

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 2, 2018

CERTIFIED MAIL (7003 2260 0000 5824 4975)
RETURN RECEIPT REQUESTED

CALUMET LUBRICANTS CO., L.P.
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-16-00972
AGENCY INTEREST NO. 1224**

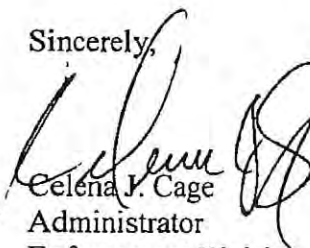
Dear Sir:

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 **CALUMET LUBRICANTS CO., L.P (RESPONDENT)** for the violation(s) described therein.

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

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

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/AFC/afc
Alt ID No. 0400-00004
Attachment



c: Calumet Lubricants Co., L.P.
Princeton Refinery
c/o Mr. Joseph P. Boroden, Plant Manager
10234 Louisiana Highway 157
Princeton, Louisiana 71067

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

<p>IN THE MATTER OF</p> <p>CALUMET LUBRICANTS CO., L.P. BOSSIER PARISH ALT ID NOS. 0400-00004</p> <p>PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>ENFORCEMENT TRACKING NO.</p> <p style="text-align: center;">AE-CN-16-00972</p> <p>AGENCY INTEREST NO.</p> <p style="text-align: center;">1224</p>
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CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **CALUMET LUBRICANTS CO., L.P. (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 Princeton Refinery (the Facility) (Agency Interest No. 1224), a petroleum refinery, located at 10234 Louisiana Highway 157 in Princeton, Bossier Parish, Louisiana. The Facility operates or has operated under the authority of the following Title V Air Permits:

PERMIT	ISSUE DATE	EFFECTIVE EXPIRATION DATE
0400-00004-V13	11/01/2017	10/08/2018
0400-00004-V12	05/03/2016	10/08/2018
0400-00004-V11	04/21/2015	10/08/2018
0400-00004-V10	01/15/2014	10/08/2018
0400-00004-V9	10/08/2013	10/08/2018

PERMIT	ISSUE DATE	EFFECTIVE EXPIRATION DATE
0400-00004-V8	02/15/2013	02/27/2013
0400-00004-V7	07/07/2011	02/27/2013
0400-00004-V6	05/19/2011	02/27/2013

The Respondent entered into a Settlement Agreement, Settlement Tracking No. SA-MM-10-C090 (the Settlement), with the Department on January 31, 2012. The terms and conditions of the Settlement Agreement are applicable to the following entities: Calumet Lubricants Co, LP-Cotton Valley Refinery (Agency Interest No. 312), Calumet Lubricants Co., LP-Princeton Refinery (Agency Interest No. 1224), and Calumet Shreveport Lubricants & Waxes, LLC-Shreveport Refinery (Agency Interest No. 1214). The Respondent agreed to undertake installation of air pollution control equipment and enhancements to air pollution control management practices at the three facilities to reduce air emissions.

II.

On or about November 17, 2015, the Department conducted a Full Compliance Evaluation Inspection to determine Respondent's degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. While the Department's investigation is not complete, the following violations were noted during the course of the inspection:

- A. The Emergency Fire Water Pump (EQT 0030) was replaced with a 175 hp Clarke diesel fired fire pump on March 2014. The new Emergency Diesel Fire Pump was on-site and not listed as an emission point within the permit application. The pump was identified in the 2015 2nd Semiannual Monitoring Report dated March 31, 2016, and the 2016 1st Semiannual Monitoring Report dated September 30, 2016. A Title V Minor Permit Modification Application submitted on or about September 28, 2015. Supplemental permit information was received on or about December 21, 2015, and January 15, 2016. In Title V Permit No. 0400-00004-V12 issued on May 3, 2016, Emergency Fire Water Pump (EQT 0030) was deleted and Emergency Fire Water Pump (EQT 0303) was added.

	EQT 0030 Emergency Fire Water Pump	EQT 303 Emergency Fire Water Pump
Horsepower	187	175
PM _{10/2.5}	0.41 max lb/hr 0.10 tpy	0.36 max lb/hr <0.01 tpy
SO ₂	0.38 max lb/hr	0.41 max lb/hr

	EQT 0030 Emergency Fire Water Pump	EQT303 Emergency Fire Water Pump
	0.09 tpy	0.02 tpy
NO _x	5.77 max lb/hr 1.44 tpy	1.16 max lb/hr 0.06 tpy
CO	1.24 max lb/hr 0.31 tpy	1.00 max lb/hr 0.05 tpy
VOC	0.46 max lb/hr 0.11 tpy	1.16 max lb/hr 0.06 tpy

Failure to submit a permit application prior to construction, reconstruction, or modification is a violation of LAC 33:III.501.C.1 and La. R.S. 30:2057(A)(2). The unauthorized operation of the emission point prior to issuance of a permit is a violation of LAC 33:III.501.C.2 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- B. Emission tests were conducted on October 11-13, 2011, for Asphalt Heater C (EQT 0144) to determine the emission rate of particulate, sulfur dioxide, nitrogen oxides, carbon monoxide and volatile organic compounds in order to demonstrate compliance with 40 CFR Subpart UU and 40 CFR 63 Subpart AAAAAAA. Based on the stack test, the PM, NO_x, and VOC were above permitted limits.

POLLUTANT	PERMITTED EMISSION LIMIT (max lb/hr)	TEST RESULTS
PM	0.27	0.601
NO _x	0.39	0.474
VOC	0.15	0.176

Each permit exceedance is a violation of Title V Permit No. 0400-00004-V7, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). On or about February 6, 2012, the Department received the results of the emission tests dated February 2, 2012. The Respondent is required to submit the results sixty (60) days after completion of the tests. Failure to submit the results in a timely manner is a violation of 40 CFR 63.11564(a)(5), Specific Requirement 283 of Title V Permit No. 0400-00004-V7, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent failed to submit a permit application to the Department within forty-five (45) days to request a permit amendment or modification to reflect the results of the October 11-13, 2011 emission tests. Failure to submit the permit application within

the appropriate time frame is a violation of LAC 33:III.523.A and La. R.S. 30:2057(A)(2).

III.

On or about December 1-2 and 5, 2016, and December 18, 2017, the Department conducted a file review to determine the Respondent's degree of compliance with the Act, the Air Quality Regulations, all applicable permits, and reports. While the review is not complete, the Department noted the violations found in Paragraphs IV-XII of the Findings of Fact portion of this enforcement action.

IV.

The Respondent reported the following violations from permitted operating parameters:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
A.	2012 1 st Semiannual Monitoring Report (09/28/2012)	0400-00004- V7	EQT 0011 Hydrocal Heater H-101 EQT 0012 Hydrocal Heater H-102 EQT 0013 Hydrocal Heater H-103	01/01/2012 (11 hours)	Fuel gas: Hydrogen sulfide ≤ 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over standard of 230 mg/dscm by 115%. Exceedance due to buildup of H ₂ S contaminated solids in the flare and change in crude composition	40 CFR 60.104(a)(1), Specific Requirements 23,31, & 39
B.	2012 1 st Semiannual Monitoring Report (09/28/2012)	0400-00004- V7	EQT 0011 Hydrocal Heater H-101 EQT 0012 Hydrocal Heater H-102 EQT 0013 Hydrocal Heater H-103	01/02/2012 (3 hours)	Fuel gas: Hydrogen sulfide ≤ 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over standard of 230 mg/dscm by 61%. Exceedance due to buildup of H ₂ S contaminated solids in the flare and change in crude composition	40 CFR 60.104(a)(1), Specific Requirements 23,31, & 39
C.	2012 1 st Semiannual Monitoring Report (09/28/2012)	0400-00004- V7	EQT 0011 Hydrocal Heater H-101 EQT 0012 Hydrocal Heater H-102 EQT 0013 Hydrocal Heater H-103	01/04/2012 (14 hours)	Fuel gas: Hydrogen sulfide ≤ 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over standard of 230 mg/dscm by 35%. Exceedance due to buildup of H ₂ S contaminated solids in the flare and change in crude composition	40 CFR 60.104(a)(1), Specific Requirements 23,31, & 39
D.	2012 1 st Semiannual Monitoring Report (09/28/2012)	0400-00004- V7	EQT 0011 Hydrocal Heater H-101 EQT 0012 Hydrocal Heater H-102 EQT 0013 Hydrocal Heater	01/07/2012 (5 hours)	Fuel gas: Hydrogen sulfide ≤ 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over standard of 230 mg/dscm by 53%; cause unknown	40 CFR 60.104(a)(1), Specific Requirements 23,31, & 39

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
			H-103				
E.	2012 1 st Semiannual Monitoring Report (09/28/2012)	0400-00004- V7	EQT 0011 Hydrocal Heater H-101 EQT 0012 Hydrocal Heater H-102 EQT 0013 Hydrocal Heater H-103	01/08/2012 (3 hours)	Fuel gas: Hydrogen sulfide ≤ 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over standard of 230 mg/dscm by 16%; cause unknown	40 CFR 60.104(a)(1), Specific Requirements 23,31, & 39
F.	2012 1 st Semiannual Monitoring Report (09/28/2012)	0400-00004- V7	EQT 0011 Hydrocal Heater H-101 EQT 0012 Hydrocal Heater H-102 EQT 0013 Hydrocal Heater H-103	01/11/2012- 01/13/2012 (52 hours)	Fuel gas: Hydrogen sulfide ≤ 0.1 g/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over standard of 230 mg/dscm by 185%. Exceedance due to buildup of H ₂ S contaminated solids in the flare and change in crude composition	40 CFR 60.104(a)(1), Specific Requirements 23,31, & 39
G.	2012 1 st Semiannual Monitoring Report (09/28/2012)	0400-00004- V7	EQT 0011 Hydrocal Heater H-101 EQT 0012 Hydrocal Heater H-102 EQT 0013 Hydrocal Heater H-103	01/20/2012- 01/21/2012 (4 hours)	Fuel gas: Hydrogen sulfide ≤ 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over standard of 230 mg/dscm by 60% due to unknown causes	40 CFR 60.104(a)(1), Specific Requirements 23,31, & 39
H.	2012 1 st Semiannual Monitoring Report (09/28/2012)	0400-00004- V7	EQT 0011 Hydrocal Heater H-101 EQT 0012 Hydrocal Heater H-102 EQT 0013 Hydrocal Heater H-103	01/28/2012- 01/29/2012 (3 hours)	Fuel gas: Hydrogen sulfide ≤ 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over standard of 230 mg/dscm by 34% due to unknown causes	40 CFR 60.104(a)(1), Specific Requirements 23,31, & 39
I.	2012 1 st Semiannual Monitoring Report (09/28/2012)	0400-00004- V7	EQT 0011 Hydrocal Heater H-101 EQT 0012 Hydrocal Heater H-102 EQT 0013 Hydrocal Heater H-103	01/29/2012- 02/01/2012 (60 hours)	Fuel gas: Hydrogen sulfide ≤ 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over standard of 230 mg/dscm by 156%. Exceedance due to buildup of H ₂ S contaminated solids in the flare and change in crude composition	40 CFR 60.104(a)(1), Specific Requirements 23,31, & 39

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
J.	2015 1 st Semiannual Monitoring Report (09/30/2015)	0400-00004- V11	EQT 0143 Reactor Tanks Scrubber	05/23/2015 (1 hour)	pH _≥ 7	Scrubber pH fell below 7; cause not reported	Specific Requirement 92
K.	2015 2 nd Semiannual Monitoring Report (03/31/2016)	0400-00004- V11	EQT 0143 Reactor Tanks Scrubber	08/25/2015 (1 hour)	pH _≥ 7	Scrubber pH fell below 7; cause not reported	Specific Requirement 92
L.	2015 2 nd Semiannual Monitoring Report (03/31/2016)	0400-00004- V11	EQT 0143 Reactor Tanks Scrubber	12/14/2015 (3 hours)	pH _≥ 7	Scrubber pH fell below 7; cause not reported	Specific Requirement 92
M.	2016 1 st Semiannual Monitoring Report (09/30/2016)	0400-00004- V12	EQT 0014 PH-24 Sulfur Plant Incinerator	05/16/2016- 05/17/2016 (14 hours)	SO ₂ ≤ 250 ppmv	SO ₂ emissions measured above 250 ppmv; cause not reported	LAC 33:III.1503.B, Specific Requirement 1
N.	2016 1 st Semiannual Monitoring Report (09/30/2016)	0400-00004- V11	EQT 0143 Reactor Tanks Scrubber	01/16/2016 (1 hour)	pH _≥ 7	Scrubber pH fell below 7; cause not reported	Specific Requirement 92
O.	2016 1 st Semiannual Monitoring Report (09/30/2016)	0400-00004- V11	EQT 0143 Reactor Tanks Scrubber	01/18/2016 (2 hours)	pH _≥ 7	Scrubber pH fell below 7; cause not reported	Specific Requirement 92
P.	2016 1 st Semiannual Monitoring Report (09/30/2016)	0400-00004- V11	EQT 0143 Reactor Tanks Scrubber	01/19/2016 (4 hours)	pH _≥ 7	Scrubber pH fell below 7; cause not reported	Specific Requirement 92
Q.	2016 1 st Semiannual Monitoring Report (09/30/2016)	0400-00004- V11	EQT 0143 Reactor Tanks Scrubber	01/19/2016 (6 hours)	pH _≥ 7	Scrubber pH fell below 7; cause not reported	Specific Requirement 92
R.	2016 1 st Semiannual Monitoring Report (09/30/2016)	0400-00004- V11	EQT 0143 Reactor Tanks Scrubber	01/29/2016 (5 hours)	pH _≥ 7	Scrubber pH fell below 7; cause not reported	Specific Requirement 92
S.	2016 1 st Semiannual Monitoring Report (09/30/2016)	0400-00004- V12	EQT 0143 Reactor Tanks Scrubber	09/17/2016 (5 hours)	Flow rate ≥ 4 gallons/min (gpm)	Scrubber fell below 4 gpm when caustic pump plugged	Specific Requirement 75

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

V.

In the 2015 1st Semiannual Monitoring Report dated September 30, 2015, the 2015 2nd Semiannual Monitoring Report dated March 31, 2016, and the 2016 1st Semiannual Monitoring Report dated September 30, 2016, the Respondent reported that a permit revision was necessary in order to include updated tank inventory. On or about October 2, 2015, the Department received a Title V Minor Permit Modification Application dated September 28, 2015, proposing the addition of six (6) tanks to the permit. Supplemental permit information was received on or about December 21, 2015, and January 15, 2016. Title V Permit No. 0400-00004-V12 on issued on May 3, 2016, adding the tanks in the table below.

EQUIPMENT NO. & DESCRIPTION	EQUIPMENT SPECIFICATIONS	DATE OF CONSTRUCTION OR MODIFICATION FROM THE EMISSIONS INVENTORY QUESTIONNAIRE
EQT 0297 Storage Tank T-506	24,611 gallon lube oil additive storage tank	1980
EQT 0298 Storage Tank T-511	20,387 gallon asphalt emulsion storage tank	1967
EQT 0299 Storage Tank T-512	20,400 gallon asphalt emulsion storage tank	1967
EQT 0300 Storage Tank T-521	20,006 gallon trim oil storage tank	1980
EQT 0301 Storage Tank T-530	21,152 gallon asphalt emulsion additive storage tank	2007
EQT 0302 Storage Tank T-531	21,152 gallon asphalt emulsion additive storage tank	2007

Failure to submit a permit application prior to construction, reconstruction, or modification is a violation of LAC 33:III.501.C.1 and La. R.S. 30:2057(A)(2). The unauthorized operation of each emission point prior to issuance of a permit is a violation of LAC 33:III.501.C.2 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

VI.

The Respondent reported the following violations from monitoring requirements:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	MONITORING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
A.	2012 2 nd Semiannual Monitoring Report (03/28/2013)	0400-00004-V7	FUG 0001 Fugitive Emissions	07/01/2012-12/31/2012	Process Drains: VOC Total monitored by 40 CFR 60, Appendix A, Method 21 annually.	Method 21 monitoring was not performed on process drains in VOC service as required by state fugitive rule	LAC 33:III.2121.C.1.a.iii, Specific Requirement 232
B.	2012 2 nd Semiannual Monitoring Report (03/28/2013)	0400-00004-V7	FUG 0002 Wastewater Fugitive Emissions	07/01/2012-12/31/2012	Process Drains: VOC Total monitored by 40 CFR 60, Appendix A, Method 21 annually.	Method 21 monitoring was not performed on process drains in VOC service as required by state fugitive rule	LAC 33:III.2121.C.1.a.iii, Specific Requirement 253
C.	2013 2 nd Semiannual Monitoring Report (03/31/2014)	0400-00004-V8	EQT 0033 Crude Unit E.V. Flare	07/01/2013-07/11/2013 (252 hours)	Hydrogen sulfide monitored by continuous emission monitor (CEM) continuously.	The H ₂ S CEMS was down. The analyzer did not calibrate properly.	40 CFR 60.105(a)(4), Specific Requirement 125
D.	2013 2 nd Semiannual Monitoring Report (03/31/2014)	0400-00004-V8	EQT 0033 Crude Unit E.V. Flare	09/11/2013-09/14/2013 (66 hours)	Hydrogen sulfide monitored by continuous emission monitor (CEM) continuously.	The CEMS was down. The analyzer did not calibrate properly.	40 CFR 60.105(a)(4), Specific Requirement 125
E.	2013 2 nd Semiannual Monitoring Report (03/31/2014)	0400-00004-V8	EQT 0033 Crude Unit E.V. Flare	10/01/2013-10/07/2013 (137 hours)	Hydrogen sulfide monitored by continuous emission monitor (CEM) continuously.	The CEMS was down. The analyzer did not calibrate properly.	40 CFR 60.105(a)(4), Specific Requirement 125

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	MONITORING PARAMETER	REPORTED CAUSE	REGULATORY OF PERMIT REQUIREMENTS
F.	2013 2 nd Semiannual Monitoring Report (03/31/2014)	0400-00004-V9	EQT 0015 Hydrocal Unit No. 1 Scrubber/Flare	11/10/2013 (5 hours)	Hydrogen sulfide monitored by continuous emission monitor (CEM) continuously.	The H ₂ S CEMS was down due to unknown causes.	40 CFR 60.105(a)(4), Specific Requirement 19
G.	2014 1 st Semiannual Excess Emissions and Monitoring Systems Summary Report (07/31/2014)	0400-00004-V10	EQT 0033 Crude Unit E.V. Flare	03/15/2014-03/18/2014 (88 hours)	Hydrogen sulfide monitored by continuous emission monitor (CEM) continuously.	Communication network between CEMS and data historian down	40 CFR 60.104(a)(4), Specific Requirement 43
	2014 1 st Semiannual Monitoring Report (09/30/2014)						
H.	2014 2 nd Semiannual Monitoring Report (03/31/2015)	0400-00004-V10	EQT 0033 Crude Unit E.V. Flare	10/27/2014-10/30/2014 (76 hours)	Hydrogen sulfide monitored by continuous emission monitor (CEM) continuously.	The facility experienced DCS problems.	40 CFR 60.105(a)(4), Specific Requirement 43
I.	2014 2 nd Semiannual Monitoring Report (03/31/2015)	0400-00004-V10	EQT 0033 Crude Unit E.V. Flare	12/29/2014 (4 hours)	Hydrogen sulfide monitored by continuous emission monitor (CEM) continuously.	The facility experienced downtime due to an unknown cause.	40 CFR 60.105(a)(4), Specific Requirement 43
J.	2015 2 nd Semiannual Monitoring Report (03/31/2016)	0400-00004-V11	EQT 0033 Crude Unit E.V. Flare	10/19/2015 (23 hours)	Hydrogen sulfide monitored by continuous emission monitor (CEM) continuously.	CEMS data not recorded due to historian being down	40 CFR 60.105(a)(4), Specific Requirement 43

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

VII.

The Respondent reported the following emission exceedances:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	POLLUTANTS RELEASED (permit limit)	QUANTITY REPORTED (unit)	REPORTED CAUSE
A.	2013 2 nd Semiannual Monitoring Report (03/31/2014)	0400-00004-V8	EQT 0011 Hydrocal Heater H-101 EQT 0012 Hydrocal Heater H-102 EQT 0013 Hydrocal Heater H-103	07/01/2013-08/01/2013 (2 hours)	Not reported	Not reported	Unknown cause
B.	2013 2 nd Semiannual Monitoring Report (03/31/2014)	0400-00004-V8	EQT 0011 Hydrocal Heater H-101 EQT 0012 Hydrocal Heater H-102 EQT 0013 Hydrocal Heater H-103	08/01/2013-09/01/2013 (13 hours)	Not reported	Not reported	Startup or shutdown

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	POLLUTANTS RELEASED (permit limit)	QUANTITY REPORTED (unit)	REPORTED CAUSE
C.	2013 2 nd Semiannual Monitoring Report (03/31/2014)	0400-00004-V8	EQT 0011 Hydrocal Heater H-101 EQT 0012 Hydrocal Heater H-102 EQT 0013 Hydrocal Heater H-103	08/01/2013-09/01/2013 (1 hour)	Not reported	Not reported	Unknown cause

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

VIII.

The Respondent failed to meet the following reporting requirements:

	REPORT (date)	PERMIT NUMBER	REPORTING REQUIREMENT	SUBMITTAL DATE	DESCRIPTION	REGULATORY or PERMIT REQUIREMENTS
A.	Unauthorized Discharge Notification Report for Incident T170749	0400-00004-V12	Written notification reports required to include but not limited to requirements in LAC 33:I.3925.B	Postmarked 05/27/2016	Report lacks all reporting requirements as outlined in LAC 33:I.3925.B. The report does not include the time and date of prompt notification, corrective/preventative actions adopted to prevent recurrence, and determination of whether the discharge was preventable or not.	LAC 33:I.3925.B, LAC 33:III.927.A, Specific Requirement 334
B.	Unauthorized Discharge Notification Report for Incident T171635	0400-00004-V12	Written notification reports required to include but not limited to requirements in LAC 33:I.3925.B	Postmarked 07/18/2016	Report lacks all reporting requirements as outlined in LAC 33:I.3925.B. The report does not include the time and date of prompt notification, corrective/preventative actions adopted to prevent recurrence, and determination of whether the discharge was preventable or not.	LAC 33:I.3925.B, LAC 33:III.927.A, Specific Requirement 334

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

IX.

The Respondent reported the following recordkeeping violations:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE	RECORD REQUIREMENT	REPORTED CAUSE	SPECIFIC REQUIREMENT or REGULATION
A.	2013 2 nd Semiannual Monitoring Report (03/31/2014)	0400-00004-V8	EQT 0143 Reactor Tanks Scrubber	09/12/2013-09/17/2013 (121 hours)	Flow rate recordkeeping by electronic or hard copy once every four hours	Flow rate was not recorded because the network was down	Specific Requirement 162
B.	2013 2 nd Semiannual Monitoring Report (03/31/2014)	0400-00004-V8	EQT 0143 Reactor Tanks Scrubber	09/12/2013-09/17/2013 (121 hours)	pH recordkeeping by electronic or hard copy once every four hours	pH was not recorded because the network was down	Specific Requirement 166
C.	2013 2 nd Semiannual Monitoring Report (03/31/2014)	0400-00004-V8	EQT 0143 Reactor Tanks Scrubber	09/24/2013-09/25/2013 (13 hours)	Flow rate recordkeeping by electronic or hard copy once every four hours	Flow rate was not recorded because the network was down	Specific Requirement 162
D.	2013 2 nd Semiannual Monitoring Report (03/31/2014)	0400-00004-V8	EQT 0143 Reactor Tanks Scrubber	09/24/2013-09/25/2013 (13 hours)	pH recordkeeping by electronic or hard copy once every four hours	pH was not recorded because the network was down	Specific Requirement 166

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

X.

The Respondent was required to retain a contractor to perform a third-party audit of the facility's Leak Detection and Repair (LDAR) program per Paragraph 50 of the Settlement. The LDAR audit was conducted on October 3-4, 2012. The audit findings were reported in Settlement SA-MM-10-0090 Semiannual Progress Report for January 1, 2013 through June 30, 2013 dated July 31, 2013. The following violations were discovered during the audit:

	TITLE V PERMIT NUMBER	EMISSION POINT/UNIT	FINDING (DEVIATION)	REGULATORY or PERMIT REQUIREMENTS	CORRECTIVE ACTIONS*	COMPLETION DATE
A.	0400-00004-V7	Facility-wide	Three (3) open-ended lines (OELs) were noted during the comparative monitoring. The facility does not routinely cap, plug, or double-block OELs in heavy liquid VOC service.	40 CFR 60.481, 40 CFR 60.482-6, Specific Requirement 223	The maintenance team has been trained on open-ended lines. All open-ended lines found during the audit have been closed.	Completed 1 st Half of 2013

	TITLE V PERMIT NUMBER	EMISSION POINT/UNIT	FINDING (DEVIATION)	REGULATORY or PERMIT REQUIREMENTS	CORRECTIVE ACTIONS*	COMPLETION DATE
B.	0400-00004-V7	HT	Refinery fuel gas appeared to contain over 10% VOC. If this was accurate, then an estimated eighty (80) valves in fuel gas service should be included in the LDAR program.	40 CFR 60.481, 40 CFR 60.485(d), Specific Requirement 224	The VOC content of the fuel gas is being reviewed. If it is found that the fuel gas contains >10% VOC the components in fuel gas service will be included in the LDAR program.	Completed 2 nd Half of 2013
C.	0400-00004-V7	HT	Approximately fifty (50) valves in recycled hydrogen service appeared to meet the 10 wt. % VOC service criteria and if so, should be brought into the LDAR program.	40 CFR 60.481, 40 CFR 60.485(d), Specific Requirement 224	The VOC content of the recycled hydrogen is being reviewed. If it is found that the recycle hydrogen contains >10% VOC the components in recycled hydrogen service will be included in the LDAR program.	Completed 2 nd Half of 2013
D.	0400-00004-V7	HC and Crude	Twenty-two (22) untagged components were identified during the comparative monitoring that did not appear to be included in the LDAR program but which may have LDAR applicability.	40 CFR 60.482-2, 40 CFR 60.482-7, Specific Requirement 223	Untagged components that have LDAR applicability were added to the LDAR program.	Completed 1 st Half of 2013
E.	0400-00004-V7	P-Crude	Under NSPS VV new valves must be monitored for two consecutive months after being brought into service. One (1) valve appeared to be in non-compliance with this requirement.	40 CFR 60.482-7, Specific Requirement 223	LDAR program follows the quarterly QC review as required by the Settlement.	Completed 1 st Half of 2013

* As reported in Settlement SA-MM-10-0090 Semiannual Progress Report for January 1, 2013 through June 30, 2013 dated July 31, 2013.

Each violation associated with the LDAR audit is a violation of the Title V Permit and regulatory and/or permit requirements listed above, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

XI.

The Respondent was required to conduct an audit to ensure compliance with the requirement of NSPS, Subpart QQQ per Paragraph 67 of the Settlement, within twelve (12) months of the January 31, 2012 effective date. The QQQ audit was conducted on March 14-15, 2012. The audit findings were reported in the NSPS QQQ Audit Report dated March 28, 2013, after inadvertently being omitted from the Settlement SA-MM-10-0090 Semiannual Progress Report for July 1, 2012 through December 31, 2012 dated January 31, 2013. The following violations were discovered during the audit:

	TITLE V PERMIT NUMBER	AUDIT FINDING	REGULATORY or PERMIT REQUIREMENTS	CORRECTIVE ACTIONS	COMPLETION DATE*
A.	0400-00004-V7	Water seal caps of six (6) affected drains and catch basins were or had been dismantled (i.e. not placed in service).	60.692-2(a)(1)	Re-install the water seal cap and reset the water seal.	08/24/2012
B.	0400-00004-V7	Water seals of five (5) affected drains and catch basins were found with trash, dirt, or oily sludge.	60.692-2(a)(2)	Clean the catch basin and reset the water seal.	08/24/2012
C.	0400-00004-V7	Three (3) manhole covers did not have tight seal gaskets installed or external caulking	60.692-2(5)(b)(1)	Provide external caulking.	08/24/2012
D.	0400-00004-V7	Four (4) affected sumps did not have covers.	40 CFR 60.692-2(b)(1)	Provide tight seal cover for the sump.	09/14/2012
E.	0400-00004-V7	Two (2) oil skimmers and their associated sumps were not covered.	40 CFR 60.692-2(b)(1)	Provide tight seal cover for the sump.	Not provided
F.	0400-00004-V7	One (1) ditch near the rail car area was not covered	40 CFR 60.692-2(c)(1)	Provide tight seal cover for the ditch.	Not provided
G.	0400-00004-V7	Failed to install carbon canisters on two (2) outside oil/water separators.	40 CFR 60.695	Install the double carbon canister system and associated piping.	01/18/2013
H.	0400-00004-V7	Carbon canister system for the three (3) oil water separators in the Wastewater Treatment building were disconnected (i.e. not in service).	40 CFR 60.695	Re-install the double carbon canister system and associated piping.	01/18/2013
I.	0400-00004-V7	The oil recovery tank in the Wastewater Treatment building did not have a roof cover.	40 CFR 60.692-3(a)	Provide fixed roof for the tank with tight seal	03/30/2013
J.	0400-00004-V7	None of the monthly and/or semiannual visual inspection records for each affected drain, catch basin, or sump were kept, except for the daily breakthrough records of the carbon canister systems located inside the Wastewater Treatment building. However, it also appears that this carbon canister system was disconnected (out of service) after January 2012.	40 CFR 60.697(b), 40 CFR 60.697(f)	Develop a monthly inspection and begin the recordkeeping process and report semiannually as appropriate. Implement recordkeeping requirements.	08/24/2012
K.	0400-00004-V7	The semiannual inspection reports were completed at least for the years of 2010 and 2011; however, they only included the carbon canister systems located inside the Wastewater Treatment building	40 CFR 60.692-2(a)(2), 40 CFR 60.692-2(b)(3), 40 CFR 60.692-2(c)(2), 40 CFR 60.697(a), 40 CFR 60.697(b)(1), 40 CFR 60.697(b)(2), 40 CFR 60.697(c)-(d)	Implement inspection requirements.	08/28/2012
L.	0400-00004-V7	No semiannual reporting was completed for prior reporting years.	40 CFR 60.698(c)	Implement reporting requirements.	01/31/2013

* as reported in in the NSPS QQQ Audit Report dated March 28, 2013.

Each violation associated with the QQQ audit is a violation of the Title V Permit and regulatory and/or permit requirements listed above, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

XII.

The Respondent was required to conduct a Title V permit audit to ensure compliance with the requirements of the permits per Paragraph 69 of the Settlement. The Title V audit was conducted on November 12-14, 2012. The audit findings were reported in Settlement SA-MM-10-0090 Semianrual Progress Report for January 1, 2013 through June 30, 2013 dated July 31, 2013. The following violations were discovered during the audit:

	TITLE V PERMIT NUMBER	EMISSION POINT	DEVIATION	REGULATORY or PERMIT REQUIREMENTS	CORRECTIVE ACTIONS*	PROPOSED COMPLETION DATE *
A.	0400-0004-V7	EQT 0027 Cooling Tower	Emission calculation was incorrect and underestimated by an order of magnitude due to a mathematical error	LAC 33:III.919.G	The facility will review the cooling tower calculations in the recently submitted permit renewal application. Additionally, a review of other calculations will be performed at the same time to verify other methodologies are correct. Following the review, the facility will submit a revised permit modification addendum to correct any erroneous calculations in the current permit renewal application which was submitted on August 27, 2012.	09/30/2013
B.	0400-0004-V7	N/A Emulsion Dust Collector	Source was inadvertently omitted from the application.	LAC 33:III.501.C.1, LAC 33:III.501.C.2	The facility will submit a revised permit modification addendum to include this omitted source in the current permit renewal application which was submitted on August 27, 2012.	09/30/2013
C.	0400-0004-V7	All Lube Oil and Distillate Tanks	Twice a year during planned shutdowns, distillate is temporarily stored in lube tanks. However, this scenario is not included in the current air permit and application. This scenario does not impact VOC emissions (as vapor pressures of both products are similar); however, due to speciation differences, the toxic emission rates will differ and are underrepresented in the permit	LAC 33:III.517.C	The facility will submit a revised permit modification addendum to include this omitted scenario with the tanks in the current permit renewal application which was submitted on August 27, 2012.	09/30/2013
D.	0400-0004-V7	CRG0003 Asphalt Heater Oxidizers	Facility has not submitted any Subpart 7A report; compliance date for rule December 2010	40 CFR 63.11559, Specific Requirement 278	The facility will develop and submit all required reporting.	09/30/2013

	TITLE V PERMIT NUMBER	EMISSION POINT	DEVIATION	REGULATORY or PERMIT REQUIREMENTS	CORRECTIVE ACTIONS*	PROPOSED COMPLETION DATE*
E.	0400-0004-V7	UNF 0001 Facility	Princeton Refinery does not have an onsite standby plan for the reduction or elimination of emissions during an Air Pollution Emergency as required	LAC 33:III.5609.A, Specific Requirement 322	The facility will develop an onsite Air Pollution Emergency standby plan and keep the plan onsite.	04/01/2013
F.	0400-0004-V7	FUG0002 Wastewater Fugitives	For process drains in VOC service, Method 21 monitoring has not been performed	LAC 33:III.2121.C.1.a.iii, Specific Requirement 253	During the next LDAR monitoring the facility will add process drains that are VOC service to the list of components to be monitored.	04/01/2013
G.	0400-0004-V7	EQT0014 Sulfur Plant Incinerator	The annual sulfur incinerator reports were never submitted.	LAC 33:III.501.C.4, Specific Requirement 51	The facility will begin submitting the sulfur incinerator SO ₂ annual report to LDEQ.	04/01/2013
H.	0400-0004-V7	GRP0005 Asphalt Cap	The annual asphalt production reports were never submitted.	LAC 33:III.501.C.4, Specific Requirement 266	The facility will begin submitting the total annual asphalt production report to LDEQ.	04/01/2013
I.	0400-0004-V7	EQT 0139 EQT 0141 EQT 0142 Dust Collectors	The daily checklist for operators that includes baghouse filter checks were not completed, recorded, or stored adequately. A daily check should be performed and records retained for at least 5 years.	LAC 33:III.501.C.4 Specific Requirements 128, 133, & 141	The facility will review the current daily operator's checklist to make changes to it based on the data that needs to be included. Additionally, even when there are periods that the baghouses are not operating a checklist will be completed notating that the unit is not operating.	01/31/2013
J.	0400-0004-V7	CRG 002 Ejector Vents	Ejector vents are subject to CAM plan and monitoring. A CAM plan was not submitted as required.	40 CFR 64	The facility will develop and submit a CAM monitoring plan to LDEQ for the ejector vents subject to the requirement.	09/30/2013

* as reported in Settlement SA-MM-10-0090 Semiannual Progress Report for January 1, 2013 through June 30, 2013 dated July 31, 2013. According to the Settlement SA-MM-10-0090 Semiannual Progress Report for July 1, 2013 through December 31, 2013 dated January 29, 2014, all corrective actions were completed at the time of submission. Corrective action completion dates were also provided in the 2013 1st Semiannual Monitoring Report dated September 30, 2013.

Each violation associated with the Title V permit audit is a violation of the Title V Permit and regulatory and/or permit requirements listed above, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

XIII.

The Respondent was required to retain a contractor to perform a third-party audit of the facility's Leak Detection and Repair (LDAR) program per Paragraph 50 of the Settlement. The LDAR audit was conducted on May 20-22, 2015. The audit findings were reported in Settlement SA-MM-10-0090 Semiannual Progress Report for January 1, 2016 through June 30, 2016 dated July 29, 2016. The following violations were discovered during the audit:

	TITLE V PERMIT NUMBER	FINDING (DEVIATION)	REGULATORY or PERMIT REQUIREMENTS	CORRECTIVE ACTIONS*	PROPOSED DATE OF COMPLETION*
A.	0400-00004-V11	Six (6) open ended lines found	40 CFR 60.482-6(a)(1), Specific Requirement 157	The maintenance team has been trained on open-ended lines. All open-ended lines found during the audit have been closed.	Complete
B.	0400-00004-V11	Nineteen (19) untagged components	40 CFR 60.482-2, 40 CFR 60.482-7, Specific Requirement 157	The untagged components were tagged.	Complete
C.	0400-00004-V11	The number of "difficult to monitor" components monitored during the reporting period are required to be listed in Semi-Annual Reports. Not found in any Semi-Annual Reports	Settlement Paragraph 61.c.iii(d)), Specific Requirement 187	Semiannual reports now include a description of the "number of difficult to monitor pieces of equipment monitored" as required by Paragraph 61.c.iii(d), the "projected month of the next monitoring event for the unit" as required by Paragraph 61.c.iii(e), and the citation for "number of valves for which leaks were detected" lists 60.482(7)(b), has been corrected to 60.482-7(b)."	Complete
D.	0400-00004-V11	The projected month of the next monitoring event for each unit is required to be listed in Semi-Annual Reports. Not found in any Semi-Annual Reports.	Settlement Paragraph 61.c.iii.(e), Specific Requirement 187		
E.	0400-00004-V11	MOC 2014-HC-007 included addition of a pump that is in light liquid service. This change was not identified as LDAR-applicable in MOC, pump was not added to LeakDAS, no indication of initial monitoring.	Settlement Paragraph 58, Specific Requirement 187	Corrected; in the future, applicable LDAR changes will be identified in the LeakDAS database for projects identified by a MOC form.	Complete
F.	0400-00004-V11	MOC 2014-PR-004 addressed the replacement of an LDAR-applicable valve. Tag number was re-used, thus the new valve was not monitored in the first two months after installation before switching to quarterly monitoring.	Settlement Paragraph 58, Specific Requirement 187		

* as reported in Settlement SA-MM-10-0090 Semiannual Progress Report for January 1, 2016 through June 30, 2016 dated July 29, 2016

Each violation associated with the LDAR audit is a violation of the Title V Permit and regulatory and/or permit requirements listed above, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

XIV.

The Respondent reported the following deviations:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE
A.	2012 2 nd Semiannual Excess Emissions and Monitoring Systems Summary Report (01/31/2013)	0400-00004- V7	EQT 0013 Hydrocal Heater H-103	12/20/2012 (10 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over standard of 230 mg/dscm by 153% (581.2 mg/dscm, 409.9 ppmv); related to startup of the unit and auxillary units after a power failure caused the unit to be shut down on 12/20/2012.
B.	2012 2 nd Semiannual Excess Emissions and Monitoring Systems Summary Report (01/31/2013)	0400-00004- V7	EQT 0013 Hydrocal Heater H-103	12/20/2012- 12/21/2012 (17 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over standard of 230 mg/dscm by 150% (574.4 mg/dscm, 405.1 ppmv); related to startup of the unit and auxillary units after a power failure caused the unit to be shut down on 12/20/2012.
C.	2013 1 st Semiannual Excess Emissions and Monitoring Systems Summary Report (07/19/2013)	0400-0004-V8	EQT 0015 Hydrocal Unit No. 1 Flare	02/23/2013 (3 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over standard of 230 mg/dscm by 6% (242.9 mg/dscm, 171.3 ppmv); related to startup of the unit and auxillary units after a power failure caused the unit to be shut down.
D.	2013 1 st Semiannual Excess Emissions and Monitoring Systems Summary Report (07/19/2013)	0400-0004-V8	EQT 0011 Hydrocal Heater H-101 EQT 0012 Hydrocal Heater H-102 EQT 0013 Hydrocal Heater H-103	02/24/2013- 02/25/2013 (6 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over standard of 230 mg/dscm by 125% (517.9 mg/dscm, 365.2 ppmv); related to startup of the unit and auxillary units after a power failure caused the unit to be shut down.

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE
E.	2013 1st Semiannual Excess Emissions and Monitoring Systems Summary Report (07/19/2013)	0400-0004-V8	EQT 0011 Hydrocal Heater H-101 EQT 0012 Hydrocal Heater H-102 EQT 0013 Hydrocal Heater H-103	02/25/2013 (1 hour)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over standard of 230 mg/dscm by 1% (232.7 mg/dscm, 164.1 ppmv); related to startup of the unit and axillary units after a power failure caused the unit to be shut down.
F.	2013 1 st Semiannual Excess Emissions and Monitoring Systems Summary Report (07/19/2013)	0400-0004-V8	EQT 0011 Hydrocal Heater H-101 EQT 0012 Hydrocal Heater H-102 EQT 0013 Hydrocal Heater H-103	02/25/2013 (5 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over standard of 230 mg/dscm by 104% (468.8 mg/dscm, 330.6 ppmv); related to startup of the unit and auxiliary units after a power failure caused the unit to be shut down.
G.	2013 2 nd Semiannual Excess Emissions and Monitoring Systems Summary Report (01/27/2014)	0400-00004-V8	EQT 0015 Hydrocal Unit No. 1 Flare	08/09/2013-08/11/2013 (32 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over H ₂ S Standard of 230 mg/dscm by 28% (295.2 mg/dscm, 208.2 ppmv). Exceedance due to power outage.
	2013 2 nd Semiannual Monitoring Report (03/31/2014)					
H.	2013 2 nd Semiannual Monitoring Report (03/31/2014)	0400-00004-V8	EQT 0011 Hydrocal Heater H-101 EQT 0012 Hydrocal Heater H-102 EQT 0013 Hydrocal Heater H-103	08/13/2013 (9 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over H ₂ S Standard of 230 mg/dscm by 147%. Excess emissions related to the startup of the unit and auxiliary units after the power company shut off the power for maintenance work.

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE
I.	2013 2 nd Semiannual Monitoring Report (03/31/2014)	0400-00004- V8	EQT 0011 Hydrocal Heater H-101 EQT 0012 Hydrocal Heater H-102 EQT 0013 Hydrocal Heater H-103	08/14/2013 (4 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over H ₂ S Standard of 230 mg/dscm by 91%. Excess emissions related to the startup of the unit and auxiliary units after the power company shut off the power for maintenance work.
J.	2014 1 st Semiannual Excess Emissions and Monitoring Systems Summary Report (07/31/2014)	0400-00004- V10	CRG 0006 EQT 0011-0013 Hydrocal Heaters	04/08/2014 (5 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Power outage
	2014 1 st Semiannual Monitoring Report (09/30/2014)					
K.	2014 1 st Semiannual Excess Emissions and Monitoring Systems Summary Report (07/31/2014)	0400-00004- V10	EQT 0015 Hydrocal Unit No. 1 Scrubber/Flare	04/08/2014- 04/09/2014 (6 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Power outage
	2014 1 st Semiannual Monitoring Report (09/30/2014)					
L.	2014 1 st Semiannual Excess Emissions and Monitoring Systems Summary Report (07/31/2014)	0400-00004- V10	EQT 0015 Hydrocal Unit No. 1 Scrubber/Flare	05/15/2014- 05/16/2014 (3 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Power outage
	2014 1 st Semiannual Monitoring Report (09/30/2014)					
M.	2014 2 nd Semiannual Excess Emissions and Monitoring Systems Summary Report (01/20/2015)	0400-00004- V10	CRG 0006 EQT 0011-0013 Hydrocal Heaters	07/23/2014 (3 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over H ₂ S standard of 230 mg/dscm by 38%; 224.4 ppm. The facility experienced a power outage.
	2014 2 nd Semiannual Monitoring Report (03/31/2015)					

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE
N	2014 2 nd Semiannual Excess Emissions and Monitoring Systems Summary Report (01/20/2015)	0400-00004-V10	CRG 0006 EQT 0011-0013 Hydrocal Heaters	07/24/2014 (3 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over H ₂ S standard of 230 mg/dscm by 2%; 166.2 ppmv. The facility experienced a power outage.
	2014 2 nd Semiannual Monitoring Report (03/31/2015)					
O.	2014 2 nd Semiannual Excess Emissions and Monitoring Systems Summary Report (01/20/2015)	0400-00004-V10	CRG 0006 EQT 0011-0013 Hydrocal Heaters	09/16/2014 (4 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over H ₂ S standard of 230 mg/dscm by 77%; 407.9 ppmv. Excess emissions related to the startup of the unit and auxiliary units after the power company shut off the power for maintenance work.
	2014 2 nd Semiannual Monitoring Report (03/31/2015)					
P.	2014 2 nd Semiannual Excess Emissions and Monitoring Systems Summary Report (01/20/2015)	0400-00004-V10	CRG 0006 EQT 0011-0013 Hydrocal Heaters	09/16/2014 (4 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over H ₂ S standard of 230 mg/dscm by 77%; 407.9 ppmv. Excess emissions related to the startup of the unit and auxiliary units after the power company shut off the power for maintenance work.
	2014 2 nd Semiannual Monitoring Report (03/31/2015)					
Q.	2014 2 nd Semiannual Excess Emissions and Monitoring Systems Summary Report (01/20/2015)	0400-00004-V10	EQT 0015 Hydrocal Unit No. 1 Scrubber/Flare	08/02/2014- 08/03/2014 (10 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over H ₂ S standard of 230 mg/dscm by 9%; 176.4 ppmv. Excess emissions related to carry-over from a previous SRU shutdown.
	2014 2 nd Semiannual Monitoring Report (03/31/2015)					
R.	2014 2 nd Semiannual Excess Emissions and Monitoring Systems Summary Report (01/20/2015)	0400-00004-V10	EQT 0015 Hydrocal Unit No. 1 Scrubber/Flare	08/03/2014- 08/04/2014 (13 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over H ₂ S standard of 230 mg/dscm by 75%; 283.6 ppmv. Excess emissions related to carry-over from a previous SRU shutdown.
	2014 2 nd Semiannual Monitoring Report (03/31/2015)					

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE
S.	2014 2 nd Semiannual Excess Emissions and Monitoring Systems Summary Report (01/20/2015)	0400-00004- V10	EQT 0015 Hydrocal Unit No. 1 Scrubber/Flare	08/04/2014- 08/05/2014 (13 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over H ₂ S standard of 230 mg/dscm by 59%; 258.6 ppmv. Excess emissions related to carry-over from previous SRU shutdown.
	2014 2 nd Semiannual Monitoring Report (03/31/2015)					
T.	2014 2 nd Semiannual Excess Emissions and Monitoring Systems Summary Report (01/20/2015)	0400-00004- V10	EQT 0015 Hydrocal Unit No. 1 Scrubber/Flare	08/05/2014 (8 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over H ₂ S standard of 230 mg/dscm by 60%; 259.3 ppmv. Excess emissions related to carry-over from previous SRU shutdown.
	2014 2 nd Semiannual Monitoring Report (03/31/2015)					
U.	2014 2 nd Semiannual Excess Emissions and Monitoring Systems Summary Report (01/20/2015)	0400-00004- V10	EQT 0015 Hydrocal Unit No. 1 Scrubber/Flare	11/03/2014 (2 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over H ₂ S standard of 230 mg/dscm by 74%; 282.1 ppmv. Excess emissions during this period were related to the startup of the unit and auxiliary units after the power company shut off the power for maintenance work on the SRU Unit.
	2014 2 nd Semiannual Monitoring Report (03/31/2015)					
V.	2014 2 nd Semiannual Excess Emissions and Monitoring Systems Summary Report (01/20/2015)	0400-00004- V10	EQT 0015 Hydrocal Unit No. 1 Scrubber/Flare	11/04/2014 (4 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Over H ₂ S standard of 230 mg/dscm by 54%; 249.5 ppmv. Excess emissions during this period were related to the startup of the unit and auxiliary units after the power company shut off the power for maintenance work on the SRU Unit.
	2014 2 nd Semiannual Monitoring Report (03/31/2015)					
W.	2016 1 st Semiannual Monitoring Report (09/30/2016)	0400-00004- V12	EQT 0015 Hydrocal Unit No. 1 Scrubber/Flare	06/21/2016- 06/22/2016 (6 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Fuel gas measured above H ₂ S standard of 230 mg/dscm after a power failure tripped a unit.
X.	2016 1 st Semiannual Monitoring Report (09/30/2016)	0400-00004- V12	EQT 0015 Hydrocal Unit No. 1 Scrubber/Flare	06/22/2016 (1 hour)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Fuel gas measured above H ₂ S standard of 230 mg/dscm after a power failure tripped a unit.

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE
Y.	2016 1 st Semiannual Monitoring Report (09/30/2016)	0400-00004- V12	EQT 0015 Hydrocal Unit No. 1 Scrubber/Flare	06/23/2016 (6 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Fuel gas measured above H ₂ S standard of 230 mg/dscm after a power failure tripped a unit.
Z.	2016 1 st Semiannual Monitoring Report (09/30/2016)	0400-00004- V12	CRG 0006 EQT 0011-0013 Hydrocal Heaters	06/24/2016 (3 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Fuel gas measured above H ₂ S standard of 230 mg/dscm after a power failure tripped unit.
AA.	2016 1 st Semiannual Monitoring Report (09/30/2016)	0400-00004- V12	CRG 0006 EQT 0011-0013 Hydrocal Heaters	06/25/2016 (2 hours)	Fuel gas: Hydrogen sulfide < 0.1 gr/dscf (230 mg/dscm) [162 ppmv] 3-hr rolling average	Fuel gas measured above H ₂ S standard of 230 mg/dscm after a power failure tripped unit.
BB.	2013 2 nd Semiannual Monitoring Report (03/31/2014)	0400-00004- V8	EQT 0033 Crude Unit E.V. Flare	08/13/2013- 08/15/2013 (44 hours)	Hydrogen sulfide monitored by continuous emission monitor (CEM) continuously.	The H ₂ S CEMS was down. Plant-wide shutdown due to power supply company shutting off power.
CC.	2014 2 nd Semiannual Monitoring Report (03/31/2015)	0400-00004- V10	EQT 0033 Crude Unit E.V. Flare	07/24/2014 (2 hours)	Hydrogen sulfide monitored by continuous emission monitor (CEM) continuously.	The facility experienced a power outage.

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 thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report identifying any instances in which exceeding the hydrogen sulfide concentration limit of 0.1 gr/dscf (230 mg/dscm) resulted in the exceedance of permitted limits for sulfur dioxide and hydrogen for the applicable emission source. Specifically, the reports shall include any instances of the hydrogen sulfide concentration exceeding the concentration limit of 0.1 gr/dscf (230 mg/dscm) as cited in Paragraph IV.A-I of the **FINDINGS OF FACT** portion of this action.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report identifying the causes of violations denoted in Paragraph IV.J, L-M, and O-T and Paragraph VII of the **FINDINGS OF FACT** portion of this action.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt **COMPLIANCE ORDER**, a written report identifying the pollutants and quantities which exceeded the permit limits as cited in Paragraph VII of the **FINDINGS OF FACT** portion of this action.

V.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, detailed Unauthorized Discharge Notification Reports for the incidents cited in Paragraph VIII of the **FINDINGS OF FACT** portion of this action. The reports should include all the requirements outlined in LAC 33:I.3925.B.

VI.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written update for the corrective actions related to the QQQ Audit findings reported in Paragraph XI.E-F of the **FINDINGS OF FACT** portion of this action.

VII.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that shall include, but is not limited to, the following information related to Paragraph XIV of the **FINDINGS OF FACT** portion of this action: 1) a description of how power is provided to the facility; 2) if power is provided by a third party, provide a description of the notification procedure for the outages; 3) a description of the standard operating procedure (SOP) for power outages, e.g. backup equipment; 4) a description of the SOP for maintenance work; 5) a description of the circumstances surrounding the exceedances of the 230 mg/dscm standard reported for EQT 0015 in August 2014. According to the semiannual report, the reported cause of the exceedances was "excess emissions related to carry-over from a previous SRU shutdown."

VIII.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order

Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Antoinette Cobb
Re: Enforcement Tracking No. AE-CN-16-00972
Agency Interest No. 1224

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-16-00972
Agency Interest No. 1224

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 Antoinette Cobb at (225) 219-3072 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

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

IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

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

Baton Rouge, Louisiana, this 2nd day of February, 2018.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

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

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

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

August 23, 2018

CERTIFIED MAIL (7012 2210 0001 1915 8312)
RETURN RECEIPT REQUESTED

CALUMET PRINCETON REFINING, LLC
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-16-00972A
AGENCY INTEREST NO. 1224**

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 **CALUMET PRINCETON REFINING, LLC (RESPONDENT)** for the violations described therein.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Celeria J. Cage".

Celeria J. Cage
Administrator
Enforcement Division

CJC/AFC/afc
Alt ID No. 0400-00004
Attachment



c: Calumet Princeton Refining, LLC
c/o Mr. Joseph P. Boroden, Plant Manager
10234 Louisiana Highway 157
Princeton, Louisiana 71067

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**CALUMET PRINCETON REFINING, LLC
BOSSIER PARISH
ALT ID NO. 0400-00004**

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

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **AE-CN-16-00972A**
*
* **AGENCY INTEREST NO.**
*
* **1224**
*

**AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY**

On or about October 5, 2017, the Louisiana Department of Environmental Quality (the Department) received a Notification of Change (NOC-1) Form for the facility. According to the NOC-1, the company name was changed from Calumet Lubricants Company, LP to Calumet Princeton Refining, LLC effective September 1, 2017. The Department effectively updated the records to reflect the name change on October 23, 2017. The Department hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-16-00972** issued to **CALUMET PRINCETON REFINING, LLC FORMERLY KNOWN AS CALUMET LUBRICANTS COMPANY, LP (RESPONDENT)** on February 2, 2018 in the above-captioned matter as follows:

I.

The Department hereby removes Paragraph II.B of the Findings of Fact in its entirety.

II.

The Department hereby removes Paragraph VII of the Findings of Fact in its entirety.

III.

The Department hereby amends Paragraph VIII of the Findings of Fact to read as follows:

“VIII.

The Respondent failed to meet the following reporting requirements:

REPORT (date)	PERMIT NUMBER	REPORTING REQUIREMENT	SUBMITTAL DATE	DESCRIPTION	REGULATORY or PERMIT REQUIREMENTS
Unauthorized Discharge Notification Report for Incident T171635	0400-00004-V12	Written notification reports required to include but not limited to requirements in LAC 33:III.3925.B	Postmarked 07/18/2016	Report lacks all reporting requirements as outlined in LAC 33:III.3925.B. The report does not include the time and date of prompt notification, corrective/preventative actions adopted to prevent recurrence, and determination of whether the discharge was preventable or not.	LAC 33:III.3925.B, LAC 33:III.927.A, Specific Requirement 334

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

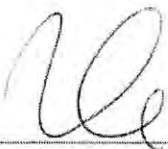
IV.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-16-00972A** and **AGENCY INTEREST NO. 1224** as if reiterated herein.

V.

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

Baton Rouge, Louisiana, this 30th day of August, 2018.



 Lourdes Iturralde
 Assistant Secretary
 Office of Environmental Compliance

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

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

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION

CONSOLIDATED COMPLIANCE ORDER &

POST OFFICE BOX 4312

NOTICE OF POTENTIAL PENALTY

BATON ROUGE, LOUISIANA 70821-4312



Enforcement Tracking No.	WE-CN-18-00241	Certified Mail No.	7004 2510 0005 5763 0416
Agency Interest (AI) No.	1214	Contact Name	Richard Ober, Jr.
Alternate ID No.	LA0032417	Contact Phone No.	(225) 219-3135
Respondent:	Calumet Shreveport Refining, LLC	Facility Name:	Shreveport Refinery
	c/o C T Corporation System	Physical Location:	3333 Midway Avenue
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Shreveport, Louisiana 71109
	Baton Rouge, Louisiana 70816	Parish:	Caddo

This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is issued 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

An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.

I. The Respondent owns and/or operates a petroleum refinery located at or near 3333 Midway Avenue, Shreveport, Caddo Parish, Louisiana. The Respondent was issued modified LPDES permit LA0032417 on or about November 30, 2010, with an effective date of January 1, 2011, and an expiration date of September 30, 2013. The Department received a permit renewal application from the Respondent on or about March 26, 2013. LPDES permit LA0032417 was administratively continued until it was reissued to the Respondent on July 1, 2014, with an effective date of August 1, 2014, and an expiration date of July 31, 2019. Under the terms and conditions of LPDES Permit LA0032417, the Respondent is permitted to discharge treated process wastewaters; tank water draws; Quality Control (QC) laboratory wastewater; boiler blowdown; cooling tower blowdown; other utility wastewaters (including, but not limited to, reverse osmosis water, hydrostatic test water, compressor condensate, steam condensate, washdown water, fire training water, and fire systems test water); process and non-process area stormwater; and miscellaneous process and non-process wastewaters (including, but not limited to, groundwater from remediation activities, drum seal water, flue gas seal and pot seal water, flare stack drum seal water, and pump gland/seal water) (Outfall 001); low contamination potential stormwater runoff from non-process areas throughout the facility (Outfall 007); and low contamination potential stormwater runoff from non-process areas in the southwest portion of the facility (Outfall 008) to Wallace Lake via Brush Bayou, all waters of the state.

The Respondent was also granted authorization under Louisiana Pollutant Discharge Elimination System (LPDES) Short-Term and Emergency Discharges General Permit LAG420000 effective on August 2, 2017, and assigned number LAG420064. Under the terms and conditions of LPDES Permit LAG420064, the Respondent was permitted to discharge potentially contaminated firewater from Outfall 001 to Brush Bayou via local drainage, waters of the state. The Department received a Notice of Termination form from the Respondent under cover letter dated September 11, 2017, requesting termination of coverage under LPDES Permit LAG420064. LPDES Permit LAG420064 was terminated by the Department on or about November 22, 2017.

The Respondent was issued CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-16-01105 on or about February 15, 2017. The Department received responses from the Respondent dated March 23, 2017 and May 12, 2017. CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-16-01105 is a final action of the Department and not subject to further review.

	Date of Violation	Description of Violation
II.	Inspection(s) December 13, 2017 File Review June 25, 2018	The Respondent failed to comply with LPDES permit LA0032417 and LPDES permit LAG420064. Specifically, the Respondent reported exceedances of permit effluent limitations on Discharge Monitoring Reports (DMRs) and/or noncompliance reports. See Attachment 1 (LPDES permit LA0032417 (Part I, Effluent Limitations and Monitoring Requirements, pages 2 and 3 of 9 and Part III, Standard Conditions for LPDES Permits, Section A.2) or LPDES permit LAG420064 (Part I, Section B, Schedule H, numbers 2, 9, 29, 46 and Part III, Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)
III.	Inspection(s) December 13, 2017	The Respondent failed to utilize adequate laboratory controls and/or appropriate quality assurance procedures. Specifically, it was noted that the flow meter operated with 27% drift at the time of the inspection. A representative of the Respondent stated that the flow meter was not functioning properly because the temperature compensator had malfunctioned causing the electronics in the system to report incorrect flow readings. Additionally, the pH meter was not holding within the proper calibration drift causing incorrect readings for pH at Outfall 001. (LPDES permit LA0032417 (Part III, Sections A.2, B.3.a, and C.5.b), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E)
IV.	File Review June 25, 2018	The Respondent failed to report a violation of a maximum daily discharge limitation for any pollutants listed in the permit within twenty-four (24) hours upon discovering the unauthorized discharge or release. Specifically, according to the DMR for August 2017 for LPDES permit LAG420064, the benzene daily maximum permit limitation was exceeded. The Department has no record of this violation being reported. (LPDES permit LAG420064 (Part II, Section H and Part III, Standard Conditions for LPDES Permits, Sections A.2 and D.6.b), La. R.S. 30:2076(A)(3) and LAC 33:IX.2701.L.6.b.iii) Additionally, the Respondent failed to submit the Written Notification Report within seven (7) calendar days after the 24-hour notification of the LPDES permit limit excursion. (LPDES permit LAG420064 (Part II, Section H and Part III, Standard Condition for LPDES Permits, Sections A.2 and D.6.d), La. R.S. 30:2076(A)(3) and LAC 33:IX.501.A.)

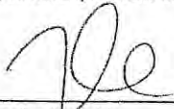


ORDER	
Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:	
I.	To take, immediately upon receipt of this COMPLIANCE ORDER , any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting <u>all</u> of the violations described in the "Findings of Fact" portion.
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 violation(s) 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 the Department at the address specified in this document.
RIGHT TO APPEAL	
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 left-hand corner of the first page of this document and should be directed to the address specified in this document.
III.	Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Division of Administrative Law's (DAL) Procedural Rules. The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.
IV.	This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.
V.	The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.
VI.	Civil penalties of not more than 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 Richard Ober, Jr. at (225) 219-3135 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY .
III.	The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY . Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.
IV.	This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.
CONTACTS AND SUBMITTAL OF INFORMATION	
Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Richard Ober, Jr.	Hearing Requests: 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. WE-CN-18-00241 Agency Interest No. 1214
Water Permits Division (if necessary): Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

**HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY**

- To appeal the **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**.
- To request closure of the **COMPLIANCE ORDER** portion, the Respondent must demonstrate compliance with the "Order" portion of this **COMPLIANCE ORDER** by completing the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form and returning it to the address specified.
 - Before requesting closure of the **COMPLIANCE ORDER** portion, please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.
- To expedite closure of the **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.
 - The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7.
 - The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
 - The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer.
 - **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
 - Before requesting closure of the **NOTICE OF POTENTIAL PENALTY** portion, please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

If you have questions or need more information, you may contact Richard Ober, Jr. at (225) 219-3135 or richard.ober@la.gov.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Date: _____

7-2-18

cc: Ms. Eileen Cronin, Environmental Manager
Calumet Shreveport Refining, LLC
Post Office Box 3099
Shreveport, Louisiana 71133

Attachment(s)

- Request to Close
- Attachment 1
- Settlement Brochure

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION

CONSOLIDATED COMPLIANCE ORDER &

POST OFFICE BOX 4312

NOTICE OF POTENTIAL PENALTY

BATON ROUGE, LOUISIANA 70821-4312

REQUEST TO CLOSE



Enforcement Tracking No.	WE-CN-18-00241	Contact Name	Richard Ober, Jr.
Agency Interest (AI) No.	1214	Contact Phone No.	(225) 219-3135
Alternate ID No.	LA0032417		
Respondent:	Calumet Shreveport Refining, LLC	Facility Name:	Shreveport Refinery
	c/o C T Corporation System	Physical Location:	3333 Midway Avenue
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Shreveport, Louisiana 71109
	Baton Rouge, Louisiana 70816	Parish:	Caddo

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1 Subpart 1, Chapter 7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-18-00241), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-18-00241), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional) = \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-18-00241) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statements above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature		Respondent's Printed Name		Respondent's Title	
Respondent's Physical Address			Respondent's Phone #		Date

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality
 Office of Environmental Compliance
 Enforcement Division
 Post Office Box 4312
 Baton Rouge, LA 70821
 Attn: Richard Ober, Jr.

If you have questions or need more information, you may contact Richard Ober, Jr. at (225) 219-3135 or richard.ober@la.gov.

Attachment 1

Effluent Exceedances

LPDES Permit LA0032417

Date	Outfall	Parameter	Permit Limit	Sample Value
01/31/2017	001-A	Ammonia Nitrogen (Daily Maximum)	118 lb/d	123.19 lb/d
02/28/2017	001-A	Ammonia Nitrogen (Daily Maximum)	118 lb/d	154.31 lb/d
		Ammonia Nitrogen (Monthly Average)	50 lb/d	79.32 lb/d
		Ammonia Nitrogen (Monthly Average)	4.28 mg/L	5.59 mg/L
03/31/2017	001-PI	Whole Effluent Toxicity - Pimephales promelas (7-Day Minimum)	97 %	55 %
		Whole Effluent Toxicity - Pimephales promelas (Monthly Average Minimum)	97 %	55 %
04/30/2017	001-A	Ammonia Nitrogen (Daily Maximum)	118 lb/d	260.88 lb/d
		Ammonia Nitrogen (Monthly Average)	50 lb/d	57.56 lb/d
05/31/2017	001-A	Ammonia Nitrogen (Daily Maximum)	118 lb/d	354.3 lb/d
		Ammonia Nitrogen (Monthly Average)	50 lb/d	104.3 lb/d
		Ammonia Nitrogen (Monthly Average)	4.28 mg/L	5.47 mg/L
06/30/2017	007-Q	Oil and grease (Daily Maximum)	15 mg/L	27.4 mg/L
09/30/2017	001-A	pH range excursions, > 60 minutes (Monthly Total)	0 occur/month	6 occur/month
		pH range excursions, Monthly Total Accumulated Time	446 minutes	2,190 minutes
10/31/2017	001-A	pH range excursions, > 60 minutes (Monthly Total)	0 occur/month	8 occur/month
		pH range excursions, Monthly Total Accumulated Time	446 minutes	1,806 minutes
11/30/2017	001-A	pH range excursions, > 60 minutes (Monthly Total)	0 occur/month	1 occur/month
12/31/2017	007-Q	pH (Instantaneous Minimum)	6 Standard Units	5.5 Standard Units
02/28/2018	001-A	pH range excursions, > 60 minutes (Monthly Total)	0 occur/month	1 occur/month
		Total Suspended Solids (Daily Maximum)	1,510 lb/d	2,169.9 lb/d
04/30/2018	001-A	Ammonia Nitrogen (Daily Maximum)	118 lb/d	367.1 lb/d
		Ammonia Nitrogen (Monthly Average)	50 lb/d	93.3 lb/d
		Ammonia Nitrogen (Monthly Average)	4.28 mg/L	16.6 mg/L
		pH range excursions, > 60 minutes (Monthly Total)	0 occur/month	1 occur/month
05/31/2018	001-A	pH range excursions, > 60 minutes (Monthly Total)	0 occur/month	1 occur/month

LPDES Permit LAG420064

Date	Outfall	Parameter	Permit Limit	Sample Value
08/31/2017	001-A	Benzene (Daily Maximum)	134 ug/L	93640 ug/L
08/31/2017	001-A	Biochemical Oxygen Demand, 5-day [BOD ₅] (Daily Maximum)	45 mg/L	140 mg/L
08/31/2017	001-A	Biochemical Oxygen Demand, 5-day [BOD ₅] (Monthly Average)	30 mg/L	108.8 mg/L
08/31/2017	001-A	Chemical Oxygen Demand [COD] (Daily Maximum)	100 mg/L	262 mg/L
08/31/2017	001-A	pH (Instantaneous Minimum)	6 Standard Units	4.99 Standard Units

SETTLEMENT AGREEMENTS

WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

	NATURE AND GRAVITY OF THE VIOLATION			
	MAJOR	MODERATE	MINOR	
DEGREE OF RISK OF IMPACT TO HUMAN HEALTH OR PROPERTY	MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
	MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
	MINOR	\$3,000 to \$1,500	\$1,500 to \$500	\$500 to \$100

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.



SETTLEMENT AGREEMENTS

Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times [\text{Penalty Event Maximum} - \text{Penalty Event Minimum}])$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement.

Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

Settlement Offers	searchable in EDMS using the following filters Media Air Quality, Function Enforcement, Description Settlement
Settlement Agreements	Enforcement Division's website specific examples can be provided upon request
Penalty Determination Method	LAC 33.1 Chapter 7
Beneficial Environmental Projects	LAC 33.1 Chapter 25 FAQs
Judicial Interest.....	provided by the Louisiana State Bar Association

