



**REGION 6**

DALLAS, TX 75270

December 18, 2023

Jeremy W. Beasley  
Environmental Supervisor  
Marathon Petroleum Company LP  
P.O. Box AC  
Garyville, LA 70051

Sent via email to: [jwbeasley@marathonpetroleum.com](mailto:jwbeasley@marathonpetroleum.com)

Re: Clean Air Act Notice of Violation and Opportunity to Confer

Dear Mr. Beasley:

The U.S. Environmental Protection Agency, Region 6 ("EPA") has identified Marathon Petroleum Company LP ("Marathon" or "you") as having violated the Clean Air Act ("CAA"). This Notice of Violation and Opportunity to Confer ("NOVOC") is issued to Marathon pursuant to 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). EPA alleges violations of the following requirements at Marathon's Garyville, Louisiana facility: National Emission Standard for Benzene Waste Operations, codified at 40 C.F.R. Part 61, Subpart FF; New Source Performance Standards for Volatile Organic Compounds from Petroleum Refinery Wastewater Systems, codified at 40 C.F.R. Part 60, Subpart QQQ; and Marathon's Title V operating permit.

This NOVOC provides you with the opportunity to confer with EPA. We request that Marathon contact Christian Smith, Assistant Regional Counsel, at [smith.christian@epa.gov](mailto:smith.christian@epa.gov) or 214-665-6528 within ten (10) business days to discuss this pending matter.

Sincerely,

A handwritten signature in blue ink that reads "Cheryl T. Seager".

Digitally signed by CHERYL  
SEAGER  
Date: 2023.12.18 14:58:52 -06'00'

Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance Division

Enclosure

cc: Angela Marse, LDEQ ([angela.marse@la.gov](mailto:angela.marse@la.gov))

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6**

**IN THE MATTER OF:**

**Marathon Petroleum Company LP  
Garyville, Louisiana**

Proceedings Pursuant to  
the Section 113(a)(3) of the Clean Air Act,  
42 U.S.C. § 7413(a)(3)

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**NOTICE OF VIOLATION**

**NOTICE OF VIOLATION AND OPPORTUNITY TO CONFER**

This Notice of Violation and Opportunity to Confer (“NOVOC”) is issued to Marathon Petroleum Company, LP (“Marathon”) for violations of the Clean Air Act (“CAA”), 42 U.S.C. § 7401 *et seq.*, at its Garyville Refinery in Garyville, Louisiana (the “Garyville Refinery”). Specifically, the United States Environmental Protection Agency, Region 6 (“EPA”) believes Marathon has violated the National Emission Standard for Benzene Waste Operations, 40 C.F.R. Part 61, Subpart FF; Standards of Performance for Volatile Organic Compound Emissions From Petroleum Refinery Wastewater Systems, 40 C.F.R. Part 60, Subpart QQQ; Title V of the CAA and its implementing regulations; and Louisiana’s Title V permit program.

This NOVOC is issued pursuant to Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), to inform Marathon of the violations set forth below and serves as the finding and notice required by Section 113(a) of the CAA, 42 U.S.C. § 7413(a). The authority to issue this NOVOC has been delegated to the Director of the Enforcement and Compliance Assurance Division, EPA Region 6. The EPA alleges that Marathon has violated Sections 111 and 112 of the CAA, 42 U.S.C. §§ 7411, 7412, and regulations promulgated under those sections. Specifically, EPA alleges that Marathon has violated the National Emission Standard for Benzene Waste Operations (“Benzene Waste NESHAP”), codified at 40 C.F.R. Part 61, Subpart FF (“Subpart FF”), and New Source Performance Standards for Volatile Organic Compounds from Petroleum Refinery Wastewater Systems, codified at 40 C.F.R. Part 60, Subpart QQQ (“Subpart QQQ”), and its Title V operating permit for the Garyville Refinery.

**I. Statutory and Regulatory Authority**

1. Section 112(q) of the CAA, 42 U.S.C. § 7412(q), provides, in pertinent part, that any standard under this section in effect before the date of enactment of the CAA Amendments of 1990 (November 15, 1990) shall remain in force and effect after such date.

**A. NESHAP General Provisions**

2. 40 C.F.R. § 61.05(c) requires that ninety days after the effective date of any standard, no owner or operator shall operate any existing source subject to that standard in violation of the standard, except under a waiver granted by the Administrator under this part or under an exemption granted by the President under section 112(c)(2) of the CAA.

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3. 40 C.F.R. § 61.12(a) provides that compliance with numerical emission limits shall be determined in accordance with emission tests established in 40 C.F.R. § 61.13 or as otherwise specified in an individual subpart.
4. 40 C.F.R. § 61.12(b) provides that compliance with design, equipment, work practice or operational standards shall be determined as specified in an individual subpart.
5. 40 C.F.R. § 61.12(c) requires that the owner or operator of each stationary source shall maintain and operate the source, including associated equipment for air pollution control, in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of the source.

**B. Benzene Waste NESHAP**

6. On March 7, 1990, EPA promulgated the Benzene Waste NESHAP under Section 112(d) of the CAA, 42 U.S.C. § 7412(d). *See 55 Fed. Reg. 8346.*
7. On January 7, 1993, the Benzene Waste NESHAP, as amended pursuant to Section 112(q) of the CAA, became effective, and is codified at 40 C.F.R. Part 61, Subpart FF.
8. 40 C.F.R. § 61.340(a) states that the provisions of this subpart apply to owners and operators of chemical manufacturing plants, coke by-product recovery plants, and petroleum refineries.
9. 40 C.F.R. § 61.342(b) states that each owner or operator of a facility at which the total annual benzene quantity from facility waste is equal to or greater than 10 Megagrams per year (Mg/yr) or 11 ton/yr as determined in 40 C.F.R. § 61.342(a) shall be in compliance with the requirements of 40 C.F.R. § 61.342(c) through (h) no later than 90 days following the effective date, unless a waiver of compliance has been obtained under 40 C.F.R. § 61.11, or by the initial startup for a new source with an initial startup after the effective date.
10. 40 C.F.R. § 61.341 defines “cover” as “a device or system which is placed on or over a waste placed in a waste management unit so that the entire waste surface area is enclosed and sealed to minimize air emissions. A cover may have openings necessary for operation, inspection, and maintenance of the waste management unit such as access hatches, sampling ports, and gauge wells provided that each opening is closed and sealed when not in use. Example of covers include a fixed roof installed on a tank, a lid installed on a container, and an air-supported enclosure installed over a waste management unit.”
11. 40 C.F.R. § 61.341 defines “fixed roof” as “a cover that is mounted on a waste management unit in a stationary manner and that does not move with fluctuations in liquid level.”
12. 40 C.F.R. § 61.341 defines “floating roof” as “a cover with certain rim sealing mechanisms consisting of a double deck, pontoon single deck, internal floating cover or covered floating roof, which rests upon and is supported by the liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and unit wall.”

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13. 40 C.F.R. § 61.341 defines “individual drain system” as “the system used to convey waste from a process unit, product storage tank, or waste management unit to a waste management unit. The term includes all process drains and common junction boxes, together with their associated sewer lines and other junction boxes, down to the receiving waste management unit.”
14. 40 C.F.R. § 61.341 defines “no detectable emissions” as “less than 500 parts per million by volume (ppmv) above background levels, as measured by a detection instrument reading in accordance with the procedures specified in § 61.355(h) of this subpart.”
15. 40 C.F.R. § 61.341 defines “oil-water separator” as “a waste management unit, generally a tank or surface impoundment, used to separate oil from water. An oil-water separator consists of not only the separation unit but also the forebay and other separator basins, skimmers, weirs, grit chambers, sludge hoppers, and bar screens that are located directly after the individual drain system and prior to additional treatment units such as an air flotation unit, clarifier, or biological treatment unit. Examples of an oil-water separator include an API separator, parallel-plate interceptor, and corrugated-plate interceptor with the associated ancillary equipment.”
16. 40 C.F.R. § 61.341 defines “tank” as “a stationary waste management unit that is designed to contain an accumulation of waste and is constructed primarily of nonearthen materials (*e.g.*, wood, concrete, steel, plastic) which provide structural support.”
17. 40 C.F.R. § 61.341 defines “waste management unit” as “a piece of equipment, structure, or transport mechanism used in handling, storage, treatment, or disposal of waste. Examples of a waste management unit include a tank, surface impoundment, container, oil-water separator, individual drain system, steam stripping unit, thin-film evaporation unit, waste incinerator, and landfill.”
18. 40 C.F.R. § 61.342(c)(1)(ii) states that for each waste stream that contains benzene, including but not limited to, organic waste streams that contain less than 10 percent water and aqueous waste streams, even if the wastes are not discharged to an individual drain system, the owner or operator shall comply with the standards specified in 40 C.F.R. §§ 61.343 through 61.347 for each waste management unit that receives or manages the waste stream prior to and during treatment of the waste stream in accordance with 40 C.F.R. § 61.342(c)(1)(i).
19. 40 C.F.R. § 61.342(c)(1)(iii) states that each waste management unit used to manage or treat waste streams that will be recycled to a process shall comply with the standards specified in 40 C.F.R. §§ 61.343 through 61.347. Once the waste stream is recycled to a process, including to a tank used for the storage of production process feed, product, or product intermediates, unless this tank is used primarily for the storage of wastes, the material is no longer subject to 40 C.F.R. § 61.342(c).
20. 40 C.F.R. § 61.342(e)(2)(i) states that the benzene quantity for the wastes described in 40 C.F.R. § 61.342(e)(2) must be equal to or less than 6.0 Mg/yr (6.6 ton/yr), as determined in 40 C.F.R. § 61.355(k). Wastes as described in 40 C.F.R. § 61.342(e)(2) that are transferred offsite shall be included in the determination of benzene quantity as provided in 40 C.F.R. § 61.355(k). The provisions of 40 C.F.R. § 61.342(f) shall not apply to any owner or operator who elects to comply with the provisions of 40 C.F.R. § 61.342(e).

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21. 40 C.F.R. § 61.343(a) states that except as provided in 40 C.F.R. § 61.343(b) and in 40 C.F.R. § 61.351, the owner or operator must meet the standards in 40 C.F.R. § 61.343(a)(1) or (2) for each tank in which the waste stream is placed in accordance with 40 C.F.R. § 61.342(c)(1)(ii). The standards in this section apply to the treatment and storage of the waste stream in a tank, including dewatering.
22. 40 C.F.R. § 61.343(a)(1) states that the owner or operator shall install, operate, and maintain a fixed-roof and closed-vent system that routes all organic vapors vented from the tank to a control device.
23. 40 C.F.R. § 61.343(a)(1)(i)(A) states that for fixed-roof tanks, the cover and all openings (e.g., access hatches, sampling ports, and gauge wells) shall be designed to operate with no detectable emissions as indicated by an instrument reading of less than 500 parts per million by volume (“ppmv”) above background, as determined initially and thereafter at least once per year by the methods specified in 40 C.F.R. § 61.355(h).
24. 40 C.F.R. § 61.343(b)(3) states that for each tank complying with 40 C.F.R. § 61.343(b), one or more devices which vent directly to the atmosphere may be used on the tank provided each device remains in a closed, sealed position during normal operations except when the device needs to open to prevent physical damage or permanent deformation of the tank or cover resulting from filling or emptying the tank, diurnal temperature changes, atmospheric pressure changes or malfunction of the unit in accordance with good engineering and safety practices for handling flammable, explosive, or other hazardous materials.
25. 40 C.F.R. § 61.344(a)(1) states that the owner or operator shall meet the following standard for each surface impoundment in which waste is placed in accordance with 40 C.F.R. § 61.342(c)(1)(ii): The owner or operator shall install, operate, and maintain on each surface impoundment a cover (e.g., air-supported structure or rigid cover) and closed-vent system that routes all organic vapors vented from the surface impoundment to a control device.
26. 40 C.F.R. § 61.344(a)(1)(i)(A) states that the cover and all openings on each surface impoundment (e.g., access hatches, sampling ports, and gauge wells) shall be designed to operate with no detectable emissions as indicated by an instrument reading of less than 500 ppmv above background, initially and thereafter at least once per year by the methods specified in 40 C.F.R. § 61.355(h).
27. 40 C.F.R. § 61.344(a)(1)(i)(B) states that each opening shall be maintained in a closed, sealed position (e.g., covered by a lid that is gasketed and latched) at all times that waste is in the surface impoundment except when it is necessary to use the opening for waste sampling or removal, or for equipment inspection, maintenance, or repair.
28. 40 C.F.R. § 61.346(a)(1) states that except as provided in 40 C.F.R. § 61.346(b), the owner or operator shall meet the following standards for each individual drain system in which waste is placed in accordance with 40 C.F.R. § 61.342(c)(1)(ii): The owner or operator shall install, operate, and maintain on each drain system opening a cover and closed-vent system that routes all organic vapors vented from the drain system to a control device.

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29. 40 C.F.R. § 61.346(a)(1)(i)(A) states that except as provided in 40 C.F.R. § 61.346(b), the owner or operator shall meet the following standards for each individual drain system in which waste is placed in accordance with 40 C.F.R. § 61.342(c)(1)(ii): The cover and all openings (e.g., access hatches, sampling ports) shall be designed to operate with no detectable emissions as indicated by an instrument reading of less than 500 ppmv above background, initially and thereafter at least once per year by the methods specified in 40 C.F.R. § 61.355(h).
30. 40 C.F.R. § 61.346(a)(1)(i)(B) states that except as provided in 40 C.F.R. § 61.346(b), the owner or operator shall meet the following standards for each individual drain system in which waste is placed in accordance with 40 C.F.R. § 61.342(c)(1)(ii): Each opening shall be maintained in a closed, sealed position (e.g., covered by a lid that is gasketed and latched) at all times that waste is in the drain system except when it is necessary to use the opening for waste sampling or removal, or for equipment inspection, maintenance, or repair.
31. 40 C.F.R. § 61.347(a)(1) states that except as provided in 40 C.F.R. § 61.352, the owner or operator shall meet the following standards for each oil-water separator in which waste is placed in accordance with 40 C.F.R. § 61.342(c)(1)(ii): The owner or operator shall install, operate, and maintain a fixed-roof and closed-vent system that routes all organic vapors vented from the oil-water separator to a control device.
32. 40 C.F.R. § 61.347(a)(1)(i)(A) states that except as provided in 40 C.F.R. § 61.352, the owner or operator shall meet the following standards for each oil-water separator in which waste is placed in accordance with 40 C.F.R. § 61.342(c)(1)(ii): The cover and all openings (e.g., access hatches, sampling ports, and gauge wells) shall be designed to operate with no detectable emissions as indicated by an instrument reading of less than 500 ppmv above background, as determined initially and thereafter at least once per year by the methods specified in 40 C.F.R. § 61.355(h).
33. 40 C.F.R. § 61.349(a)(1)(ii) states that closed vent systems that contain any bypass line that could divert the vent stream away from a control device used to comply with the provisions of this subpart shall install, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow away from the control device at least once every 15 minutes, except as provided in 40 C.F.R. § 61.349(a)(1)(ii)(B), which states: where the bypass line valve is secured in the closed position with a car-seal or a lock-and-key type configuration, a flow indicator is not required.
34. 40 C.F.R. § 61.350(a) states that delay of repair of facilities or units that are subject to the provisions of this subpart will be allowed if the repair is technically impossible without a complete or partial facility or unit shutdown.
35. 40 C.F.R. § 61.352(a)(1) states that as an alternative to the standards for oil-water separators specified in 40 C.F.R. § 61.347 of this subpart, an owner or operator may elect to comply with a floating roof meeting the requirements in 40 C.F.R. 60.693-2(a).
36. 40 C.F.R. § 61.352(b) states that for portions of the oil-water separator where it is infeasible to construct and operate a floating roof, such as over the weir mechanism, a fixed roof vented to a

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vapor control device that meets the requirements in 40 C.F.R. §§ 61.347 and 61.349 of this subpart shall be installed and operated.

37. 40 C.F.R. § 61.355(h)(1) states that an owner or operator shall test equipment for compliance with no detectable emissions as required in 40 C.F.R. §§ 61.343 through 61.347, and 40 C.F.R. § 61.349, in accordance with the following requirements: Monitoring shall comply with Method 21 from Appendix A of 40 C.F.R. Part 60.
38. 40 C.F.R. § 61.355(k) requires that “[a]n owner or operator shall determine the benzene quantity for the purposes of the calculation required by 40 C.F.R. § 61.342(e)(2) by the following procedure: (1) For each waste stream that is not controlled for air emissions in accordance with 40 C.F.R. §§ 61.343, 61.344, 61.345, 61.346, 61.347, or 61.348(a), as applicable to the waste management unit that manages the waste, the benzene quantity shall be determined as specified in paragraph (a) of this section, except that paragraph (b)(4) of this section shall not apply, i.e., the waste quantity for process unit turnaround waste is not annualized but shall be included in the determination of benzene quantity for the year in which the waste is generated for the purposes of the calculation required by 40 C.F.R. § 61.342(e)(2).”
39. 40 C.F.R. § 61.356(d) states that an owner or operator using control equipment in accordance with 40 C.F.R. §§ 61.343 through 61.347 shall maintain engineering design documentation for all control equipment that is installed on the waste management unit. The documentation shall be retained for the life of the control equipment. If a control device is used, then the owner or operator shall maintain the control device records required by 40 C.F.R. § 61.356(f).
40. 40 C.F.R. § 61.356(h) states that an owner or operator shall maintain a record for each test of no detectable emissions required by 40 C.F.R. §§ 61.343 through 61.347 and § 61.349 of this subpart. The record shall include the following information: date the test is performed, background level measured during test, and maximum concentration indicated by the instrument reading measured for each potential leak interface. If detectable emissions are measured at a leak interface, then the record shall also include the waste management unit, control equipment, and leak interface location where detectable emissions were measured, a description of the problem, a description of the corrective action taken, and the date the corrective action was completed.
41. 40 C.F.R. § 61.357 sets forth the reporting requirements of Subpart FF, including annual inspection reports required by 40 C.F.R. § 61.357(d)(8).

**C. NSPS General Provisions**

42. Section 111 of the CAA, 42 U.S.C. § 7411, authorizes EPA to promulgate regulations establishing New Source Performance Standards (“NSPS”).
43. Section 111(e) of the CAA, 42 U.S.C. § 7411(e), states that after the effective date of standards of performance promulgated under this section, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any standard of performance applicable to such source.

**D. Subpart QQQ**

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44. EPA promulgated Subpart QQQ on November 23, 1988. *See 53 Fed. Reg.* 47623
45. 40 C.F.R. § 60.690(a) states that the provisions of this subpart apply to affected facilities located in petroleum refineries for which construction, modification, or reconstruction is commenced after May 4, 1987.
46. 40 C.F.R. § 60.692-2(a)(1) states that each drain shall be equipped with water seal controls.
47. 40 C.F.R. § 60.691 defines “water seal controls” as a seal pot, p-leg trap, or other type of trap filled with water that has a design capability to create a water barrier between the sewer and the atmosphere.
48. 40 C.F.R. § 60.692-2(a)(2) states that each drain in active service shall be checked by visual or physical inspection initially and monthly thereafter for indications of low water levels or other conditions that would reduce the effectiveness of the water seal controls.
49. 40 C.F.R. § 60.692-2(a)(5) states that whenever low water levels or missing or improperly installed caps or plugs are identified, water shall be added or first efforts at repair shall be made as soon as practicable, but not later than 24 hours after detection, except as provided in 40 C.F.R. § 60.692-6.
50. 40 C.F.R. § 60.692-2(b)(1) states that junction boxes shall be equipped with a cover and may have an open vent pipe. The vent pipe shall be at least 90 cm (3 ft) in length and shall not exceed 10.2 cm (4 in) in diameter.
51. 40 C.F.R. § 60.692-2(b)(2) states that junction box covers shall have a tight seal around the edge and shall be kept in place at all times, except during inspection and maintenance.
52. 40 C.F.R. § 60.692-2(b)(3) states that junction boxes shall be visually inspected initially and semiannually thereafter to ensure that the cover is in place and to ensure that the cover has a tight seal around the edge.
53. 40 C.F.R. § 60.692-2(b)(4) states that if a broken seal or gap is identified, first effort at repair shall be made as soon as practicable, but not later than 15 calendar days after the broken seal or gap is identified, except as provided in 40 C.F.R. § 60.692-6.
54. 40 C.F.R. § 60.692-2(c)(1) states that sewer lines shall not be open to the atmosphere and shall be covered or enclosed in a manner so as to have no visual gaps or cracks in joints, seals, or other emission interfaces.
55. 40 C.F.R. § 60.692-2(c)(2) states that the portion of each unburied sewer line shall be visually inspected initially and semiannually thereafter for indication of cracks, gaps, or other problems that could result in volatile organic compound (“VOC”) emissions.

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- 56. 40 C.F.R. § 60.692-2(c)(3) states that whenever cracks, gaps, or other problems are detected, repairs shall be made as soon as practicable, but not later than 15 calendar days after identification, except as provided in 40 C.F.R. § 60.692-6.
- 57. 40 C.F.R. § 60.693-2(a) states that an owner or operator may elect to construct and operate a floating roof on an oil-water separator tank, slop oil tank, storage vessel, or other auxiliary equipment subject to the requirements of this subpart.
- 58. 40 C.F.R. § 60.698 sets forth the semi-annual reporting requirements of Subpart QQQ.

**E. Title V of the CAA**

- 59. Pursuant to Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), it is unlawful for any person to, among other things, operate a major source subject to Title V except in compliance with a Title V operating permit after the effective date of any permit program approved or promulgated under Title V of the CAA. EPA first promulgated regulations governing state operating permit programs on July 21, 1992. (*See 57 Fed. Reg.* 32295.) 40 C.F.R. Part 70. EPA promulgated regulations governing the federal operating permit program on July 1, 1996. *See 61 Fed. Reg.* 34228. 40 C.F.R. Part 70.
- 60. On September 12, 1995, EPA granted final full approval to the Louisiana Title V operating permit program. (*See 60 Fed. Reg.* 47296.) The program became effective on October 12, 1995. 40 C.F.R. Part 70, Appendix A.
- 61. The Garyville Refinery was operated, modified and expanded under various permits. On August 27, 2015, the State of Louisiana issued a Title V operating permit renewal, Permit No. 2580-00013-V16, to Marathon for its Garyville, Louisiana refinery, and on July 28, 2021, the State of Louisiana issued a Title V operating permit renewal, Permit No. 2580-00013-V28 (collectively, “Title V Permits”), to Marathon’s Garyville Refinery.
- 62. Part 61, Subpart FF and Part 60, Subpart QQQ are incorporated into Marathon’s Title V Permits as applicable requirements.

**II. Finding of Fact**

- 63. Marathon owns and operates a petroleum refinery at 4463 W. Airline Highway, Garyville, Louisiana 70051.
- 64. The Garyville Refinery is subject to the requirements at Subpart FF.
- 65. The Garyville Refinery is a facility with a total annual benzene quantity of greater than 10 Mg/yr since at least 2001. Marathon has chosen to comply with 40 C.F.R. § 61.342(e)(2)(i) which requires that the benzene quantity for its wastes must be equal to or less than 6.0 Mg/yr (6.6 ton/yr), as determined in 40 C.F.R. § 61.355(k) (referred to as the “6 BQ” compliance option). All uncontrolled emissions must be included in Garyville Refinery’s total annual benzene (“TAB”) calculation and counted against the quantity of uncontrolled waste used to determine compliance with the 6 BQ compliance option in Subpart FF.

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66. The Garyville Refinery is subject to the requirements at Subpart QQQ.
67. Marathon operates individual drain systems and associated junction boxes and oil-water separators at the Garyville Refinery that were constructed, modified, or reconstructed after May 4, 1987.
68. In reports required by 40 C.F.R. § 61.357, Marathon reported the following TAB quantity controlled and uncontrolled in Mg/yr for the listed calendar years for the Garyville Refinery:
- |                             |                     |
|-----------------------------|---------------------|
| a. 2021: Controlled – 68.90 | Uncontrolled – 5.54 |
| b. 2020: Controlled – 68.67 | Uncontrolled – 3.43 |
| c. 2019: Controlled – 79.60 | Uncontrolled – 3.87 |
69. On April 13-15, 2022, EPA conducted an on-site inspection on at the Garyville Refinery (“April 2022 Inspection”).
70. During the April 2022 Inspection, EPA performed monitoring using 40 C.F.R. Part 60, Appendix A, Test Method 21 (“Method 21”) testing using Toxic Vapor Analyzer Model 2020 (TVA 2020) flame ionization detectors (“FID”) to identify detectable emissions on Garyville Refinery’s Subpart FF controlled sewer system components, and on the Garyville Refinery’s Subpart QQQ equipment.
71. During the April 2022 Inspection, EPA used an optical gas imaging (“OGI”) camera to identify areas of hydrocarbon emissions on the Garyville Refinery’s Subpart FF controlled sewer system components and the Garyville Refinery’s Subpart QQQ equipment.
72. During the April 2022 Inspection, EPA conducted additional monitoring using Geospatial Monitoring of Air Pollution (“GMAP”), a mobile air monitoring vehicle that is equipped with analyzers including the following: methane; sulfur dioxide; benzene, toluene, ethylbenzene, and xylene (“BTEX”); total VOCs; and meteorological and global positioning system (“GPS”) equipment (“GMAP Monitoring”). EPA also collected two summa canisters at the Garyville Refinery that were analyzed using Compendium Method TO-15 (Determination Of VOCs In Air Collected In Specially-Prepared Canisters And Analyzed By Gas Chromatography/ Mass Spectrometry (GC/MS)).
73. EPA’s monitoring and readings conducted during the April 2022 Inspection demonstrate the following:
- GMAP Monitoring, 220415\_MA03: EPA’s mobile monitoring vehicle detected approximately 23 ppb benzene, 35 ppb toluene, and over 700 ppb VOC downwind of API #2 oil water separator (“OWS”) and the Blackwater dissolved gas floatation (“DGF”) sump.
  - OGI video, MOV\_0194.mp4: EPA recorded hydrocarbon emissions venting from the gooseneck vent of the Blackwater DGF sump to the atmosphere.
  - Summa Canister 10009 sampling, collected downwind of the API #2 OWS and the Blackwater DGF sump, detected hazardous air pollutants, including the following: 2.85 ppbv benzene, 6.69 ppbv toluene, 2.865 ppbv total xylene, and 0.0730 ppbv of ethylene oxide.

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74. During the April 2022 Inspection, Marathon representatives provided EPA with a wastewater treatment plant diagram (“WWTP”) for the Garyville Refinery. This diagram indicated that the following waste management units were subject to the waste management unit requirements of Subpart FF:
- a. API #1 OWS
  - b. API #1 OWS Backbay
  - c. API #1 OWS Effluent Sump
  - d. AIS 3 Sump
  - e. 25-2 and 20-3 API Sludge
  - f. TDU
  - g. Bio H2O Sump
  - h. Rec. H2O Sump
  - i. 55-3 Ballast Water
  - j. U10 Benzene Stripper
  - k. 100-5 Storm Water Tank
  - l. Blackwater DGF #1/#2
  - m. Blackwater Separator #1/#2
  - n. 3-1 Tank
  - o. Treater Tank
  - p. Marine Deck Oil Sump
  - q. 100-3, 100-4, and 250-3 Stormwater Tank
  - r. U210 Benzene Stripper
  - s. API #2 OWS
  - t. API #2 OWS Effluent Sump
  - u. 100-2 and 100-3 EQ Tanks
  - v. Enhanced Biodegradation Units
75. Marathon operates API #1 OWS with a floating roof consisting of multiple connected, metal-paneled plates and a single, primary seal between the wall of the OWS and the roof edge. The design of the floating roof is such that it does not operate as a cover or satisfy the alternative standards for floating roofs.
76. The table below summarizes all detectable emissions that EPA identified using Method 21 testing conducted during the April 2022 Inspection:

| Component ID | Equipment Type                                   | EPA’s Reading (ppm) | Additional Notes                                                          |
|--------------|--------------------------------------------------|---------------------|---------------------------------------------------------------------------|
| API #1 OWS   | Drain hood, East Side, Southwest Corner          | 562                 | None                                                                      |
| API #1 OWS   | Floating roof seal - East Side, Northeast corner | 2,148               | None                                                                      |
| API #1 OWS   | NW Cover on oil skim, and pump                   | 2,908               | No sealant around the area. Marathon indicated maintenance work completed |

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|                 |                                                                        |                     |                                                                                                                       |
|-----------------|------------------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------|
|                 | to hazardous waste tank                                                |                     | several days prior, and expect to seal soon                                                                           |
| API #1 OWS      | SW Cover on oil skim, and pump to hazardous waste tank                 | 2,997               | No sealant around the area. Marathon indicated maintenance work completed several days prior, and expect to seal soon |
| API #1 OWS      | NW Cover on oil skim, and pump to hazardous waste tank                 | 2,025               | No sealant around the area. Marathon indicated maintenance work completed several days prior, and expect to seal soon |
| API #1 OWS      | NW Cover next to back bay                                              | 680                 | No sealant or gasket on the cover plate to the valve                                                                  |
| Stormwater Sump | Cover plate #1 for pump within the main cover of the sump              | 600                 | None                                                                                                                  |
| Stormwater Sump | Cover plate #2 within the main cover of the sump                       | 1,900               | No sealant around the area around cover plate                                                                         |
| Stormwater Sump | Cover plate #3 within the main cover of the sump                       | 600                 | No sealant around the area around cover plate                                                                         |
| Stormwater Sump | Cover plate seam                                                       | 800                 | Caulk cracked on seam                                                                                                 |
| Stormwater Sump | Cover plate at the 3 <sup>rd</sup> seam from the west side of the sump | Greater than 10,000 | Cover warped open with no caulk or seal intact                                                                        |
| Stormwater Sump | Cover plate #4 within the main cover of the sump                       | 1,964               | None                                                                                                                  |
| Stormwater Sump | Cover plate at the 1 <sup>st</sup> seam from the east side of the sump | 1,591               | None                                                                                                                  |
| API #2 OWS      | Access manway (inner ring) on the west end (Nearest Tag # 60-2239-01)  | 1,600               | None                                                                                                                  |
| API #2 OWS      | Access manway (outer ring) on the west end (Nearest Tag # 60-2239-01)  | 700                 | None                                                                                                                  |

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|                          |                                                 |                     |                                                    |
|--------------------------|-------------------------------------------------|---------------------|----------------------------------------------------|
| API #2 OWS               | Access manway on east side                      | 3,021               | On handle not closed to the access door            |
| API #2 OWS               | Access manway on east side                      | 1,306               | On seal to manway                                  |
| AIS 3 Sump               | Cover of pump within the main cover of the sump | 729                 | Opening to atmosphere from a pinhole               |
| API #1 OWS Effluent Sump | Cover, middle of east end of sump               | 1,600               | None                                               |
| API #1 OWS Effluent Sump | Cover, middle of sump                           | Greater than 10,000 | Cover was warped open and visible steam coming out |
| API #1 OWS Effluent Sump | Cover, middle of sump                           | 1,800               | Cover was actively bubbling                        |
| API #1 OWS Effluent Sump | Cover, middle of sump                           | 650                 | Middle of the sump near pump #2                    |

77. On April 28, 2022, Marathon submitted a revised WWTP diagram for the Garyville Refinery (“Revised WWTP Diagram”). In its Revised WWTP Diagram, Marathon identified five waste management units at the Garyville Refinery previously considered controlled for purposes of Subpart FF as not subject to the waste management unit requirements of Subpart FF. As a result, Marathon indicated these units and associated waste streams were now considered uncontrolled for purposes of Subpart FF and would be counted as part of the Garyville Refinery’s 6BQ uncontrolled waste streams. The changes are described below:

- |                             |                                     |
|-----------------------------|-------------------------------------|
| a. API #1 OWS Effluent Sump | New Status: Subpart FF uncontrolled |
| b. AIS 3 Sump               | New Status: Subpart FF uncontrolled |
| c. Bio H2O Sump             | New Status: Subpart FF uncontrolled |
| d. Rec. H2O Sump            | New Status: Subpart FF uncontrolled |
| e. API #2 Effluent Sump     | New Status: Subpart FF uncontrolled |

78. In the Revised WWTP Diagram, Marathon also indicated one waste management unit at the Garyville Refinery previously considered controlled for purposes of Subpart FF will now be considered subject to Subpart QQQ and its control requirements. The change is described below:

- |                       |                                                                 |
|-----------------------|-----------------------------------------------------------------|
| a. API #1 OWS Backbay | New Status: Not subject to Subpart FF<br>Subpart QQQ controlled |
|-----------------------|-----------------------------------------------------------------|

79. During the April 2022 Inspection, EPA identified oil, rather than water, in drain PH-60-38, which is subject to Subpart QQQ.
80. During the April 2022 Inspection, using the OGI camera, EPA imaged hydrocarbon emissions from the gooseneck atmospheric vent on the Stormwater Sump.
81. In Marathon’s Revised WWTP Diagram for the Garyville Refinery, Marathon identified the following equipment as subject to Subpart QQQ:

- a. ISBL Sump

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- b. Stormwater Sump
  - c. GDU Sump
  - d. Expansion Sump
  - e. GME Sump
  - f. Coker Sump
  - g. Sulfur Sump
82. During the April 2022 Inspection, EPA identified visual defects, cracks, gaps from the Stormwater Sump, AIS 3 Sump, Expansion Sump, and API #1 OWS Effluent Sump, the cover of API #1 OWS and API #2 OWS, API #2 OWS Effluent Sump, forebay of API #1 OWS, API #1 OWS Backbay, API #1 OWS oil skimming pump and supporting sump, and the Blackwater DGF sump.
83. During the April 2022 Inspection, EPA observed Marathon personnel removing visible oil on top of API #1 OWS using a vacuum truck.
84. During the April 2022 Inspection, Marathon personnel indicated that the oil on top of the API #1 OWS is a common occurrence after a rain event, and Marathon indicated that it had rained the night before the April 2022 Inspection.
85. During the April 2022 Inspection, EPA discovered that a pressure safety valve located on the U10 benzene stripper system had a bypass to atmosphere through a bonnet vent.
86. During the April 2022 Inspection, Marathon personnel indicated that it was unclear if all the correct valves were open to the dual carbon canisters supporting the API #1 OWS Effluent Sump, the API #1 OWS oil skimming sump, and API #1 OWS Backbay. Marathon personnel also indicated that they believed that the carbon canisters were being operated in parallel rather than in series.
87. During the April 2022 Inspection, Marathon personnel stated the carbon canister control for API #1 OWS was last changed in 2017 and never changed for API #2 OWS.
88. For the calendar years of 2019 through 2022, Marathon had not identified any detectable emissions above 500 ppm for any Subpart FF waste management units during its required annual no detectable emissions testing at the Garyville Refinery.
89. In Marathon's TAB report for the Garyville Refinery dated April 7, 2020, Marathon identified three instances of missed annual no detectable emissions tests required by Subpart FF on vacuum trucks in 2019.
90. In Marathon's TAB report for the Garyville Refinery dated April 7, 2020, Marathon identified Subpart FF visual defects on the closed-vent systems of sumps 63-1581 and 63-1580 in the second quarter, and again for sump 63-1581 in the fourth quarter of 2019.
91. For calendar years 2020 and 2021, Marathon did not identify any visual defects or other problems for Subpart FF equipment at the Garyville Refinery inspected during its required quarterly visual inspections.
92. Marathon reported the following deficiencies at its Garyville Refinery for Subpart QQQ:

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- a. 1<sup>st</sup> half 2019:
  - i. Twenty-four (24) drains were found dry (no water seal), and
  - ii. Three (3) catch basins were found uncovered.
- b. 2<sup>nd</sup> half 2019:
  - i. Twenty-one (21) drains were found dry (no water seal),
  - ii. Product and standing water were found on the floating cover of the east and west forebay of API #1,
  - iii. Damaged and/or not centered roof drain covers, and
  - iv. Thirteen (13) junction boxes with visible defects.
- c. 1<sup>st</sup> half 2020:
  - i. Nineteen (19) drains were found dry (no water seal), and
  - ii. Secondary seal gaps on tanks 250-3 and 100-4 greater than the allowable limit.
- d. 2<sup>nd</sup> half 2020:
  - i. Eight (8) drains were found dry (no water seal), and
  - ii. Three (3) junction boxes with visible defects.
- e. 1<sup>st</sup> half 2021:
  - i. One (1) above ground sewer line with visible defects.
- f. 2<sup>nd</sup> half 2021:
  - i. Eighty-six (86) drains were found dry (no water seal),
  - ii. Nineteen (19) junction boxes with visible defects,
  - iii. One (1) uncovered catch basin,
  - iv. Visible vapors from the cover of API #1 OWS,
  - v. Liquid leaking over the seals onto the floating roof of API #1 OWS, and
  - vi. Leak and broken latch at API #2 OWS.

### **III. Conclusions of Law**

#### **A. Benzene Waste NESHAP Violations**

**COUNT 1:** Marathon has violated 40 C.F.R. §§ 61.343(a)(1)(i)(A), 61.344(a)(1)(i)(A), 61.344(a)(1)(i)(B), 61.346(a)(1)(i)(A), 61.346(a)(1)(i)(B), 61.347(a)(1)(i)(A), and 61.355(h), and the Garyville Refinery's Title V Permits by failing to conduct proper Method 21 testing at each waste management unit at the Garyville Refinery based on the number of detectable emissions identified by EPA during EPA's April 2022 Inspection (Paragraph 76) and Marathon not identifying any detectable emissions for its previous four (4) years of required Method 21 testing for calendar years 2019 through 2022 (Paragraph 88).

**COUNT 2:** Marathon has violated 40 C.F.R. §§ 61.343(a)(1)(i)(A), 61.344(a)(1)(i)(A), 61.344(a)(1)(i)(B), 61.346(a)(1)(i)(A), 61.346(a)(1)(i)(B) and 61.347(a)(1)(i)(A), and the Garyville Refinery's Title V Permits by failing to operate all covers and openings, closed-vent systems, and other equipment (valves, pumps, and connectors) with no detectable emissions for waste management units at the Garyville Refinery, including tanks, surface impoundments, individual drain system, and oil-water separators based on the detectable emissions identified by EPA during EPA's April 2022 Inspection (Paragraph 76), and by Marathon not conducting proper Method 21 testing and visual inspections, for calendar years 2019 through 2022 (Paragraph 88).

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**COUNT 3:** Marathon has violated 40 C.F.R. § 61.356(d) by failing to create or maintain engineering design documentation when using control equipment that is installed on the waste management unit in accordance with 40 C.F.R. §§ 61.343 through 61.347.

**COUNT 4:** Marathon has violated 40 C.F.R. §§ 61.343(a)(1)(i)(A), 61.344(a)(1)(i)(A), 61.344(a)(1)(i)(B), 61.346(a)(1)(i)(A), 61.346(a)(1)(i)(B) 61.347(a)(1)(i)(A), 61.352(a)(1), 61.352(b), 60.693-2(a), and the Garyville Refinery's Title V Permits by failing to ensure that the covers and all openings for tanks, surface impoundments, individual drain system, and oil-water separators were designed to operate with no detectable emissions based on the testing conducted by EPA during the April 2022 Inspection (Paragraph 76) and the design of API #1 OWS (Paragraphs 75 and 82-84).

**COUNT 5:** Marathon has violated 40 C.F.R. §§ 61.342(e) and (e)(2)(i), and the Garyville Refinery's Title V Permits by failing to comply with the 6.0 Mg/yr control option at the Garyville Refinery based on detectable emissions identified during the April 2022 Inspection (Paragraph 76), improper no detectable emissions testing (Paragraphs 88 and 89), improper visual inspections (Paragraph 91), as well as the design of the API #1 and API #2 OWSs (Paragraphs 75 and 82-84).

**COUNT 6:** Marathon has violated 40 C.F.R. §§ 61.343(a)(1), 61.344(a)(1), 61.346(a)(1), and 61.347(a)(1), and the Garyville Refinery's Title V Permits by failing to route all emissions to a closed-vent system by not designing and/or operating each waste management unit at the Garyville Refinery with no detectable emissions.

**COUNT 7:** Marathon has violated 40 C.F.R. §§ 61.355(k) and 61.342(e)(2)(i), and the Garyville Refinery's Title V Permits by failing to demonstrate compliance with the uncontrolled emissions level for waste management units at the Garyville Refinery by identifying detectable emissions above the no detectable emissions standard for waste management units at the Garyville Refinery, and not calculating a quantity of uncontrolled benzene for these detectable emissions.

**COUNT 8:** Marathon has violated 40 C.F.R. § 61.349(a)(1)(ii) and the Garyville Refinery's Title V Permits by failing to install a flow indicator or ensure it is in the closed-position with a car-seal or lock-and-key by designing a pressure safety valve to have a bypass vent to atmosphere (Paragraph 85) at the Garyville Refinery.

**COUNT 9:** Marathon has violated 40 C.F.R. §§ 61.352(a)(1), 61.352(b), 60.693-2(a), and the Garyville Refinery's Title V Permits by failing to comply with the requirement of a floating roof on API #1 OWS by not installing a cover on API #1 OWS such that the entire waste surface area is enclosed and sealed to minimize air emissions.

**B. NSPS Subpart QQQ Violations**

**COUNT 10:** Marathon has violated 40 C.F.R. § 60.692-2(a)(1) and the Garyville Refinery's Title V Permits by failing to maintain water seal controls on each drain within the process units at the Garyville Refinery identified in Paragraph 92.

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**COUNT 11:** Marathon has violated 40 C.F.R. § 60.692-2(b)(2) and the Garyville Refinery's Title V Permits by failing to maintain the junction boxes at the Garyville Refinery (including the manhole covers to the junction box) identified in Paragraph 92.

**COUNT 12:** Marathon has violated 40 C.F.R. § 60.692-2(c)(1) and the Garyville Refinery's Title V Permits by failing to maintain the sewer lines as closed to the atmosphere and covered, or enclosed in a manner so as to have no visual gaps or cracks in joints, seals, or other emission interfaces at the Garyville Refinery identified in Paragraphs 76, 80 and 92.

**COUNT 13:** Marathon has violated 40 C.F.R. § 60.692-2(a)(2), (b)(3), and (c)(2), and the Garyville Refinery's Title V Permits by failing to properly conduct monthly visual inspections at the Garyville Refinery based on the number of visual inspection failures identified in Paragraphs 76, 80 and 92 (during the April 2022 Inspection and self-reported by Marathon).

**COUNT 14:** Marathon has violated 40 C.F.R. § 60.692-2(a)(5), (b)(4), and (c)(3), and the Garyville Refinery's Title V Permits by failing to make necessary and timely repairs of the individual drain systems, junction boxes, and sewers at the Garyville Refinery by not conducting the proper monthly visual inspections of the individual drain systems, junction boxes, and sewers.

**IV. Enforcement**

The EPA's investigation is ongoing. The above information represents specific violations of the CAA and the regulations promulgated thereunder that EPA believes, at this time, are sufficiently supported by evidence to warrant the allegations in this NOVOC. The EPA may find additional violations as its investigation continues.

**V. Opportunity to Confer**

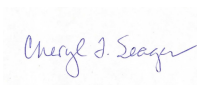
Based on information currently available, the EPA finds that Marathon has violated applicable requirements of the CAA, NESHAP, NSPS, and Marathon's Title V permit. By this letter, the EPA is extending to you an opportunity to advise the Agency via a conference call or in writing, of any further information the EPA should consider with respect to the violations. The conference will enable Marathon to present evidence bearing on the proposed finding of violations, on the nature of the violations, and on any efforts it may have taken or proposes to take to achieve compliance. Marathon has a right to be represented by counsel.

A request for a conference must be made within ten (10) days of receipt of this NOVOC. Please contact Christian Smith, Assistant Regional Counsel, at [smith.christian.a@epa.gov](mailto:smith.christian.a@epa.gov) or 214-665-6528, to request a conference. Any technical questions may be directed to Constantinos Loukeris, Environmental Engineer, at [loukeris.constantinos@epa.gov](mailto:loukeris.constantinos@epa.gov) or 312-353-6198.

**VI. Effective Date**

This notice shall become effective immediately upon issuance.

Marathon Petroleum Company, LP  
**Notice of Violation and Opportunity to Confer**

 Digitally signed by  
CHERYL SEAGER  
Date: 2023.12.18  
15:16:23 -06'00'

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Cheryl T. Seager  
Director  
Enforcement and  
Compliance Assurance Division  
U.S. EPA, Region 6, Dallas, Texas