

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

WILLIAMS OLEFINS, L.L.C.

AI # 5565

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.

* Settlement Tracking No.
* SA-WE-17-0010
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* Enforcement Tracking No.
* WE-CN-16-00197
* WE-CN-16-00197A
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SETTLEMENT

The following Settlement is hereby agreed to between Williams Olefins, L.L.C. (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a limited liability company that owns and/or operates a facility that produces ethylene and other hydrocarbon products located in Ascension Parish, Louisiana (“the Facility”).

II

On May 5, 2016, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-16-00197**, which was based upon the following findings of fact:

“The Respondent owns and/or operates the Geismar Ethylene Plant located at 5205 Louisiana Highway 3115 in Geismar, Ascension Parish, Louisiana. The facility produces ethylene and other hydrocarbon products by the thermal reaction of ethane, propane, and other feed stocks. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0069612 on April 28, 2009, with an effective date of June 1, 2009, and an expiration date of May

31, 2014. The Respondent submitted a permit renewal application to the Department on or about December 2, 2013, and LPDES permit LA0069612 was administratively continued. Under the terms and conditions of LPDES permit LA0069612, the Respondent is authorized to discharge treated process wastewater and process area stormwater; utility wastewater including demin regeneration wastewater and filter backwash, heater and boiler blowdown, facility cooling tower blowdown, and Air Products cooling tower blowdown; and miscellaneous wastewaters including, but not limited to, hydrostatic test waters (Outfall 001) to the Mississippi River, waters of the state, and low contamination potential stormwater runoff from non-process areas and the following miscellaneous discharges: eye wash/safety shower water, fire system test waters, steam trap discharges, and air conditioning condensate (Outfalls 002, 003, 004, and 005) to an unnamed drainage ditch, thence Bayou Braud, waters of the state.

II.

The Respondent was issued Compliance Order WE-C-15-01021 on or about October 16, 2015. The Respondent submitted a written response to the Department on or about November 23, 2015. Compliance Order WE-C-15-01021 is a final action of the Department and not subject to further review.

III.

A file review conducted by the Department on or about April 13, 2016, revealed that the Respondent exceeded effluent limitations. These effluent limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Non-Compliance Reports (NCRs), are summarized below:

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
01/2015	001A	Oil & Grease, Daily Maximum – lbs/day**	89	101.1
03/2015	001A	Oil & Grease, Daily Maximum – lbs/day**	89	94.6
		Oil & Grease, Daily Maximum – lbs/day**	89	95.7
04/2015	001A	BOD ₅ , Daily Maximum - lbs/day**	321	330.6
		TSS, Daily Maximum – lbs/day**	623	734.7
		Oil & Grease, Daily Maximum – lbs/day**	89	120.5
		Oil & Grease, Daily Maximum – lbs/day**	89	97.9
		Oil & Grease, Daily Maximum – lbs/day**	89	163.8
		Oil & Grease, Daily Maximum – lbs/day**	89	89.1
		Oil & Grease, Daily Maximum – lbs/day**	89	103.4
		Oil & Grease, Daily Maximum – lbs/day**	89	150.6
05/2015	001A	Oil & Grease, Daily Maximum – lbs/day**	89	257.1
		Oil & Grease, Daily Maximum – lbs/day**	89	122.2
		Oil & Grease, Daily Maximum – lbs/day**	89	249.2
06/2015	001A	Oil & Grease, Daily Maximum – lbs/day**	89	102.6
07/2015	001A	Oil & Grease, Daily Maximum – lbs/day**	89	91.5
08/2015	001A	BOD ₅ , Daily Maximum - lbs/day**	321	339.1
		BOD ₅ , Daily Maximum - lbs/day**	321	359.6
08/2015	001A	BOD ₅ , Daily Maximum - lbs/day**	321	345.2
		BOD ₅ , Daily Maximum - lbs/day**	321	340.1
		TSS, Daily Maximum – lbs/day**	623	658.6
09/2015	001A	BOD ₅ , Monthly Average - lbs/day	123	194
		TSS, Monthly Average - lbs/day	216	348.9
10/2015	001A	BOD ₅ , Monthly Average - lbs/day	123	281.1
		BOD ₅ , Daily Maximum - lbs/day	321	629.8
		BOD ₅ , Daily Maximum - lbs/day**	321	477.6
		BOD ₅ , Daily Maximum - lbs/day**	321	553.6
		BOD ₅ , Daily Maximum - lbs/day**	321	360.2
		TSS, Monthly Average - lbs/day	216	431
		TSS, Daily Maximum – lbs/day	623	1395.7
TSS, Daily Maximum – lbs/day**	623	673.4		
11/2015	001A	BOD ₅ , Monthly Average - lbs/day	123	222.3
		BOD ₅ , Daily Maximum - lbs/day	321	333.1
		Oil & Grease, Daily Maximum – lbs/day	89	123
12/2015	001A	BOD ₅ , Monthly Average - lbs/day	123	365.1
		BOD ₅ , Daily Maximum - lbs/day	321	661.6
		BOD ₅ , Daily Maximum - lbs/day**	321	346.8
		BOD ₅ , Daily Maximum - lbs/day**	321	467.1
		BOD ₅ , Daily Maximum - lbs/day**	321	624.5
		BOD ₅ , Daily Maximum - lbs/day**	321	482.9
		BOD ₅ , Daily Maximum - lbs/day**	321	448.2
		BOD ₅ , Daily Maximum - lbs/day**	321	371.0
		BOD ₅ , Daily Maximum - lbs/day**	321	349.1
		TSS, Monthly Average - lbs/day	216	311.4
		Oil & Grease, Daily Maximum – lbs/day	89	300.5
	005Q	pH, Instantaneous Maximum – S.U.	9	10

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
01/2016	001A	BOD ₅ , Monthly Average - lbs/day	123	147.2
		BOD ₅ , Daily Maximum - lbs/day	321	460.9
		BOD ₅ , Daily Maximum - lbs/day**	321	342.7
		TSS, Monthly Average - lbs/day	216	221.8
		TSS, Daily Maximum – lbs/day	623	891.4
		Oil & Grease, Daily Maximum – lbs/day	89	93.3
02/2016	001A	Oil & Grease, Daily Maximum – lbs/day	89	103.6

**Reported on NCRs.

Each effluent exceedance is a violation of Compliance Order WE-C-15-01021, LPDES permit LA0069612 (Part I, Pages 2 and 9 of 9 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.”

On October 14, 2016, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-16-00197A**, which was based upon the following findings of fact:

“The Department hereby amends Paragraph III of the Findings of Fact to read as follows:

“III.

A file review conducted by the Department on or about September 26, 2016, revealed that the Respondent had additional effluent limitation exceedances. The effluent limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Non-Compliance Reports (NCRs), are summarized below:

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
03/2016	001A	BOD ₅ , Daily Maximum - lbs/day	321	392.7
		BOD ₅ , Monthly Average - lbs/day	123	128.4
04/2016	001A	BOD ₅ , Daily Maximum - lbs/day	321	364.8
04/2016	001A	BOD ₅ , Daily Maximum - lbs/day**	321	335.8
		BOD ₅ , Monthly Average - lbs/day	123	194.1
05/2016	001A	BOD ₅ , Daily Maximum - lbs/day	321	1150
		BOD ₅ , Daily Maximum - lbs/day**	321	1071
		BOD ₅ , Monthly Average - lbs/day	123	280.7
06/2016	004Q	pH Instantaneous Maximum –S. U.	9	11.45
	005Q	pH Instantaneous Maximum –S. U.	9	11.2

**Reported on NCRs.

Each effluent exceedance is a violation of Compliance Order WE-C-15-01021, LPDES permit LA0069612 (Part I, Pages 2, 8, and 9 of 9 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.”

II.

To submit, within thirty (30) days after receipt of this Compliance Order, a comprehensive plan for the expeditious elimination and prevention of such noncomplying discharges. Such plan shall provide for specific corrective actions to be taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this Compliance Order, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this Compliance Order. This report and all other reports or information required to be submitted to the Enforcement Division by this Compliance Order shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Bernie Boyett
Enforcement Tracking No. WE-CN-16-00197A
Agency Interest No. 5565

IV.

The Department incorporates all of the remainder of the original Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-16-00197 and Agency Interest No. 5565 as if reiterated herein.”

The following violation, although not cited in the foregoing enforcement action(s), are included within the scope of this settlement.

A file review conducted by the Department on or about January 18, 2017, revealed that the Respondent exceeded an effluent limitation. The effluent limitation exceedance, as reported by the Respondent on the DMR and NCR, is summarized below:

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
10/2016	001A	Oil & Grease, Daily Maximum – lbs/day**	89	113.3

Each effluent exceedance is a violation of LPDES permit LA0069612 (Part I, Page 2 of 9 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FOURTEEN THOUSAND AND NO/100 DOLLARS (\$14,000.00), of which Eight Hundred Eighty-Three and 06/100 Dollars (\$883.06) represents the Department’s enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the inspection report(s)/permit record(s), the Consolidated Compliance Orders & Notices of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the

violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Ascension Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XI

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

Williams Olefins, L.L.C.

BY: Larry Bayer
(Signature)

Larry Bayer
(Printed)

TITLE: Director, Operations & Technical Services

THUS DONE AND SIGNED in duplicate original before me this 23rd day of June, 20 17, at Terrebonne, Louisiana.

Amy deGeneres Berret
NOTARY PUBLIC (ID # 24295)

Amy deGeneres Berret
Notary Public
State of Louisiana
(Stamp Roll No. 04295)
My Commission is for Life

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary

BY: [Signature]
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 28th day of May, 20 17, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary