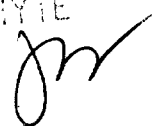


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EASTERN DISTRICT OF LOUISIANA
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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

ST. BERNARD CITIZENS FOR)
ENVIRONMENTAL QUALITY, INC. and)
LOUISIANA BUCKET BRIGADE)
Plaintiffs,)
v.)
CHALMETTE REFINING, L.L.C.)
Defendant.)

Case No.: 04-0398
Section: R
Judge: Vance; Magistrate: 1

STIPULATED ORDER

Background

On October 14, 2005, this Court granted Plaintiffs St. Bernard Citizens for Environmental Quality and Louisiana Bucket Brigade's motion for summary judgment on Defendant Chalmette Refining, L.L.C.'s liability and ordered "additional briefing on the propriety of injunctive relief in light of Hurricane Katrina." Order and Reasons at 1 (Oct. 14, 2005). Specifically, the Court ordered additional briefing about Plaintiffs' "request that the Court issue an injunction ordering defendant either to conform its operation of the benzene tanks to its permit limits or to close them within 30 days." *Id.* at 4.

Fee _____
Process _____
 Dktd _____
 CtRmDep _____
Doc. No _____

The “benzene tanks” are “storage tanks, identified as D-13001, D-13002, and 200” and are subject to Louisiana Department of Environmental Quality Permit #2226 (M-3) (limiting emissions from tanks D-13001 and D-13002 to 0.43 tons of benzene per year per tank and limiting hourly benzene emissions from each tank to 0.1 pounds per hour) and Permit #2500-00005-02 (setting an hourly emission limit of 0.51 pounds of benzene per hour and an annual limit of 2.2 tons for tank 200). *See* Order and Reasons at 9-10. On October 31, 2005, this Court extended the deadline for the additional briefs until November 7, 2005.

The parties wish to avoid unnecessary litigation and to promote cooperative resolution of disputes between them. They therefore stipulate to the following order to resolve Plaintiffs’ request, in their Second Motion for Partial Summary Judgment, for injunctive relief:

Stipulated Order

Chalmette Refining, L.L.C. shall ensure that emissions from the benzene tanks do not exceed the limits set forth in Permit # 2500-00005-02 and Permit # 2226 (M-3) and shall promptly report any violation of this order to the Court. This order shall be effective beginning on January 1, 2006, and shall expire when either of the following events occurs: (1) this entire lawsuit is resolved by judgment or (2) the Louisiana Department of Environmental Quality takes final agency action replacing Permit # 2500-00005-02 and Permit # 2226 (M-3) with a new permit or permits. Plaintiffs retain the right to seek issuance of a new order to replace this one upon its expiration.

Agreed to on November 7, 2005:

For the Plaintiffs:

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Attorneys for the Defendant
Chalmette Refining, L.L.C.

So ordered:

Dated: November 16, 2005

Sarah Vance
SARAH S. VANCE
UNITED STATES DISTRICT JUDGE