

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

~~United States District Court
Southern District of Texas
FILED
DEC - 2 2004
Michael N. Milby, Clerk~~ **BD**

UNITED STATES of AMERICA,)
Plaintiff,)
and)
THE STATE OF DELAWARE,)
STATE OF LOUISIANA, and the)
NORTHWEST AIR POLLUTION)
AUTHORITY OF THE STATE OF)
WASHINGTON,)
Plaintiff-Interveners,)
v.)
MOTIVA ENTERPRISES LLC,)
EQUILON ENTERPRISES LLC,)
and DEER PARK REFINING)
LIMITED PARTNERSHIP,)
Defendants.)

United States Courts
Southern District of Texas
ENTERED

JAN 16 2005

Michael N. Milby, Clerk of Court

Civil Action
No. H-01-0978
Honorable Melinda Harmon

FOURTH ADDENDUM TO CONSENT DECREE

WHEREAS, the United States of America (hereinafter "the United States"), the State of Delaware, the State of Louisiana, and the Northwest Air Pollution Authority of the State of Washington (hereinafter collectively referred to as the "State Plaintiffs"), Motiva Enterprises LLC, Equilon Enterprises LLC and Deer Park Refining Limited Partnership (hereinafter collectively referred to as "the Companies") are parties to a Consent Decree entered by this Court on August 20, 2001, and amended on May 29, 2002 and December 24, 2003 (hereinafter "the Heater and Boiler Consent Decree"); and

WHEREAS, the United States, the State Plaintiffs, and the Companies have agreed to a Third Addendum to the Heater and Boiler Consent Decree, which is currently pending before this Court (the motion for entry having been filed by the United States on October 14, 2004);

WHEREAS, the United States, the State Plaintiffs, and the Companies have reviewed and each hereby consents to this Fourth Addendum;

NOW THEREFORE, by the agreement of the United States, the State Plaintiffs, and the Companies, and pursuant to the provisions of Paragraph 80, this Fourth Addendum hereby modifies the obligations of the Companies under the Heater and Boiler Consent Decree by changing paragraph 12 as shown below. This amendment shall be binding on the United States, the State Plaintiffs, and the Companies, all signatories to the Heater and Boiler Consent Decree in this action. Nothing in this Fourth Addendum is intended to modify or change the obligations of Premcor Refining Group Inc. as set forth in the Third Addendum to this Consent Decree.

Paragraph 12 is amended to read:

The Companies shall achieve two-thirds of the combined NOx emissions reductions from the Controlled Heaters and Boilers as set forth in Paragraph 9 minus seven (7) tons NOx per year (3,661 tons NOx per year), by December 31, 2004, and two-thirds of the combined NOx emissions reductions from the Controlled Heaters and Boilers as set forth in Paragraph 9 plus sixty-two (62) tons NOx per year (3,730 tons NOx per year), by March 31, 2005. The Companies shall demonstrate compliance with these requirements in a report submitted to EPA by not later than June 30, 2005, demonstrating that they have installed NOx controls and applied for enforceable limits that will achieve the required reductions, pursuant to Part VI (Permitting). This June 30, 2005, report shall be certified as required under Paragraph 17. For purposes of this Consent Decree, "applied for" shall mean that the Companies have submitted a complete and timely application for the appropriate permit, permit modification, and/or permit waiver.

FOR PLAINTIFF, UNITED STATES OF AMERICA:

Tom Sansonetti
Thomas L. Sansonetti
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
10th & Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Date: 11.23.04


Dianne M. Shawley
Dianne M. Shawley
Senior Counsel
Environment and Natural Resources Division
U.S. Department of Justice
1425 New York Avenue, N.W.
Washington, DC 20005

Date: 11/12/04

Michael T. Shelby
United States Attorney
Southern District of Texas
P.O. Box 61129
Houston, TX 77208

U. S. v. Motiva Enterprises LLC, et al

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY:


Thomas Skinner
Acting Assistant Administrator
Office of Enforcement and Compliance
Assurance
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Date: 10-28-04

For Plaintiff-Intervener the State of Delaware:

John Hughes by J. Domike

Date: 12-1-04

John Hughes
Secretary
Department of Natural Resources and
Environmental Control
89 Kings Highway
Dover, Delaware 19901

Valerie S. Csizmadia by Domike

Date: 12-1-04

Valerie S. Csizmadia
Deputy Attorney General
Office of the Attorney General
102 West Water Street, Third Floor
Dover, Delaware 19904

**Preliminary Approval of Plaintiff-Intervener, the State of Louisiana, through the
Department of Environmental Quality:**

Harold Leggett by J. Domike

Date: 12-1-04

Harold Leggett, Ph.D
Assistant Secretary
Office of Environmental Compliance
Louisiana Department of Environmental Quality

Ted Broyles, II by J. Domike

Date: 12-1-04

Ted Broyles, II
Senior Attorney
Office of the Secretary
Legal Affairs Division
P.O. Box 4302
Baton Rouge, Louisiana 70821-4302

**For Northwest Air Pollution Authority of the State of Washington, A Washington
Municipal Corporation:**

By:

Laughlan H. Clark
Visser, Zender and Thurston, P.S.
1700 D Street
P. O. Box 5226
Bellingham, WA 98227

Date: Laughlan H. Clark
by J. Domike

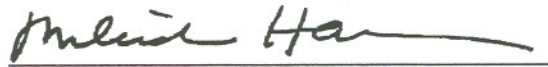
For Motiva Enterprises LLC, Equilon Enterprises LLC, and Deer Park Refining Limited Partnership:



Date: 10-21-04

Judith Moorad
Vice President
Health, Safety, Environment & Quality
Shell Oil Products US
910 Louisiana Street
Houston, TX 77002

Pursuant to the parties' Unopposed Motion filed with this Court on January 6, 2005, this Fourth Addendum to Consent Decree is hereby entered as an ORDER of this Court, in accordance with the foregoing this 13th day of January, 2005.



United States District Court Judge