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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY REGIONAL HEARING CLERK  
REGION 6 EPA REGION VI  
DALLAS, TX

IN THE MATTER OF:

Calumet Shreveport Refining, LLC

RESPONDENT

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Consent Agreement and Final Order  
USEPA Docket No. RCRA-06-2023-0928

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**CONSENT AGREEMENT AND FINAL ORDER**

**I. PRELIMINARY STATEMENT**

1. This Consent Agreement and Final Order ("CAFO") is entered into by the United States Environmental Protection Agency, Region 6 ("EPA" or "Complainant") and Respondent, Calumet Shreveport Refining, LLC ("Respondent" or "Calumet") and concerns the facility located at 3333 Midway Avenue Shreveport, LA 71109 ("Facility").
2. Notice of this action has been given to the State of Louisiana, under Section 3008(a)(2) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(2).
3. For the purpose of these proceedings, Respondent admits the jurisdictional allegations herein; however, the Respondent neither admits nor denies the specific factual allegations and conclusions of law contained in this CAFO. This CAFO states a claim upon which relief may be granted.
4. Respondent explicitly waives any right to contest the allegations or to appeal the proposed final order contained in this CAFO and waives all defenses that have been raised or could have been raised to the claims set forth in the CAFO.
5. The CAFO resolves only those violations which are alleged herein.

6. Respondent consents to the issuance of this CAFO as the most appropriate means of settling EPA's allegations without any adjudication of issues of law or fact, consents to the assessment and payment of the civil penalty in the amount and by the method set out in this CAFO, and consents to the compliance order in this CAFO.

## **II. JURISDICTION**

7. This CAFO is issued by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928, as amended by the Hazardous and Solid Waste Amendments of 1984 and is simultaneously commenced and concluded through the issuance of this CAFO under 40 Code of Federal Regulations ("C.F.R.") §§ 22.13(b) and 22.18(b)(2) and (3).
8. Respondent agrees to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by EPA or the United States to enforce the terms of this CAFO, Respondent agrees not to contest the authority or jurisdiction of EPA to issue or enforce this CAFO and agrees not to contest the validity of this CAFO or its terms or conditions.

## **III. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

9. Respondent is a corporation authorized to do business in the State of Louisiana.
10. Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and Title 33 of the Louisiana Administrative Code("LAC") LAC 33:V.109 1<sup>1</sup>,

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<sup>1</sup> On January 24, 1985, the State of Louisiana received final authorization for its base Hazardous Waste Management Program (50 FR 3348). Subsequent revisions have been made to the Louisiana Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, all citations found within this order are to the "EPA-Approved Louisiana Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" dated November 2015, incorporated by reference under 40 C.F.R. § 272.951(c)(1)(i) effective on December 26, 2018. 83 Fed. Reg. 66143 (December 26, 2018); 40 C.F.R. 272.951: Louisiana State-Administered Program: Final Authorization. References and citations to the "EPA-Approved Louisiana Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" may vary slightly from the State of Louisiana's published version. The corresponding C.F.R. citations are also provided.

[40 C.F.R. § 260.10].

11. Respondent owns or operates the Facility.
12. The Facility is an oil refinery that processes crude oil.
13. During the period from July 2022 through July 2023, EPA conducted a RCRA on-site inspection and record review of the Facility's activities as a generator of hazardous waste including a review of the information voluntarily provided to EPA by Respondent (the "Inspection").
14. During the Inspection, EPA discovered that Respondent, at a minimum, generated and offered for transport and/or treatment, hazardous waste having the:
  - A. Characteristic of Ignitability: D001 (Ignitability); D002 (Corrosivity); D003 (Reactivity)
  - B. Characteristic for multiple toxicity waste: D005 (Barium); D006 (Cadmium); D007 (Chromium); D009 (Mercury); D010 (Selenium); D011 (Silver); D018 (Benzene); D035 (Methyl ethyl ketone)
  - C. F003; F005; F037; F038
  - D. K048; K050; K169; K171
  - E. U154 (Methanol (I))
15. The Facility is a "facility" within the meaning of LAC 33: V.109, [ 40 C.F.R. § 260.10].
16. The waste streams identified in Paragraph 14 are "hazardous waste" as defined in LAC 33: V.4901.B &F, and 4903.E, [40 C.F.R. §§ 261.21, 261.22, 261.24, and 261.33]. The facility is registered as a Large Quantity Generator on September 26, 2017.

17. From the Inspection, EPA determined that Respondent generated the hazardous waste streams identified in Paragraph 14 in quantities that exceeded the threshold amount of 1,000 kilograms and operated as a Large Quantity Generator of hazardous waste under LAC 33:V.108, [40 C.F.R. Part 262], for the periods that such wastes remained onsite.
18. Respondent is a "generator" of "hazardous waste" as those terms are defined in LAC 33:V.109, [40 C.F.R. § 260.10].
19. As a generator of hazardous waste, Respondent is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth in Title 33 of LAC Part V, Chapters 1 through 51, [40 C.F.R Part 262 and/or 270].
20. EPA submitted to Respondent on March 22, 2023, a Notice of Potential Violation and Opportunity to Confer ("Notice"). In a conference call on April 11, 2023, EPA conferred with the Respondent regarding the violations alleged therein and provided an opportunity for Respondent to submit additional information and materials.

**Claims i. Failure to Mark or Label Containers**

21. The allegations in Paragraphs 1-19 are re-alleged and incorporated herein by reference.
22. Pursuant to LAC 33 Part V, § 1015, as required by 40 C.F.R. § 262.17(a)(5)(i)(C), a large quantity generator must mark or label its container with the date upon which each period of accumulation begins clearly visible for inspection on each container.
23. During the Inspection, EPA determined that the Respondent failed to mark or label its hazardous waste containers to indicate the date upon which each period of accumulation began.
24. At all times relevant to this CAFO, Respondent failed to mark or label its hazardous waste containers in violation of LAC 33 Part V, § 1015, 40 C.F.R. § 262.17(a)(5)(i)(C).

**Claims ii. Failure to Comply With Accumulation Time Limit**

25. The allegations in Paragraphs 1-19 are realleged and incorporated by reference.
26. Pursuant to LAC 33 Part V, § 1015, as required by 40 C.F.R. § 262.17(a), a large quantity generator may accumulate hazardous waste on site for no more than 90 days.
27. During the Inspection, EPA determined that the Respondent did not comply with the 90-day accumulation time limit for a hazardous waste container.
28. At all times relevant to this CAFO, the Respondent failed to comply with the 90-day accumulation time limit for hazardous waste onsite, in violation of LAC 33 Part V § 1015, 40 C.F.R. § 262.17(a).

**Claims iii. Failure to make an Adequate Waste Determination**

29. The allegations in Paragraphs 1-19 are realleged and incorporated by reference.
30. Pursuant to LAC 33 Part V, § 1005, as required by 40 C.F.R. § 262.11(a), a person who generates a solid waste, as defined in 40 C.F.R. § 261.2, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations. A hazardous waste determination is made using the following steps: (a) The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change.

31. During the Inspection, EPA reviewed Respondent's records and determined that Respondent failed to make adequate hazardous waste determination at the point of waste generation for one of Respondent's solid waste streams at the Facility.
32. At all times relevant to this CAFO, Respondent failed to make an adequate waste determination in violation of LAC 33 Part V, § 1005, 40 C.F.R. § 262.11(a).

**Claims iv. Failure to Mark or Label Containers in a Satellite Accumulation Area**

33. The allegations in Paragraphs 1-19 are realleged and incorporated by reference.
34. Pursuant to LAC 33 Part V, § 1011, as required by 40 C.F.R. § 262.15(a)(5), a generator must mark or label its container in a satellite accumulation area with the following: (a) The words "Hazardous Waste" and (ii) an indication of the hazards of the contents.
35. During the Inspection, EPA observed a hazardous waste drum in the satellite accumulation area that the Facility failed to mark or label with the words "Hazardous Waste" and did not mark or label and indication of the hazards of the contents.
36. At all times relevant to this CAFO, the Respondent failed to mark or label containers located in the Facility's satellite accumulation area in violation of LAC 33 Part V, § 1011, 40 C.F.R. § 262.15(a)(5).

**Claims v. Failure to Amend Contingency Plan**

37. The allegations in Paragraphs 1-19 are realleged and incorporated herein by reference.
38. Pursuant LAC 33 Part V § 1057, as required by 40 C.F.R. § 262.263, the contingency plan must be reviewed and immediately amended if necessary, whenever: (a) Applicable regulations are revised; (b) the plan fails in an emergency; (c) the generator facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potential for fires, explosions, or releases of hazardous

- waste or hazardous waste constituents, or changes the response necessary in an emergency;
- (d) the list of emergency coordinators changes; or the list of emergency equipment changes.
39. During the Inspection and review of the Respondent's Contingency Plan, EPA determined that the Facility last updated its contingency plan in 2013. Also, the Respondent failed to update the following sections of its Contingency Plan: Emergency Coordinator list, Spill Response Team/Contractors, and List of Emergency Response Personnel.
40. At all times relevant to this CAFO, Respondent failed to amend the Facility's contingency plan, as necessary, in violation of LAC 33 Part V, § 1057, 40 C.F.R. § 262.263.

#### IV. COMPLIANCE ORDER

41. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions, and within forty-five (45) calendar days of the effective date of this CAFO, Respondent shall provide in writing the following:
- A. Respondent shall certify that it has assessed all its solid waste streams at the Facility to determine the accurate waste codes and has developed and implemented standard operating procedures ("SOPs") to ensure that Respondent is operating the Facility in compliance with RCRA and the regulations promulgated thereunder, including, but not limited to, procedures for: (a) making hazardous waste determinations; (b) managing hazardous wastes; (c) reporting, transporting, and disposing of hazardous waste; (d) preparing its manifests; and (e) meeting the requirements of the land disposal requirements;
- B. Respondent shall certify that it has provided notification of its hazardous waste activities for the Facility in accordance with RCRA Section 3010; and
- C. Respondent shall provide, with its certification, a copy of Respondent's SOPs as described in subparagraph A above.

42. In all instances in which this CAFO requires written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer of the Respondent and shall include the following certification:

"I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Copies of all documents required by this CAFO shall be sent to the following:

U.S. EPA, Region 6  
Enforcement and Compliance Assurance Division (ECDSR)  
1201 Elm Street, Suite 500  
Dallas, Texas 75270-2102  
ATTN: Elizabeth Pham

Where possible, notice shall be sent electronically by email or facsimile to Enforcement Officer Elizabeth Pham, respectively at [pham.elizabeth@epa.gov](mailto:pham.elizabeth@epa.gov) or at 214-665-8354.

## V. TERMS OF SETTLEMENT

### A. Penalty Provisions

43. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the above referenced Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, upon the seriousness of the alleged violations, and Respondent's good faith efforts to comply with the applicable regulations, it is ordered that Respondent be assessed a civil penalty of **fifty seven thousand, one hundred and ninety dollars (\$57,190)**.
44. The penalty shall be paid within 30 calendar days of the effective date of this CAFO and made payable to the Treasurer United States.



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45. The following are Respondent's options for transmitting the penalties: Regular Mail, U.S.

Postal Mail (including certified mail) or U.S. Postal Service Express Mail, the check should be remitted to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979078  
St. Louis, Missouri 63197-9000

Overnight Mail (non-U.S. Postal Service), the check should be remitted to:

U.S. Bank  
Government Lockbox 979078  
U.S. EPA Fines and Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, Missouri 63101  
314-418-1028

Wire Transfer:

Federal Reserve Bank of New York  
ABA: 021030004  
Account No. 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045

The case name and docket number (In the Matter of Calumet Shreveport Refining, LLC, Docket No. RCRA-06-2023-0928 shall be clearly documented on or within the chosen method of payment to ensure proper credit.

46. The Respondent shall send a simultaneous notice of such payment to the following:

U.S. EPA, Region 6  
Enforcement and Compliance Assurance Division (ECDSR)  
1201 Elm Street, Suite 500  
Dallas, Texas 75270-2102  
ATTN: Elizabeth Pham

Respondent's adherence to this request will ensure proper credit is given when penalties are received by EPA.

47. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United

States and a charge to cover the cost of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

48. Moreover, the costs of the Agency's administrative handling overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid. In addition, a penalty charge of up to six percent (6%) per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. 40 C.F.R. § 13.11(b). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent.<sup>31</sup> C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

#### **B. Costs**

49. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 04-121), and any regulations promulgated pursuant to those Acts.

#### **C. Termination and Satisfaction**

50. When Respondent believes that it has complied with all the requirements of this CAFO, including compliance with the Compliance Order and payment of the civil penalty, Respondent shall also certify this in writing and in accordance with the certification language

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set forth in Section IV (Compliance Order). Unless the EPA, Region 6 objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

**D. Effective Date of Settlement**

51. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

Calumet Shreveport Refining, LLC  
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**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:**

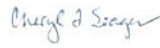
FOR THE RESPONDENT:

Date: October 11, 2023

  
\_\_\_\_\_  
Cheryl T. Seager, LLC

FOR THE COMPLAINANT:

Date: 10/24/2023

  
\_\_\_\_\_  
Digitally signed by  
CHERYL SEAGER  
Date: 2023.10.24  
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Cheryl T. Seager,  
Director  
Enforcement and  
Compliance Assurance Division  
U. S. EPA Region 6, Dallas, Texas

**FINAL ORDER**

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing CAFO is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: \_\_\_\_\_

**THOMAS  
RUCKI**

Digitally signed by  
THOMAS RUCKI  
Date: 2023.10.25  
09:05:23 -04'00'

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Thomas Rucki  
Regional Judicial Officer

Calumet Shreveport Refining, LLC  
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**CERTIFICATE OF SERVICE**

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order was delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

mcdonald.ashley@epa.gov

Copy via Email to Respondent:

eddie.lewis@nortonrosefulbright.com

**LORI JACKSON**

Digitally signed by LORI  
JACKSON  
Date: 2023.10.25 09:43:43  
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Ms. Lori Jackson  
Paralegal