

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

<b>IN THE MATTER OF:</b>	*	<b>Settlement Tracking No.</b>
	*	<b>SA-AE-18-0059</b>
<b>AIR PRODUCTS AND CHEMICALS, INC.</b>	*	
	*	<b>Enforcement Tracking No.</b>
<b>AI # 2679, 31512, 98590, 180618</b>	*	<b>AE-CN-13-01150</b>
	*	<b>AE-CN-14-00028</b>
	*	<b>AE-PP-14-00676</b>
	*	
<b>PROCEEDINGS UNDER THE LOUISIANA</b>	*	
<b>ENVIRONMENTAL QUALITY ACT</b>	*	
<b>LA. R.S. 30:2001, <u>ET SEQ.</u></b>	*	

SETTLEMENT

The following Settlement is hereby agreed to between Air Products and Chemicals, Inc. (“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 corporation that owns and/or operates facilities located in Ascension Parish, Orleans Parish, and St. Charles Parish, Louisiana (“the Facilities”).

II

On December 19, 2014, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-13-01150 (Exhibit 1).

On June 8, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-14-00028 (Exhibit 2).

On August 28, 2015, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-14-00676 (Exhibit 3).

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

Air Products and Chemicals, Inc. AI#180618  
Norco Hydrogen Plant

- A. The Respondent failed to timely submit the Annual Criteria Pollutant Emissions Inventory Certification Statement for 2012 by the April 30, 2013 deadline. Specifically, the certification statement was postmarked on February 10, 2014. This is a violation of LAC 33:III.501.C.4, LAC 33:III.919.F.1.d, and La. R.S. 30:2057(A)(2).
- B. The Respondent failed to timely submit the Annual Toxic Air Pollutant Emissions Certification Statement for 2012 by the April 30, 2013 deadline. Specifically, the 2012 certification was postmarked on February 10, 2014. This is a violation of LAC 33:III.501.C.4, LAC 33:III.5107.A, and La. R.S. 30:2057(A)(2).
- C. The Respondent failed to submit the facility's 2012 Title V 1st Semiannual Monitoring Report in a timely manner. Specifically, the report was due September 30, 2012, but was postmarked January 15, 2015. Each failure to submit a Title V Semiannual Monitoring Report is a violation of Title V Air Permit No. 3085-V1 40 CFR Part 70 General Condition K, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- D. The Respondent failed to submit the facility's 2012 Title V 2nd Semiannual Monitoring Report in a timely manner. Specifically, the report was due March 31, 2013, but was postmarked January 15, 2015. Each failure to submit a Title V Semiannual Monitoring Report is a violation of Title V Air Permit No. 3085-V1 40 CFR Part 70 General Condition K, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- E. The Respondent failed to submit the facility's 2012 Title V Annual Compliance Certification Report in a timely manner. Specifically, the report was due March 31, 2013, but was postmarked January 15, 2015. Each failure to submit a Title Annual Compliance Certification Report is a violation of Title V Air Permit No. 3085-V1 40 CFR Part 70 General Condition M, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- F. The Respondent failed to submit the facility's 2013 Title V 1st Semiannual Monitoring Report in a timely manner. Specifically, the report was due September 30, 2013, but was postmarked January 15, 2015. Each failure to submit a Title V Semiannual Monitoring Report is a violation of Title V Air Permit No. 3085-V1 40 CFR Part 70 General Condition K, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

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 FIFTY-TWO THOUSAND ONE HUNDRED AND NO/100 DOLLARS (\$52,100.00), of which One Thousand Eight Hundred Thirty and 24/100 Dollars (\$1,830.24) 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, Notice 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, Orleans Parish, and St. Charles 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.



AIR PRODUCTS AND CHEMICALS, INC.

IS BY: Raymond R. Bailey  
(Signature)

RAYMOND R. BAILEY  
(Printed)

TITLE: V.P. EHS+Q

THUS DONE AND SIGNED in duplicate original before me this 13<sup>th</sup> day of December, 20 18, at ALLENTOWN.

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Norma L. Visnar, Notary Public  
Upper Macungie Twp., Lehigh County  
My Commission Expires March 6, 2019  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Norma L. Visnar  
NOTARY PUBLIC (ID # 123151)

NORMA L VISNAR  
(stamped or printed)

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

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

THUS DONE AND SIGNED in duplicate original before me this 25<sup>th</sup> day of March, 20 19, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 19181)

Perry Theriot  
(stamped or printed)

Approved: [Signature]  
Loures Iturralde, Assistant Secretary

**BOBBY JINDAL**  
GOVERNOR



**PEGGY M. HATCH**  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 19, 2014

CERTIFIED MAIL (7004 2510 0006 3852 9882)  
RETURN RECEIPT REQUESTED

**AIR PRODUCTS AND CHEMICALS, INC.**  
c/o C T Corporation System  
Agent for Service of Process  
5615 Corporate Blvd., Ste. 400B  
Baton Rouge, LA 70808

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-CN-13-01150  
AGENCY INTEREST NO. 2679**

Dear Sir(s):

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **AIR PRODUCTS AND CHEMICALS, INC. (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Richard LeBlanc at (225) 219-3165.

Sincerely,

Celena J. Cage  
Administrator  
Enforcement Division

CJC/RDL/rdl  
Alt ID No. 0180-00023  
Attachment



c: Air Products and Chemicals  
8013 Hwy. 3251  
Geismar, LA 70734



STATE OF LOUISIANA  
 DEPARTMENT OF ENVIRONMENTAL QUALITY  
 OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
AIR PRODUCTS AND CHEMICALS, INC.	*	ENFORCEMENT TRACKING NO.
ASCENSION PARISH	*	
ALT ID NO. 0180-00023	*	AE-CN-13-01150
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	2679
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED  
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **AIR PRODUCTS AND CHEMICALS, INC. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

I.

The Respondent owns and/or operates the Geismar No. 1 Synthesis Gas Facility (facility), a syngas production facility located at 36637 Louisiana Highway 30 in Geismar, Ascension Parish, Louisiana. The facility operated under Title V Air Permit No. 0180-00023-V1 issued on August 1, 2006, which was administratively amended and Title V Air Permit No. 0180-00023-V1AA was issued on April 23, 2009. The facility operated under Title V Air Permit No. 0180-00023-V2 issued January 13, 2011. The facility currently operates under Title V Air Permit No. 0180-00023-V3 issued September 19, 2011.

## II.

On or about May 21, 2013, the Department conducted an inspection at the facility to determine compliance with the Air Quality Regulations. Additionally, the Department conducted a file review for the facility on or about November 19, 2014.

While the Department's investigation is not yet complete, the following violations were discovered during the course of the inspection and file review:

- A. The Respondent self-reported in the facility's 2011 Annual Compliance Certification rate exceedances for nitrogen oxides (NO<sub>x</sub>) emissions and carbon monoxide (CO) emissions from 10020: Industrial Flare Stack (EQT0002). Specifically beginning January 1, 2011, NO<sub>x</sub> and CO rate exceedances occurred for approximately 19 hours due to increased flaring of syngas when a customer shutdown its facility. Each exceedance is a violation of Title V Air Permit No. 0180-00023-V1AA Emission Rates for Criteria Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Title V Air Permit No. 0180-00023-V2 issued January 13, 2011, increased the maximum NO<sub>x</sub> emissions rate from 4.71 to 7.83 pounds per hour and increased the maximum CO emissions rate from 100.32 to 126 pounds per hour.
- B. The Respondent self-reported in the facility's 2010 and 2011 Annual Compliance Certifications unpermitted releases of ammonia from 10030: Boiler Feed Water Deaerator Vent (EQT0004). Specifically, the Respondent determined that unpermitted ammonia emissions were being emitted from EQT0004 at a rate of 0.063 pounds per hour. The violation occurred for 8760 hours in 2010 and for 4380 hours in 2011. All ammonia emissions prior to January 13, 2011, are violations of Title V Air Permit No. 0180-00023-V1AA, LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). All ammonia emissions after January 13, 2011, are violations of Title V Air Permit No. 0180-00023-V2, LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The violations were corrected when ammonia emissions were included for EQT0004 in Title V Air Permit No. 0180-00023-V3 issued September 19, 2011.
- C. The Respondent self-reported in the facility's 2010 Annual Compliance Certification a failure to maintain continuous operational data for EQT0002. Specifically, due to a server malfunction continuous data could not be provided for EQT002 for approximately 91 hours from June 17, 2010, through June 21, 2010. This is a violation of Title V Air Permit No. 0180-00023-V1AA Specific Requirement 10 and 40 CFR Part 70 General Condition V, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).



## COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Air Quality Regulations, including, but not limited to, maintaining records continuously and complying with emissions rates.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, calculations of excess NO<sub>x</sub> and CO emissions as mentioned above in Findings of Fact subparagraph II.A.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, timeframe estimates for the total duration of the unpermitted ammonia emissions as mentioned above in Findings of Fact subparagraph II.B.

IV.

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  
Attn: **Richard LeBlanc**  
Re: **Enforcement Tracking No. AE-CN-13-01150**  
**Agency Interest No. 2679**

### THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

## II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality  
Office of the Secretary  
Post Office Box 4302  
Baton Rouge, Louisiana 70821-4302  
**Attn: Hearings Clerk, Legal Division**  
**Re: Enforcement Tracking No. AE-CN-13-01150**  
**Agency Interest No. 2679**

## III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

## IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

## V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

## VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

## VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

**NOTICE OF POTENTIAL PENALTY**

## I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

## II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Richard LeBlanc at (225) 219-3165 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

## III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you

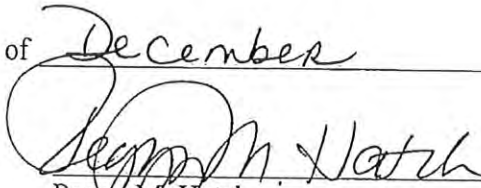


utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.

Baton Rouge, Louisiana, this 19<sup>th</sup> day of December, 2014.

  
Peggy M. Hatch  
Secretary

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
P.O. Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Richard LeBlanc

**BOBBY JINDAL**  
GOVERNOR



**PEGGY M. HATCH**  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 8, 2015

CERTIFIED MAIL (7004 2510 0006 3852 9998)  
RETURN RECEIPT REQUESTED

**AIR PRODUCTS AND CHEMICALS, INC.**  
c/o C T Corporation System  
Agent for Service of Process  
5615 Corporate Blvd., Ste. 400B  
Baton Rouge, LA 70808

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-CN-14-00028  
AGENCY INTEREST NO. 31512**

Dear Sir(s):

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **AIR PRODUCTS AND CHEMICALS, INC. (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Richard LeBlanc at (225) 219-3165.

Sincerely,

Celena J. Cage  
Administrator  
Enforcement Division

CJC/RDL/rdl  
Alt ID No. 0180-00071  
Attachment



c: Air Products and Chemicals, Inc.  
36637 LA Highway 30  
Geismar, LA 70734

STATE OF LOUISIANA  
 DEPARTMENT OF ENVIRONMENTAL QUALITY  
 OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF  AIR PRODUCTS AND CHEMICALS, INC. ASCENSION PARISH ALT ID NO. 0180-00071  PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.	* * * * * * * * * * * * *	ENFORCEMENT TRACKING NO.  AE-CN-14-00028  AGENCY INTEREST NO.  31512
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CONSOLIDATED  
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **AIR PRODUCTS AND CHEMICALS, INC. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

I.

The Respondent owns and/or operates the Geismar 2 – Syngas Separation Unit (facility), a raw synthesis gas processing facility located at 36637 Louisiana Highway 30 in Geismar, Ascension Parish, Louisiana. The facility operated under Title V Air Permit No. 0180-00071-V0 issued on March 6, 2009, which was administratively amended on October 23, 2009. The permit was modified and Title V Air Permit No. 0180-00071-V1 was issued on March 26, 2012. Title V Air Permit No. 0180-00071-V2 was issued to the facility on September 4, 2013. The facility currently operates under Title V Air Permit No. 0180-00071-V3 issued on June 10, 2014.

## II.

On or about September 18, 2013, the Department conducted an inspection at the facility to determine compliance with the Air Quality Regulations. Additionally, the Department conducted a file review for the facility on or about January 8, 2015.

While the Department's investigation is not yet complete, the following violations were discovered during the course of the inspection and file review:

- A. The Respondent self-reported the following maximum hourly permit limit exceedances for 101-97 CO2 Stripper Column Vent (EQT0004):

Report Date	Report Type	Pollutant	Exceedance Time/Date
9/29/2011	2011 1 <sup>st</sup> Semiannual Monitoring Report	Methanol	27 hours 2/1/2011-2/28/2011
		VOC	153 hours 2/1/2011-2/28/2011
			37 hours 3/1/2011-3/31/2011
			27 hours 4/1/2011-4/30/2011
			14 hours 5/1/2011-5/31/2011
			3 hours 6/1/2011-6/30/2011
3/31/2011	2010 2 <sup>nd</sup> Semiannual Monitoring Report	Methanol/ VOC	432 hours 7/1/2010-7/18/2010
			24 hours 7/24/2010-7/25/2010
			48 hours 10/29/2010-10/31/2010
			24 hours 11/4/2010-11/5/2010
			24 hours 11/16/2010-11/17/2010
			48 hours 11/20/2010-11/22/2010
			24 hours 11/28/2010-11/29/2010
			24 hours 12/2/2010-12/3/2010
			24 hours 12/12/2010-12/13/2010
9/28/2010	2010 1 <sup>st</sup> Semiannual Monitoring Report	Methanol	1/1/2010-6/30/2010

Each VOC exceedance is a violation of Title V Air Permit No. 0180-00071-V0 Emission Rates for Criteria Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each Methanol exceedance is a violation of Title V Air Permit No. 0180-00071-V0 Emission Rates for TAP/HAP & Other Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). In Title V Air Permit No. 0180-00071-V1 the maximum hourly permit limits for VOC and Methanol were increased from 2.05 lb/hr to 6.60 lb/hr and 2.05 lb/hr to 4.40 lb/hr, respectively.

- B. The Respondent self-reported in the facility's 2010 2<sup>nd</sup> Semiannual Monitoring Report exceedances of the annual permit limits for VOC and Methanol from



EQT0004. Specifically in the facility's 2010 Emissions Inventory submitted on or about April 29, 2011, the Respondent reported 7.443 tons of VOC exceeding the permit limit of 6.72 tons. Additionally, the Respondent reported 9.89 tons of Methanol exceeding the permit limit of 6.72 tons. The VOC exceedance is a violation of Title V Air Permit No. 0180-00071-V0 Emission Rates for Criteria Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Methanol exceedance is a violation of Title V Air Permit No. 0180-00071-V0 Emission Rates for TAP/HAP & Other Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- C. The Respondent self-reported in the facility's 2009 2<sup>nd</sup> Semiannual Monitoring Report a failure to continuously monitor the presence of a flame by heat sensing device for 102-97 Methane-Wash Cold Box "Cold" Flare (EQT0005). Specifically, the Respondent did not record the presence of a pilot flame from December 14, 2009, through January 26, 2010. This is a violation of Title V Air Permit No. 0180-00071-V0 Specific Requirement 5, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

### III.

On or about December 10, 2013, and January 8, 2014, the Department conducted a full compliance audit for the Chemical Accident Prevention Program provisions set forth in LAC 33:III.5901. Additionally, the Department conducted a file review for the facility on or about July 9, 2014.

While the Department's investigation is not yet complete, the following violation was discovered during the course of the inspection and file review:

The Respondent failed to properly document each inspection and/or test that was performed on process equipment. Specifically, inspection and test documentation for the following equipment did not contain the date of the inspection or test, the name of the person who performed the inspection or test and the results of the inspection or test: FSHH31, HSP561A, HSP561B, PDSL564, PDSL590, Z255, Z265A, Z285 and Z375. Each failure to properly document each inspection and/or test is a violation of LAC 33:III.5901.A, which incorporates by reference 40 CFR 68.73(d)(4), and La. R.S. 30:2057(A)(2).

### COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Air Quality Regulations, including, but not limited to, recording the presence of flames for flares, properly documenting each inspection and test on process equipment, and permit limits.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes hourly emissions amounts for the maximum hourly permit limit exceedances abovementioned in Findings of Fact subparagraph II.A.

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  
**Attn: Richard LeBlanc**  
**Re: Enforcement Tracking No. AE-CN-14-00028**  
**Agency Interest No. 31512**

### THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are

located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality  
Office of the Secretary  
Post Office Box 4302  
Baton Rouge, Louisiana 70821-4302  
Attn: **Hearings Clerk, Legal Division**  
Re: **Enforcement Tracking No. AE-CN-14-00028**  
**Agency Interest No. 31512**

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible

enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

**NOTICE OF POTENTIAL PENALTY**

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Richard LeBlanc at (225) 219-3165 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

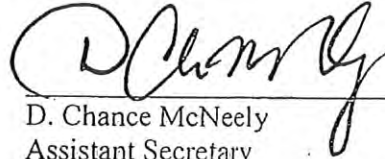
III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.

Baton Rouge, Louisiana, this 8 day of June, 2015.



D. Chance McNeely  
Assistant Secretary  
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
P.O. Box 43 12  
Baton Rouge, LA 70821-4312  
Attention: Richard LeBlanc



BOBBY JINDAL  
GOVERNOR



PEGGY M. HATCH  
SECRETARY

State of Louisiana  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

August 28, 2015

CERTIFIED MAIL (7014 0510 0001 7431 7557)  
RETURN RECEIPT REQUESTED

**AIR PRODUCTS AND CHEMICALS, INC.**  
c/o C T Corporation System  
Agent for Service of Process  
5615 Corporate Blvd., Suite 400B  
Baton Rouge, LA 70808

**RE: NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-PP-14-00676  
AGENCY INTEREST NO. 98590**

Dear Sir:

On or about May 13-14, 2014, an inspection of **AIR PRODUCTS NEW ORLEANS TERMINAL**, a truck terminal, owned and/or operated by **AIR PRODUCTS AND CHEMICALS, INC. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 14701 Intracoastal Drive in New Orleans, Orleans Parish, Louisiana.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violation was noted during the course of the inspection:

During the course of the inspection, the inspector noted that the Respondent failed to submit registration for the Chemical Accident Prevention Program to the Department within sixty (60) days after becoming subject to the regulations. The facility has been subject to regulations required to register since 1999 but failed to register until May 2013. The failure to submit registration within sixty (60) days after becoming subject to the regulations is a violation of LAC 33:III.5911.A and La. R.S. 30:2057(A)(2). The Department received the registration form on May 21, 2013.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.



Notice of Potential Penalty  
Air Products and Chemicals, Inc.  
Page 2

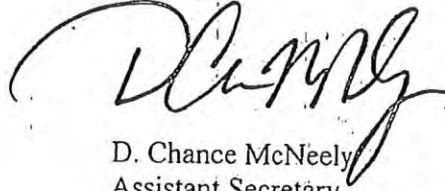
Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Antoinette Cobb at (225) 219-3072 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement.

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



D. Chance McNeely  
Assistant Secretary  
Office of Environmental Compliance

DCM/AFC/afc

c: Air Products and Chemicals, Inc.  
c/o Mr. Dan Diller, Facility Manager  
14701 Intracoastal Drive  
New Orleans, LA 70129