



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

**1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270**

February 27, 2023

Chris Sanfilippo
Texas Petroleum Investment Company
101 La Rue France, Suite 406
Lafayette, LA 70508

Sent via email: csanfilippo@txpetinv.com

Re: Notice of Violation and Opportunity to Confer

Dear Mr. Sanfilippo:

The United States Environmental Protection Agency, Region 6 ("EPA") has identified Texas Petroleum Investment Company ("TPIC") as having violated the Clean Air Act ("CAA"). This Notice of Violation and Opportunity to Confer ("NOVOC") is issued to TPIC¹ for violations of the CAA, 42 U.S.C. § 7401 *et seq.*, at the West White Lake 540-B Facility located 19.0 Mi. SW of Gueydan, LA 70542 ("the Facility"). Based on information currently available, EPA finds that TPIC has committed violations of the CAA and the Louisiana State Implementation Plan ("SIP"). By this letter, EPA is extending to you an opportunity to advise the Agency, via a conference call or in writing, of any further information EPA should consider with respect to the violations.

This NOVOC is issued pursuant to Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1). Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1) requires the Administrator of the EPA to notify any person in violation of a SIP or permit of the violation, and this NOVOC serves as such notice. The authority to issue this NOVOC has been delegated to the Director of the Enforcement and Compliance Assurance Division, EPA Region 6.

On September 21, 2020, EPA emailed TPIC a letter regarding our Emission Inventory Permit Consistency Review, in which we reviewed the Facility's emission inventory for criteria pollutant and hazardous air pollutant (HAP) emission totals for calendar year 2018, as reported to the Louisiana Department of Environmental Quality ("LDEQ"). As noted in our letter, the Facility's reported annual emission totals exceeded its permit authorization limits. TPIC responded via email dated October 2, 2020, and provided further information regarding the annual emission totals.

¹ Please be advised that some companies may qualify as a "small business" under the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"). The U.S. Small Business Administration has established a Table of Small Business Size Standards, which can be found at:

http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf. The SBREFA Information Sheet provides information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. The SBREFA Information Sheet can be found at: <https://www.epa.gov/compliance/small-business-resources-information-sheet>.

EPA contracted helicopter flyovers in Louisiana during August 24 to September 24, 2021, to assess emission sources using Optical Gas Imaging (“OGI”) technology. On October 28, 2021, EPA sent a letter informing TPIC of potentially unauthorized emissions from a facility that EPA believed was owned/operated by TPIC, along with OGI video captures for the facility. EPA asked TPIC to verify facility ownership, provide current site-specific permit information, and take any necessary corrective action to address unauthorized hydrocarbon emissions. EPA considered information provided by TPIC to determine whether violations occurred at the facility.

CAA Violations

No stationary source subject to Title V may operate except in compliance with a Title V permit. *See* 42 U.S.C. § 7661a(a); 40 C.F.R. §§ 70.1(b) and 70.7(b); and L.A.C. 33:III.501.C.2 and C.4 and L.A.C. 33:III.507.B.2. Louisiana issues Title V permits pursuant to its federally-authorized Title V air operating permit program. *See* 60 Fed. Reg. 47,296-97 (Sept. 12, 1995) (effective Oct. 12, 1995); 40 C.F.R. Part 70 Appendix A. Unless a term or condition is specifically designated as not being federally enforceable, all terms and conditions of a Title V operating permit are federally enforceable. 40 C.F.R. § 70.6(b). The federally enforceable Louisiana State Implementation Plan (SIP) further provides that regulated sources shall be operated in accordance with all terms and conditions of the source’s permit and that noncompliance with any term or condition of the permit shall be grounds for enforcement action as per LAC 33:III.501.C.4. We are sending this NOVOC to inform TPIC of violations of Louisiana’s federally-approved SIP at the Facility.

Title V Operating Permit No. 2490-00100-V4, requires that TPIC limit its emissions of carbon monoxide (CO) from Internal Combustion Engine, EQT0008. TPIC exceeded its permitted emission rate limit of 10.53 tons per year (tpy) total CO for 2018. The ERIC Reported emissions was 15.48 tpy total CO. Title V Operating Permit No. 2490-00100-V4, requires that TPIC limit its emissions of nitrogen oxides (NO_x) from Internal Combustion Engine, EQT0008. TPIC exceeded its permitted emission rate limit of 6.26 tpy total NO_x for 2018. The ERIC Reported emissions was 15.48 tpy total NO_x. By exceeding its permitted CO and NO_x limits for the Internal Combustion Engine during calendar year 2018, TPIC violated the tons per year emission rate limits for CO and NO_x in Title V Operating Permit No. 2490-00100-V4. These are also violations of LAC 33:III.501.C.4.

LAC 33:III.2113.A of the Louisiana SIP, approved at 76 Fed. Reg. 38977 (July 5, 2011), applies to all facilities with the potential to emit organic compounds. The entire Facility is subject to LAC 33:III.2113.A, *see* Permit No. 2490-00100-V6, which contains the requirements for the control of emission of organic compounds. Specifically, the entire Facility is required to maintain the best practical housekeeping and maintenance practices at the highest possible standards to reduce the quantity of organic compounds emissions.

Based on its review, EPA finds that TPIC violated LAC 33:III.2113.A, by emitting organic compounds directly to the atmosphere and for failing to maintain the best practical housekeeping and maintenance practices at the highest possible standards.

Please review the specific violations and information we have provided in the Enclosure regarding the Facility.

Opportunity to Confer

This NOVOC provides you with the opportunity to confer with EPA. We request TPIC contact Christian Smith, Assistant Regional Counsel, at Smith.Christian.A@epa.gov or (214) 665-6825 within ten (10) business days to discuss this pending matter.

Sincerely,

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

ec: Angela Marse, Louisiana Department of Environmental Quality
(angela.marse@la.gov)

Enclosure

TPIC West White Lake Facility

Permit	Subject Item Type	Parameter	Permitted Limit (tpy)	ERIC Reported Emissions (tpy)	Reported Emissions Over Permitted Limit (tpy)
2490-00100-V4	Internal Combustion Engine, EQT0008	CO	10.53	15.48	4.95
2490-00100-V4	Internal Combustion Engine, EQT0008	NO _x	6.26	15.48	9.22

Unit	Flyover Date	Flyover Video ID	Permit	EPA Team Observations of Flyover Video Capture	Violation
1000 bbl Slop Oil Tank	9/1/2021	2170	Permit No. 2490-00100-V6	Leak on tank releasing hydrocarbon emissions directly to atmosphere	LAC 33:III.2113.A
3000 bbl Oil Storage Tank	9/1/2021	2170	Permit No. 2490-00100-V6	Leak on tank releasing hydrocarbon emissions directly to atmosphere	LAC 33:III.2113.A