



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 ELM STREET, SUITE 500
DALLAS, TX 75270

February 4, 2021

Mr. Jerry D. Stumbo
Valero Refining Co. – New Orleans, LLC
P.O. Box 518
Norco, LA 70079-0518

Sent via email: Jerry.Stumbo@valero.com

Re: Notice of Violation and Opportunity to Confer

Dear Mr. Stumbo:

The United States Environmental Protection Agency (“EPA”) has identified Valero Refining Co. – New Orleans, LLC (“Valero”) as having violated the Clean Air Act (“CAA”), 42 U.S.C. § 7401 *et seq.*, and the regulations promulgated thereunder. This Notice of Violation and Opportunity to Confer (“NOVOC”) is issued to Valero¹ for violations of the CAA at its St. Charles Refinery located at 14902 River Road, Norco, LA 70079 (“the Facility”). Based on information currently available, EPA finds that Valero 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 alleged violations.

The NOVOC is issued pursuant to Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), which requires the Administrator of EPA to notify any person in violation of a SIP or permit of the violation(s), and serves as the finding and notice required by this Section. 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 Valero 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. Valero responded via email dated September 29, 2020 and provided further information regarding the annual emission totals

^{1 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:

<http://nepis.epa.gov/Exe/ZyPDF.cgi/P100BYAV.PDF?Dockey=P100BYAV.PDF>.

CAA Violation

We are sending this letter to inform Valero of a violation of Louisiana's federally approved SIP at the Facility.

LAC 33:III.919.B.1 of the Louisiana SIP, approved at 76 Fed. Reg. 38,977 (July 5, 2011), requires that Valero submit an Annual Emissions Statement to LDEQ consisting of an inventory of the Facility's actual emissions and the permitted emissions limits of volatile organic compounds (VOCs), nitrous oxides (NO_x), carbon monoxide (CO), sulfur dioxide (SO₂), lead (Pb), particulate matter of 10 microns or less (PM₁₀) and 2.5 microns or less (PM_{2.5}), and ammonia. Actual emissions must be reported for all sources of emissions at the Facility, including fugitive emissions, flash gas emissions, insignificant sources, and excess emissions occurring during maintenance, start-ups, shutdowns, upsets, and downtime.

Based on its review, EPA finds that Valero violated LAC 33: III.919.B.1 of the Louisiana SIP by failing to report the Facility's actual emissions in the annual emissions inventory for VOCs for reporting year 2018.

Other Areas of Concern

In addition to those listed above, EPA identified Toluene for which actual emissions may not have been reported in the annual emissions inventory for reporting year 2018.

Opportunity to Confer

This NOVOC provides you with the opportunity to confer with EPA. We request Valero contact Carlos Zequeira, Assistant Regional Counsel, Zequeira.C@epa.gov, (214) 665-8053, within ten (10) business days of receipt of this NOVOC to discuss an administrative path for quick resolution. EPA acknowledges that the COVID-19 pandemic may impact your business. If that is the case, please contact us regarding any specific issues you need to discuss.

Sincerely,

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

ec: Celena Cage, LDEQ (Celena.Cage@la.gov)