

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

ST. BERNARD CITIZENS FOR)	
ENVIRONMENTAL QUALITY, INC., and)	
LOUISIANA BUCKET BRIGADE,)	Case No.: 04-0398
)	Section: R
<i>Plaintiffs,</i>)	Judge: Vance; Magistrate: 1
)	
v.)	
)	
CHALMETTE REFINING, L.L.C.,)	
)	
<i>Defendant.</i>)	

STIPULATED JUDGMENT

RECITALS

WHEREAS, reference is made to the captioned matter for all purposes hereof;

WHEREAS, Defendant Chalmette Refining, L.L.C., a Delaware limited liability company, owns and operates a petroleum refinery located at 500 West St. Bernard Highway in Chalmette, St. Bernard Parish, Louisiana (the "Chalmette Refinery");

WHEREAS, Plaintiffs St. Bernard Citizens for Environmental Quality and Louisiana Bucket Brigade filed a Complaint in this case on February 12, 2004 alleging that Defendant is in violation of the Clean Air Act;

WHEREAS, on February 3, 2005 and October 14, 2005, the Court granted summary judgment that Defendant is liable for more than 2,660 Clean Air Act violations;

WHEREAS, on November 16, 2005, the Court granted the Plaintiffs' and Defendant's (collectively "Parties") proposed joint stipulated order in which Defendant agreed to bring its benzene tanks into compliance, which Defendant represents that it has done; and Defendant has since obtained new permits for the benzene tanks;

WHEREAS, on September 30, 2005, the United States and the State of Louisiana filed Case No. 05-4662 against Chalmette Refining, L.L.C. and a proposed consent decree in U.S. District Court for the Eastern District of Louisiana;

WHEREAS, on April 26, 2006, U.S. District Court Judge Lemelle entered the consent decree in United States of America and the State of Louisiana v. Chalmette Refining, L.L.C., No. 05-4662; and

WHEREAS, on August 10, 2007, the Court entered summary judgment that the federal consent decree and an accompanying state settlement barred further litigation of claims resolved in those government enforcement actions. The Court therefore dismissed all but two claims of violations at issue in this case. In its August 10, 2007 order, the Court found that this case "almost certainly served as a major catalyst in the drafting and entry of the EPA and LDEQ consent decrees . . . [that] were designed to bring about compliance with appropriate permit levels under the Clean Air Act;

WHEREAS, among the concerns that the Plaintiffs have expressed to the Defendant are concerns about the need to reduce odors and deposition of coke dust from the Defendant's

cokers. In response, the Defendant has stated “The safety and health of our employees, our contractors and members of the neighboring community is of utmost importance. We understand and share your concerns regarding environmental quality and reaffirm our commitment to act responsibly to minimize any adverse impacts from our coker handling and storage operations on the surrounding community. Chalmette Refining is committed to continuous improvement in this area and to working with federal and state regulators, and community members, investing in environmental projects, and being a good neighbor with the St. Bernard community.”

WHEREAS, the Parties wish to resolve the remaining issues in this lawsuit cooperatively, without further litigation and request that the Court enter this Stipulated Judgment:

NOW THEREFORE, the Parties agree and the Court hereby ORDERS, ADJUDGES and DECREES as follows:

Jurisdiction, Applicability, and Effective Date

1. This Court has jurisdiction over the Parties and the subject matter of this action.
2. The provisions of this Stipulated Judgment apply to the Chalmette Refinery. The provisions of the Stipulated Judgment are binding upon Plaintiffs and Defendant and upon Defendant’s successors and assigns.
3. The Parties agree that the persons who sign this Stipulated Judgment are authorized to execute this Stipulated Judgment and bind the Parties to the terms of the Stipulated Judgment.
4. The effective date of this Stipulated Judgment shall be the date the U.S. District

Court for the Eastern District of Louisiana enters the Stipulated Judgment.

Air Quality Monitoring

5. Defendant has extended by two years (from March 31, 2008 to March 31, 2010) the “St. Bernard Parish Enhanced Ambient Monitoring Program” provided for by the Administrative Order on Consent captioned In the Matter of Chalmette Refining, No. AE-AOA-05-0109 (May 24, 2005), attached as Exhibit A. Defendant will participate in the program during this extended period.

6. Defendant shall, in good faith, subject to its ability to renew the air monitoring leases on reasonable terms and conditions, and subject to the LDEQ’s approval to continue with the program, extend and participate in the “St. Bernard Parish Enhanced Ambient Monitoring Program” referred to in paragraph 5, above, for an additional three years, or until March 31, 2013.

Dismissal & Extension of Time

7. The Court shall maintain jurisdiction over this action for the purpose of implementing this Stipulated Judgment.

8. Pursuant to Fed. R. Civ. P. 54(d)(2)(B), and to provide time for a cooperative resolution of any issues concerning attorney fees and costs, the time for Plaintiffs to move for attorney fees in this matter is extended until 75 days after entry of this Stipulated Judgment.

9. In all other respects, except for attorney fees and costs as addressed in paragraph 8, above, this action is settled as between Plaintiffs and Defendant, and dismissed subject to this Court’s August 10, 2007 ruling that “if in time the [government] settlements do not actually lead

to compliance, plaintiffs may provide notice of the continued violations to EPA, LDEQ, and defendant under 42 U.S.C. § 7604 and ultimately may file another citizen suit.”

Agreed to:

FOR PLAINTIFFS:

Approved as to form:

Kenneth F. Ford
Kenneth Ford, President
St. Bernard Citizens for Environmental Quality

Date: 6/12/08 [Signature] Date: 6/13/08

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Date: 6-14-08 *Counsel for Plaintiffs St. Bernard Citizens for Environmental Quality and Louisiana Bucket Brigade*

FOR DEFENDANT:

[Signature]
Chalmette Refining, L.L.C.

Approved as to form:

Date: 6/23/08 [Signature] Date: 6/19/08

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ENTRY OF ORDER

This matter having come before this Court on the parties' request for entry of this Stipulated Judgment, and the Court having fully reviewed the matter, the Court hereby finds that the terms and provisions of this Stipulated Judgment are a fair, reasonable and equitable settlement of plaintiffs' claims for injunctive and declaratory relief in this matter. The foregoing Stipulated Judgment is hereby adopted by and made an Order of this Court.

Done this 30th day of June, 2008.

BY THE COURT:



Sarah S. Vance
United States District Judge
Eastern District of Louisiana