semiannual Monitoring Report, the Respondent reported that the H-204 NO_X CEMS meter was below 90% reliable data availability during August 2014. The Respondent reported that a daily validation failed, causing an out-of-control period that was not caught for three days due to a clerical error. Each failure to maintain CEMS data reliability at 90% or more is a violation of Part 70 General Condition V, Title V Permit No. 0520-00050-V11, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In email correspondence, a representative of the Respondent stated that the spare NO_X CEMS meter was certified and replaced the original CEMS unit on or about March 25, 2015. By November 10, 2015, the H-204 heater had two certified CEMS meters (a primary and a secondary), to minimize downtime.

C. In the 2014 First Semiannual Monitoring Report, the Respondent reported the H-701 (EQT 0051) VG H2S meter was below 90% data reliability during June 2014. According to the report, water entered the Continuous Monitoring System (CMS) instrument, despite preventative measures, during multiple upsets due to a unit turnaround. The failure to maintain CMS data reliability at 90% or more is a violation of Part 70 General Condition V, Title V Permit No. 0520-00050-V11, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

XX.

In the 2013 Second Semiannual Monitoring Report, the Respondent reported that the daily validation was not performed on the H-204 (EQT 0019) O_2 meter on November 3, 2013. The report stated the validation was performed and passed the next day. This is a violation of Specific Requirement 53 of Title V Permit No. 0520-00050-V10, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

XXI.

In the 2013 Second Semiannual Monitoring Report, the Respondent reported that a spare NO_X CEMS unit was put onto the H-501 heater (EQT 0021) from December 10, 2013 to February 3, 2014 in place of the original certified unit, which was malfunctioning. The original unit was sent to the manufacturer for repair during this time and was reinstalled after being serviced. This is a violation of Specific Requirement 63 of Title V Permit No. 0520-00050-V10, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In the 2014 First Semiannual Monitoring Report, the Respondent reported that a spare NO_X CEMS unit was put onto the H-204 heater (EQT 0019) in place of the original certified CEMS

from January 7, 2014 to February 18, 2014 and from March 16, 2014 to April 11, 2014. The original unit was placed back in service after being repaired. This is a violation of 40 CFR 60.105(a)(4), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Consent Decree Civil Action No. 2:08-cv-01215, Specific Requirement 53 of Title V Permit No. 0520-00050-V10, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In the 2014 Second Semiannual Monitoring Report, the Respondent reported that a spare CEMS unit was placed on the H-501 CDU Heater (EQT 0021) from August 3 to August 27, 2014. The original unit was placed back in service after being repaired. This is a violation of 40 CFR 60.105(a)(4), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Consent Decree Civil Action No. 2:08-cv-01215, Specific Requirement 74 of Title V Permit No. 0520-00050-V11, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

XXII.

In the 2014 First Semiannual Monitoring Report, the Respondent reported that the roof of Internal Floating Roof TK 300 (EQT 0027) landed on its leg supports during routine use on February 18, 2014 from 2:29 to 6:03 AM. This reportedly occurred because the electronic low level alarm was not passed to tank operators. The failure to ensure that the roof is floating on liquid at all times (i.e., off the roof supports) is a violation of 40 CFR 60.112a(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Specific Requirement 97 of Title V Permit No. 0520-00050-V11, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

XXIII.

In the 2014 Second Semiannual Monitoring Report, the Respondent reported the Internal Floating Roof Tank TK-313 (EQT 0040) had a seal leak between July 21 and September 4, 2014. The leak was reportedly found during a visual inspection, when staining was detected. Additional inspections were conducted, and the tank was removed from service for repairs. The failure to maintain the seal at all times except when the device is in actual use is a violation of 40 CFR 60.112a(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Specific Requirement 252 of Title V Permit No. 0520-00050-V11, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

XXIV.

In the 2014 Second Semiannual Monitoring Report, the Respondent reported that the caps on sewer lines were not repaired within 15 days after the inspection of Wastewater Collection and Treatment systems (EQT 0049), between September 17 and October 3, 2014. The Respondent reported that this was due to a clerical error. The failure to make repairs as soon as practicable, but not later than

15 calendar days after problems are detected, is a violation of 40 CFR 60.692-2(c)(3), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Specific Requirement 283 of Title V Permit No. 0520-00050-V11, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

XXV.

On August 25 to August 27, 2015, a Chemical Accident Prevention Program (CAPP) inspection was conducted at the facility. The inspector noted that the facility failed to implement procedures for inspecting, testing, and maintenance of emergency response equipment. Specifically, the facility's deluge system was not tested in 2014, though the Emergency Response Plan establishes an annual requirement for this inspection. This is a violation of LAC 33:III.5901.A, as described by 40 CFR 68.95(a)(2), and La. R.S. 30:2057(A)(2). The CAPP inspector noted that the Respondent performed the annual system inspection in 2015."

IV.

The Department hereby adds Paragraph IV to the Order portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-10-01465, as follows:

"IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes the required information as denoted by an asterisk (*) in Paragraph XVIII of the Findings of Fact."

V.

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

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Bridget Rogers
Re: Enforcement Tracking No. AE-CN-10-01465A
Agency Interest No. 3585

VI.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-10-01465A** and **AGENCY INTEREST NO. 3585** as if reiterated herein.

VII.

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

Baton Rouge, Louisiana, this 24th day of May, 2016.

Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

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

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
Post Office Box 4312
Baton Rouge, LA 70821-4312
Attention: Bridget Rogers