


U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
RECEIVED

MAY 05 2017
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 and)
)
 LOUISIANA DEPARTMENT OF)
 ENVIRONMENTAL QUALITY)
)
 Co-Plaintiff,)
)
 v.)
)
 CABOT CORPORATION,)
)
 Defendant.)

Civil Action Number: 6:13-cv-03095

FIRST AMENDMENT TO CONSENT DECREE

WHEREAS, the United States of America (hereinafter “the United States”), the State of Louisiana (hereinafter “Plaintiff-Intervenor”), and Cabot Corporation (hereinafter “Cabot”) are parties to a Consent Decree entered by this Court on March 13, 2014 (hereinafter the “Consent Decree”).

WHEREAS, the Consent Decree requires Cabot to install emission control systems, and thereby achieve compliance with reduced emission standards, on specific Process Systems located at Cabot’s Canal and Ville Platte carbon black production Facilities in Louisiana, as more specifically described in the Consent Decree;

WHEREAS, Paragraph 17 of the Consent Decree requires Cabot to install by specified dates, and continuing thereafter, Continuously Operate a Wet Gas Scrubber emission control

system ("WGS") at each of Cabot's Canal and Ville Platte Facilities to achieve reductions in sulfur dioxide emissions from affected process sources;

WHEREAS, the WGS simultaneously achieves reductions in emissions of particulate matter from the controlled Process Systems;

WHEREAS, Paragraph 30 of the Consent Decree provides that, through operation of the WGS, Cabot shall achieve an Emissions Limit for particulate matter, determined as a 3-hour average, of no greater than 0.0069 gr/dscf from the relevant Process Systems at each of the Canal and Ville Platte Facilities;

WHEREAS, the particulate matter Emissions Limits established through Paragraph 30 of the Consent Decree reflect the particulate matter emission rates that had been projected by equipment vendors for the WGS system, based on preliminary design information, including generally available information concerning system performance and typical particulate matter size distribution;

WHEREAS, following entry of the Consent Decree, in order to facilitate detailed engineering design of the WGS systems, Cabot commissioned a detailed analysis of the size distribution of particulate matter within the emissions from its Process Systems at the Canal Facility;

WHEREAS, this detailed particulate matter size distribution analysis identified a greater concentration of very small particulate matter than considered by the WGS equipment vendors when projecting particulate matter emission rates based on the preliminary design of the WGS systems;

WHEREAS, based upon the more detailed particulate matter size distribution measured for the Process Systems at the Canal Facility, the engineering design team for the WGS system vendor

has refined its projections for the particulate matter emission rate resulting from application of the WGS system to the affected Process Systems at Cabot's Canal Facility;

WHEREAS, because the Process Systems at the Ville Platte Facility are currently controlled by flares and not a thermal oxidizer (as currently utilized at the Canal Facility), it is not possible to directly measure particulate matter size distribution for the process emissions at the Ville Platte Facility prior to initial construction of control equipment under the Consent Decree at that Facility;

WHEREAS, the United States, Plaintiff-Intervenor and Cabot therefore wish to modify Paragraph 30 of the Consent Decree to establish required particulate matter emission standards, calculated as 3-hour averages, for the affected Process Systems at Cabot's Canal and Ville Platte Facilities at a rate consistent with that projected by the WGS system equipment vendor based on detailed design information and expected effective operation of the WGS systems for reducing particulate matter in the emission streams;

WHEREAS, Cabot identified an opportunity to develop a cogeneration project (the "Cogeneration Project") in coordination with the installation of the WGS and SCR systems at Cabot's Canal facility, and the Cogeneration Project would convert waste heat generated by affected Process Systems to useable electric and thermal energy, displacing the need for fossil fuel-fired generation of the same electricity supply;

WHEREAS, complexities caused by the resolution of the achievable particulate matter emission limit for the WGS system to be installed at Cabot's Canal facility and the development of the Cogeneration Project have resulted in certain delays relative to the schedule identified in the Consent Decree;

WHEREAS, the United States, Plaintiff-Intervenor and Cabot therefore wish to modify Paragraphs 17 and 26 of the Consent Decree to adjust the compliance schedules for the installation and continuous operation of certain emission control systems;

WHEREAS, Paragraph 105 of the Consent Decree requires that this Amendment be approved by the Court before it is effective.

NOW THEREFORE, the United States, Plaintiff-Intervenor and Cabot hereby agree that, upon approval of this First Amendment by the Court, the Consent Decree shall be amended as follows:

1. Paragraph 17 of the Consent Decree is hereby amended and restated as follows:

17. SO₂ Process System Operation Emissions Limits and Control Technology. No later than the dates set forth in the table below, Defendant shall install, and continuing thereafter, Defendant shall Continuously Operate, a WGS on each Process System specified in the table below so as to achieve and maintain during Process System Operation the Emissions Limits specified in the table below:

Process System	Control Technology	7-day Rolling Average Emissions Limit	365-day Rolling Average Emissions Limit	Date of Continuous Operation
Canal Process System	WGS	Interim 7-day Rolling Average Emissions Limit: No greater than 157 ppmvd (at 0% oxygen)	Interim 365-day Rolling Average Emissions Limit: No greater than 115 ppmvd (at 0% oxygen)	Applicable interim Emissions Limit: September 30, 2018
		Final 7-day Rolling Average Emissions Limit: Option A: No greater than 120 ppmvd (at 0% oxygen) Option B: No less than 120 ppmvd (at 0% oxygen) and no greater than 157 ppmvd (at 0% oxygen)	Final 365-day Rolling Average Emissions Limit: Option A: No greater than 80 ppmvd (at 0% oxygen) Option B: No less than 80 ppmvd (at 0% oxygen) and no greater than 115 ppmvd (at 0% oxygen)	Applicable final Emissions Limit: Pursuant to the protocol specified in Appendix E
Ville Platte Process System	WGS	Interim 7-day Rolling Average Emissions Limit: No greater than 159 ppmvd (at 0% oxygen)	Interim 365-day Rolling Average Emissions Limit: No greater than 144 ppmvd (at 0% oxygen)	Applicable interim Emissions Limit: June 30, 2021
		Final 7-day Rolling Average Emissions Limit: Option A: No greater than 120 ppmvd (at 0% oxygen) Option B: No less than 120 ppmvd (at 0% oxygen) and no greater	Final 365-day Rolling Average Emissions Limit: Option A: No greater than 80 ppmvd (at 0% oxygen) Option B: No less than 80 ppmvd (at 0% oxygen) and no greater	Applicable final Emissions Limit: Pursuant to the protocol specified in Appendix E

Process System	Control Technology	7-day Rolling Average Emissions Limit	365-day Rolling Average Emissions Limit	Date of Continuous Operation
		than 159 ppmvd (at 0% oxygen)	than 144 ppmvd (at 0% oxygen)	

2. Paragraph 26 of the Consent Decree is hereby amended and restated as follows:

26. NO_x Process System Operation Emissions Limits and Control Technology. No later than the dates set forth in the table below, Defendant shall install, and continuing thereafter, Defendant shall Continuously Operate, a SCR on each Process System or acid treatment unit specified in the table below so as to achieve and maintain during Process System Operation the Emissions Limits specified in the table below:

Process System or Acid Treatment Unit	Control Technology	7-day Rolling Average Emissions Limit	365-day Rolling Average Emissions Limit	Date of Continuous Operation
Pampa Acid Treatment Unit	SCR	No greater than 17,000 ppmvd (at 0% oxygen)	No greater than 8,600 ppmvd (at 0% oxygen)	3 years from Effective Date of Consent Decree
Canal Process System	SCR	No greater than 61 ppmvd (at 0% oxygen)	No greater than 39 ppmvd (at 0% oxygen)	September 30, 2018
Ville Platte Process System	SCR	No greater than 46 ppmvd (at 0% oxygen)	No greater than 38 ppmvd (at 0% oxygen)	June 30, 2021

3. Paragraph 30 of the Consent Decree is hereby amended and restated to conform with the new dates in Paragraph 17 and to add a new Paragraph 30a as follows:

30. PM Control Technology and Emissions Limits. No later than the dates set forth in the table below, Defendant shall install, and continuing thereafter, Defendant shall Continuously Operate, a WGS on each Process System specified in the table below so as to achieve and maintain the Emissions Limits specified in the table below:

Process System	Control Technology	3-hour Average Emissions Limit for PM	Date of Continuous Operation
Canal Process System	WGS	No greater than 0.0069 gr/dscf	180 Days from September 30, 2018
Ville Platte Process System	WGS	No greater than 0.0069 gr/dscf	180 Days from June 30, 2021

30a. As an alternative to the Emission Limit(s) specified in the table in Paragraph 30 above, Defendant may elect to use the procedures in this Subparagraph 30a to set alternate 3-Hour Average Emission Limit(s) for the Canal Process System and/or Ville Platte Process System.

- (a) If Defendant makes such an election, then, at least 30 Days prior to the Date of Continuous Operation specified for the Process Systems at such Facility in Paragraph 30, Defendant shall submit to EPA and the LDEQ written notification in accordance with Section XX (Notices) of Defendant's election to utilize the

procedures in this Paragraph 30a to propose an alternate 3-Hour Average Emission Limit for the Process System at such Facility. Defendant shall include with any such notice the proposed alternate 3-Hour Average PM Emission Limit for the Process System at such Facility, as well as the technical basis for such proposal. The technical basis relied upon by Defendant in support of the proposed alternate 3-Hour Average PM Emission Limit for the Process System at such Facility may include information furnished by the equipment vendor for the WGS for the Canal Process System and/or Ville Platte Process System, any particulate matter distribution information developed by Defendant for the Canal Process System and/or Ville Platte Process System, any PM stack test data collected for the Canal Process System and/or Ville Platte Process System, as well as other, available and relevant information.

- (b) Any such alternate 3-Hour Average Emission Limit(s) proposed by Defendant shall be no lower than 0.0069 gr/dscf and no higher than 0.015 gr/dscf on a 3-hour average basis, and shall reflect a value which can be met with a reasonable certainty of compliance. After consultation with LDEQ, EPA will determine the adjusted 3-Hour Average Emission Limit(s) for the respective Canal Process System and/or Ville Platte Process System, as applicable, within the range of 0.0069 gr/dscf to

0.015 gr/dscf based on: (i) the information submitted by Defendant pursuant to this Paragraph 30a, including the level of performance during stack test(s); (ii) a reasonable certainty of compliance; and (iii) any other available and relevant information.

- (c) EPA shall notify Defendant in writing of EPA's determination of the adjusted 3-Hour Average Emission Limit(s). During the period from the Date of Continuous Operation specified in Paragraph 30 for the Process System at the respective Facility until 60 Days after the date that EPA provides written notification to Defendant of EPA's determination of the adjusted 3-Hour Average Emission Limit, Defendant shall comply with the alternate 3-Hour Average PM Emission Limit proposed by Defendant pursuant to this Paragraph 30a for the Process System at such Facility.
- (d) Beginning 60 Days after the date that EPA provides written notification to Defendant of EPA's determination of the adjusted 3-Hour Average Emission Limit for the Process System at the respective Facility, and continuing thereafter, Defendant shall Continuously Operate the WGS on the Process System at the respective Facility so as to achieve and maintain compliance with the adjusted 3-Hour Average Emission Limit identified by EPA for such Process Systems.

- (e) During any dispute under this Paragraph, Defendant shall continue to operate the WGSs required under Paragraph 30 in compliance with the alternate 3-Hour Average PM Emission Limit proposed by Defendant and in a manner consistent with good air pollution control practices in lieu of meeting the EPA-adjusted 3-Hour Average Emission Limit(s) under this Paragraph 30a.

4. The undersigned representatives are fully authorized to enter into the terms and conditions of this First Amendment. This First Amendment may be executed in several counterparts, each of which will be considered an original. Pursuant to Paragraph 105 of the Consent Decree, the effective date of this First Amendment shall be the date it is approved by the Court.

ORDER

Before the taking of any testimony, without adjudication of any issue of fact or law, and upon the consent and agreement of the Parties, it is:

ORDERED, ADJUDGED and DECREED that the foregoing First Amendment to the Consent Decree is hereby approved and entered as a final order of this Court.

Dated and entered this 5th day of May, 2017.




The Honorable Rebecca F. Doherty
United States District Judge
Western District of Louisiana

WE HEREBY CONSENT to the foregoing First Amendment to the Consent Decree entered in *United States of America, et al., v. Cabot Corporation*, Civil Action Number 6:13-cv-03095 on March 13, 2014.

FOR PLAINTIFF THE UNITED STATES OF AMERICA:

BRUCE S. GELBER
Deputy Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice


2/10/2017
DATE


JASON A. DUNN
Senior Attorney
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, DC 20044-7611


WE HEREBY CONSENT to the foregoing First Amendment to the Consent Decree entered in *United States of America, et al., v. Cabot Corporation*, Civil Action Number 6:13-cv-03095 on March 13, 2014.

FOR PLAINTIFF THE U.S. ENVIRONMENTAL PROTECTION AGENCY:


1/17/17
DATE


SUSAN SHINKMAN
Director
Office of Civil Enforcement
United States Environmental Protection Agency

1/17/17
DATE


PHILLIP A. BROOKS
Air Enforcement Division Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency

1/17/17
DATE


KELLIE ORTEGA
Attorney-Advisor, Air Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency

WE HEREBY CONSENT to the foregoing First Amendment to the Consent Decree entered in *United States of America, et al., v. Cabot Corporation*, Civil Action Number 6:13-cv-03095 on March 13, 2014.

FOR PLAINTIFF THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

01/18/2017
DATE




STACEY B. DWYER, P.E.
Acting Director
Compliance Assurance and
Enforcement Division
U.S. EPA, Region 6
1445 Ross Ave.
Dallas, TX 75202-2733

WE HEREBY CONSENT to the foregoing First Amendment to the Consent Decree entered in *United States of America, et al., v. Cabot Corporation*, Civil Action Number 6:13-cv-03095 on March 13, 2014.


FOR PLAINTIFF-INTERVENOR, LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY:

1/23/17
DATE



Lourdes Hurrealde
Assistant Secretary
Office of Environmental Compliance
Louisiana Department of Environmental Quality
P.O. Box 4312
Baton Rouge, Louisiana 70821-4312

1/23/17
DATE



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WE HEREBY CONSENT to the foregoing First Amendment to the Consent Decree entered in *United States of America, et al., v. Cabot Corporation*, Civil Action Number 6:13-cv-03095 on March 13, 2014.

FOR DEFENDANT CABOT CORPORATION:

1-26-2017
DATE



Sean D. Keohane
CEO and President
Cabot Corporation