

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Monday, October 31, 2011

Former Asphalt Manager of Pelican Refinery Pleads Guilty in Louisiana to Air Pollution Causing Negligent Endangerment

WASHINGTON – The former asphalt facilities manager of Pelican Refining Company LLC (PRC), pleaded guilty today to the crime of negligent endangerment under the Clean Air Act in federal court in Lafayette, La., announced Ignacia S. Moreno, Assistant Attorney General for the Environment and Natural Resources Division at the Department of Justice and Stephanie A. Finley, U.S. Attorney for the Western District of Louisiana.

Mike LeBleu served as the asphalt facilities manager of the Pelican Refinery in Lake Charles, La., from May 9, 2005, through Oct. 15, 2009. LeBleu was a member of upper management with regard to the asphalt plant and had overall responsibility for the plant's operations and personnel. According to court documents, LeBleu negligently caused the release of hydrogen sulfide (H₂S), an extremely hazardous substance, into the air, which placed other persons in imminent danger of death and serious bodily injury.

LeBleu faces a maximum of one year in prison and a fine of \$100,000.

According to the joint factual statement filed with court, during August 2007, LeBleu facilitated the purchase of a load of 64-22 asphalt that had extremely high levels of H₂S emissions, between 150 parts per million (ppm) and 1300 ppm. H₂S emissions at these levels carry serious health risks, ranging from eye and lung damage to death at the highest levels. The H₂S coming off the asphalt was so high that the barge carrying the load was previously denied entry into the Port of Houston. Because of the high H₂S levels, LeBleu was able to negotiate a substantial discount. The Pelican Refinery would have to spend almost \$25,000 on treatments and chemicals in order to bring the H₂S emissions down to safe levels for road construction, but even with the cost of treatment, the savings to the Pelican Refinery amounted to more than \$140,000.

LeBleu admitted that he was fully aware of the risks associated with processing asphalt with such high H₂S emissions. For example, at the time of treatment, he requested and received from the Asphalt Institute, a draft copy of "Best Management Practices for Asphalt Facility Control of H₂S Exposure." Nevertheless, those best practices were not instituted or followed.

On Aug. 19, 2007, the asphalt arrived at the Pelican Refinery, and under LeBleu's direction, employees on the asphalt barges were instructed to load approximately 39,438 barrels of the high-H₂S asphalt into a tank, known as Tank 80-02. Tank 80-02 was not permitted for H₂S emissions, a violation of PRC's Title V permit. LeBleu understood that the asphalt was in a liquid phase and that H₂S would be emitted into the vapor space of the tank. Because that tank was vented to the atmosphere, H₂S would escape into the surrounding air, especially given the heated condition of the asphalt. LeBleu himself saw "blue smoke" being emitted from the elbow vents toward the top of the tank, indicating that fumes were being emitted into the atmosphere.

The treatment of the high H₂S asphalt was an ongoing process involving mixing and blending that lasted approximately one month, and was completed by the end of September 2007. During the treatment, regular samples of the H₂S levels had to be taken. Some of this was done from a tap valve on the side of the tank. Other samples were taken from a hatch at the top of the tank's roof. LeBleu personally collected some of these samples, but he also was negligent when he ordered his subordinates to collect such samples. These employees had to climb on top of the tank, open a hatch, and insert a sampling device into the hatch. The employees were not provided with "fresh air" breathing equipment as required by industry best practices. Several of these employees noted that their personal H₂S monitors indicated exposure to H₂S. Other employees that went on top of Tank 80-02 as part of the sampling program reported smelling "rotten eggs" and being overcome with fumes. The smell of rotten eggs is a human indicator for the presence of H₂S.

In related cases, PRC pleaded guilty on Oct. 12, 2011, to felony violations of the Clean Air Act and obstruction of justice for its mismanagement of the refinery. Sentencing is scheduled for Dec. 15, 2011. Additionally, the company's vice-president and general manager, Byron Hamilton, pleaded guilty to Clean Air Act negligent endangerment charges on July 6, 2011. Sentencing has yet to be scheduled for Hamilton.

Under the Crime Victims' Rights Act, crime victims are afforded certain statutory rights, including the opportunity to attend all public hearings and provide input to the prosecution. Any person adversely impacted is encouraged to visit www.justice.gov/usao/law/vicwit/index.html to learn more about the case and the Crime Victims' Rights Act or you may contact the Victim Witness Coordinator for the U.S. Attorney's Office for the Western District of Louisiana, Vicki Chance at 318-676-3600.

The criminal investigation was conducted by the EPA Criminal Investigation Division in Baton Rouge and the Louisiana State Police, with assistance from the Louisiana Department of Environmental Quality. The case is being prosecuted by U.S. Attorney Stephanie Finley, Trial

Attorney Christopher Hale and Senior Trial Attorney Richard A. Udell, both with the Environmental Crimes Section of the Environment and Natural Resources Division of the U.S. Department of Justice.