

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

UNITED STATES of AMERICA,)
Plaintiff, and the)
NORTHWEST AIR POLLUTION)
AUTHORITY OF)
THE STATE OF WASHINGTON,)
Plaintiff-Intervener,)

v)
EQUILON ENTERPRISES LLC,)
Defendant.)
_____)

Civil Action
No. H-01-0978
Honorable Melinda Harmon

CONSENT DECREE

WHEREAS, Plaintiff, the United States of America (hereinafter "Plaintiff" or "the United States"), on behalf of the United States Environmental Protection Agency (herein, "EPA"), has simultaneously filed a Complaint and lodged this Consent Decree against Equilon Enterprises LLC, (hereinafter "Equilon" or "Company"), for alleged environmental violations at four petroleum refineries owned and operated by the Company;

WHEREAS, the United States has initiated a nationwide broad-based compliance and enforcement initiative involving the petroleum refining industry;

WHEREAS, the parties agree that the installation of

Consent Decree

III. FACTUAL BACKGROUND

4. Equilon operates four (4) petroleum refineries for the manufacture of various petroleum-based products, including gasoline, diesel, and jet fuels, and other marketable petroleum by-products

5. Equilon owns and operates refineries located as follows:

Bakersfield, California
Los Angeles, California
Martinez, California
Puget Sound Washington

Equilon also owns and operates the Lubes units covered by this Consent Decree that are located in Deer Park, Texas.

6. Petroleum refining involves the physical, thermal and chemical separation of crude oil into marketable petroleum products

7. The petroleum refining process at Equilon's four refineries results in emissions of significant quantities of criteria air pollutants, including nitrogen oxides ("NO_x") carbon monoxide ("CO"), particulate matter ("PM"), sulfur dioxide ("SO₂"), as well as volatile organic compounds ("VOCs") and hazardous air pollutants ("HAPs" , including benzene The primary sources of these emissions are the fluid catalytic cracking units "FCCUs" , process heaters and boilers, the sulfur recovery plants, the wastewater treatment system, fugitive emissions from leaking components, and flares throughout the refinery.

implementation of the HC Flaring reduction methods, Puget shall report on the implementation of the changes. In all subsequent reports, Puget shall provide information on HC Flaring Incidents as required in Paragraph 134 of this Consent Decree

C. SRP NSPS SUBPARTS A and J APPLICABILITY

122(a). Immediately upon lodging of this Consent Decree, Equilon's Claus Sulfur Recovery Plants "SRP") identified at Paragraph 120(o) shall be subject to and will continue to comply with the applicable provisions of NSPS Subparts A and J

122(b). Immediately upon lodging of this Consent Decree Equilon agrees that all emission points (stacks) to the atmosphere for tail gas emissions from each of its Claus Sulfur Recovery Plants will continue to be monitored and reported upon as required by 40 C.F.R. §§ 60.7(c), 60.13, and 60.105. This requirement is not applicable to the AG Flaring Devices identified in Paragraph 120(c)

122(c). Notwithstanding the above, the Martinez and Los Angeles refineries (First Addendum, May 2002) shall meet the SRU CEMs certification requirements of 40 C.F.R. §§ 60.13 and 60.105 by September 30, 2002

123. Equilon shall re-route all SRP sulfur pit emissions from the refineries identified at Paragraph 5, such that all sulfur pit emissions to the atmosphere are either eliminated, or included and monitored as part of the applicable SRP's emissions

subject to the NSPS Subpart J limit for SO₂, a 12-hour rolling average of 250 ppmvd SO₂ at 0% oxygen, as required by 40 C.F.R. § 60.104(a)(2)

During the life of this Consent Decree, Equilon shall continue to conduct SRP emissions monitoring with CEMS at all of the emission points unless an SO₂ alternative monitoring procedure has been approved by EPA, per 40 C.F.R. § 60.13(i), for any of the emission points.

During the life of this Consent Decree, for the purpose of determining compliance with the SRP emission limits, Equilon shall apply the "start-up/shutdown" provisions set forth in NSPS Subpart A to the Claus Sulfur Recovery Plant and not to the independent start-up or shut-down of its corresponding control device(s) (e.g., TGTU). However, the malfunction exemption set forth in NSPS Subpart A shall apply to both the Claus Sulfur Recovery Plant and its control device(s) (e.g., TGTU).

D. SULFUR RECOVERY PLANT OPTIMIZATION.

126. An SRP optimization study, if required to be implemented under this Part, shall meet the following requirements:

- (a) A detailed evaluation of plant design and capacity operating parameters and efficiencies - including catalytic activity, and material balances;