

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

PRAXAIR, INC.

AI # 2218

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

\* Settlement Tracking No.  
\* SA-AE-18-0053  
\*  
\* Enforcement Tracking No.  
\* AE-CN-14-00914  
\* AE-CN-14-00914A  
\*  
\*  
\* Docket No. 2017-6230-EQ  
\*

SETTLEMENT

The following Settlement is hereby agreed to between Praxair, 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 an industrial gas and chemical manufacturing facility located in Geismar, Ascension Parish, Louisiana (“the Facility”).

II

On July 1, 2016, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-14-00914 (Exhibit 1).

On July 13, 2018, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-14-00914A (Exhibit 2).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing.

IV

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

V

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 TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00), of which One Thousand Five Hundred Fourteen and 09/100 Dollars (\$1,514.09) 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).

VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty, Amended Consolidated Compliance Order & 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.

VII

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.

#### VIII

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.

#### IX

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.

#### X

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.

#### XI

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).

## XII

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

## XIII

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.

PRAXAIR, INC.

BY: ROB. P.

(Signature)

ROBERT D. PEYTON

(Printed)

TITLE: Attorney

THUS DONE AND SIGNED in duplicate original before me this 15 day of May, 20 19, at Jefferson Parish

Suzanne Terrell  
NOTARY PUBLIC (ID # 14466)

Suzanne Terrell  
(stamped or printed)

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

BY: Lee  
Lourdes Iturralde, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 2nd day of Aug, 20 19, at Baton Rouge, Louisiana.

Oh H  
NOTARY PUBLIC (ID # 19181)

Perry Theriot  
(stamped or printed)

Approved: [Signature]  
Lourdes Iturralde, Assistant Secretary



JOHN BEL EDWARDS  
GOVERNOR

CHUCK CARR BROWN, PH.D.  
SECRETARY

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

July 1, 2016

CERTIFIED MAIL (7004 2510 0006 3851 4987)  
RETURN RECEIPT REQUESTED

**PRAXAIR, INC.**  
c/o The Prentice-Hall Corporation System, Inc.  
Agent for Service of Process  
501 Louisiana Avenue  
Baton Rouge, LA 70802

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-CN-14-00914  
AGENCY INTEREST NO. 2218**

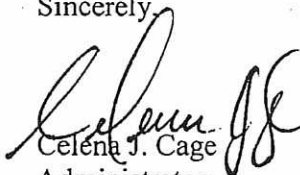
Dear Sir:

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 **PRAXAIR, 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 Pascal Ojong at (225) 219-4468.

Sincerely,

  
Celena J. Cage  
Administrator  
Enforcement Division

CJC/PON/pon  
Alt ID No. 0180-00031  
Attachment



c: Praxair, Inc.  
P.O. Box 230  
Geismar, LA 70734





STATE OF LOUISIANA  
 DEPARTMENT OF ENVIRONMENTAL QUALITY  
 OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

PRAXAIR, INC.  
 ASCENSION PARISH  
 ALT ID NO. 0180-00031

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

\*  
 \*  
 \* ENFORCEMENT TRACKING NO.  
 \*  
 \* AE-CN-14-00914  
 \*  
 \* AGENCY INTEREST NO.  
 \*  
 \* 2218  
 \*

CONSOLIDATED  
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to PRAXAIR, 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 HYCO Geismar Plant (the Facility), an industrial gas and chemical manufacturing facility, located at 9156 Louisiana Highway 73 in Geismar, Ascension Parish, Louisiana. The Facility operates or has operated under the authority of the following Title V Air Permits:

PERMIT	ISSUE DATE	EFFECTIVE EXPIRATION DATE
0180-00031-V3	7/21/2009	7/21/2014
0180-00031-V4	12/23/2010	7/21/2014
0180-00031-V5	5/12/2011	7/21/2014
0180-00031-V6	10/31/2013	10/31/2018
0180-00031-V7	11/3/2015	10/31/2018



## II.

On or about December 3, 2012, the Department conducted an Air Quality inspection to determine the Respondent's degree of compliance with the Act and the Air Quality Regulations. On or about March 24, 2016, a subsequent file review was performed to determine the Respondent's degree of compliance with the Act and the Air Quality Regulations.

While the investigation by the Department is not yet complete, the following violations were found in paragraphs III-V of the Findings of Fact portion of this enforcement action:

## III.

The Respondent reported the following unauthorized releases:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	POLLUTANTS RELEASED	QUANTITY REPORTED (unit)	REPORTED CAUSE
A.	Unauthorized Discharge Notification Report No. T 123264 (5/13/2010)	0180-00031-V3	HYCO Unit	(5/6/2010) 1hr20mins	Chlorine gas	47 lbs	The tip of the Chlorine Cylinder was knocked off which caused the release from a leaking packing gland nut on the Chlorine Cylinder
B.	Unauthorized Discharge Notification Report No. S 10-05431 (9/23/2010)	0180-00031-V3		9/19/2010	Formaldehyde	43 lbs	(****report root cause)
C.	Unauthorized Discharge Notification Report No. T 140188 (6/8/2012)	0180-00031-V5	HYCO Unit	(6/4/2012) 15mins	Hydrogen gas	3,500 lbs	During shutting down there was flare outage which resulted in a reportable quantity of Hydrogen gas to be vented unburned.
D.	Unauthorized Discharge Notification Report No. T 140259 (6/8/2012)	0180-00031-V5	HYCO Unit	(6/6/2012)	Hydrogen gas	(**report quantity)	During an outage at HYCO Unit, there was a flange leak on the Hydrogen gas pipeline. (***)What type of outage)
E.	Unauthorized Discharge Notification Report No. S 12-05658 (9/4/2012)	0180-00031-V5	HYCO Unit	8/23/2012 43minutes	Carbon Monoxide	851 lbs	Carbon monoxide was being loaded on an 18 wheeler truck; two of the fitting tubes were loose which caused the leakage.
F.	Unauthorized Discharge Notification Report No. T 149335 (6/25/2013)	0180-00031-V5	Formaldehyde Plant Catalytic Oxidizer	6/22/13	Formaldehyde	16 lbs	Release of formaldehyde from a failed ruptured disk in the Formaldehyde Plant Catalytic Oxidizer.

Each unauthorized release of emissions is a violation of LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

IV.

The Respondent reported the following emission exceedances:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	POLLUTANTS RELEASED (permit limit)	QUANTITY REPORTED (unit)	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
A.	2010 Annual Compliance Certification (3/31/2011)	0180-00031-V3	Unit 6 Cold Box Flare EQT0020	(*report the date violation began and ended and the duration for each instance)	Carbon Monoxide 9.82 tpy	Annual emission limit exceeded by approximately 1.66 tons.	The pilot for the Unit 6 Cold Box Flare was not present for short periods of time during the calendar year.	
		0180-00031-V4						
B.	Part 70 General Conditions K and R 2010 Second Semiannual Monitoring Report (2/9/2011)	0180-00031-V4	Tank Farm Flare EQT0009	7/8/2010 30mins	Formaldehyde 0.01 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	The Pilot for the Tank Farm Flare was not present during this period	Specific Requirement 37 40 CFR 63.11(b)
C.	Part 70 General Conditions K and R 2010 Second Semiannual Monitoring Report (2/9/2011)	0180-00031-V4	Carbon Monoxide Flare EQT0007	8/9/2010 4hrs	Carbon Monoxide 3.2 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	The pilot for the CO Flare Box Flare was not present during this period	
				9/25/2010 4hrs				
				11/24/2010 3hrs				
D.	Part 70 General Conditions K and R 2010 Second Semiannual Monitoring Report (2/9/2011)	0180-00031-V4	Unit 6 Cold Box Flare EQT0020	7/21/2010-7/22/2010 15hrs	Carbon Monoxide 4.48 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	The pilot for the Unit 6 Cold Box Flare was not present during this period.	
				7/22/2010 1hr				
				8/9/2010 4hrs				
				8/29/2010 3hrs				
				12/8/2010 2hrs				
				12/8/2010 3hrs				
E.	Part 70 General Conditions K and R 2010 Second Semiannual Monitoring Report (2/9/2011)	0180-00031-V4	Reformer Flue Gas Stack, Unit 6 EQT0036	10/22/2010 2hrs	Ammonia 5 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	Customer or Process rate change.	
				11/20/2010 1hr				



	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	POLLUTANTS RELEASED (permit limit)	QUANTITY REPORTED (unit)	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
F.	Part 70 General Conditions K and R 2011 first Semiannual Monitoring Report (9/28/2011)	0180-00031-V5	Tank Farm Flare EQT0009	5/24/2011 2hrs	Methanol 0.03 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	The pilot for the Tank Farm Flare was not present during this period.	Specific Requirement 37 40 CFR 63.11(b)
				5/24/2011 6hrs	Formaldehyde 0.01 lb/hr			
				5/24/2011 6hrs	VOC 0.16 lb/hr			
G.	Part 70 General Conditions K and R 2011 first Semiannual Monitoring Report (9/28/2011)	0180-00031-V5	Unit 6 Cold Box Flare EQT0020	6/6/2011 1hr	Carbon Monoxide 65.98 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	The pilot for the Unit 6 Cold Box Flare was not present during this period.	
				6/6/2011 3hrs				
H.	Part 70 General Conditions K and R 2011 first Semiannual Monitoring Report (9/28/2011)	0180-00031-V5	Reformer Flue Gas Stack, Unit 6 EQT0036	2/12/2011 2hrs	Ammonia 5 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	Customer or Process rate change.	
				2/12/2011 1hr				
				2/13/2011 1hr				
				2/13/2011 1hr				
				3/27/2011 1hr				
I.	Part 70 General Conditions K and R 2011 first Semiannual Monitoring Report (9/28/2011)	0180-00031-V5	Reformer Flue Gas Stack, Unit 6 EQT0036	3/21/2011 2hrs	Ammonia 5 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	Process upset of the PSA	
J.	2011 Annual Compliance Certification (3/30/2012)	0180-00031-V5	Carbon Monoxide Flare EQT0007	7/25/2011 2hrs	Carbon Monoxide 3.2 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	The pilot for the Cold Box Flare was extinguished during this period	
				9/22/2011 3hrs				
				9/28/2011- 9/29/2011 4hrs				
K.	2011 Annual Compliance Certification (3/30/2012)	0180-00031-V5	Unit 6 Cold Box Flare EQT0020	7/25/2011 8hrs.	Carbon Monoxide 65.98 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	The pilot for the Unit 6 Cold Box Flare was extinguished during this period	
				8/22/2011 2hrs				
L.	2011 Annual Compliance Certification (3/30/2012)	0180-00031-V5	Unit 6 Main Flare EQT0010	9/30/2011 2hrs	Carbon Monoxide 3.09 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	The pilot for the Unit 6 Main Flare was extinguished during this time.	
M.	2011 Annual Compliance Certification (3/30/2012)	0180-00031-V5	Unit 1 Main Flare EQT0023	10/18/2011- 10/19/2011 10hrs	Carbon Monoxide 5.34 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	The pilot for the Unit 1 Main Flare was extinguished during this time.	

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	POLLUTANTS RELEASED (permit limit)	QUANTITY REPORTED (unit)	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
N.	2012 first Semiannual Monitoring Report (9/26/2012)	0180-00031-V5	Tank Farm Flare EQT0009	6/27/2012 1hr	Formaldehyde 0.01 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	The pilot for the Tank Farm Flare was extinguished during this period.	Specific Requirement 37 40 CFR 63.11(b)
O.	2012 first Semiannual Monitoring Report (9/26/2012)	0180-00031-V5	Unit 6 Main Flare EQT0010	4/10/2012 3hrs	Carbon Monoxide 3.09 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	The pilot for the Unit 6 Main Flare was extinguished during this period.	
				6/4/2012 1hr				
				6/4/2012 1hr				
P.	2013 first Semiannual Monitoring Report (9/30/2013)	0180-00031-V5	Unit 1 Main Flare EQT0023	4/28/2013 3hrs	Carbon Monoxide 5.34 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	The pilot for the Unit 1 Flare was not lit during this time.	
Q.	2013 first Semiannual Monitoring Report (9/30/2013)	0180-00031-V5	Unit 6 Main Flare EQT0010	6/2/2013 1hr	Carbon Monoxide 3.09 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	The pilot for the Unit 6 Main Flare malfunctioned during this period.	
R.	2013 first Semiannual Monitoring Report (9/30/2013)	0180-00031-V5	Reformer Flue Gas Stack, Unit 6 EQT0036	4/25/2013 1hr	Ammonia 5 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	A unit PSA malfunction tripped the Unit 6 Reformer.	
				4/30/2013 1hr				
S.	2013 second Semiannual Monitoring Report 3/28/2014	0180-00031-V5	Unit 6 Cold Box Flare EQT0020	10/13/2013 5hrs	Carbon Monoxide 65.98 lb/hr	Maximum hourly emission exceeded (**report quantity for each event)	Malfunction of the pilot for the Unit 6 Cold Box Flare.	
				10/25/2013 1hr				

Each emission exceedance is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

#### V.

In the 2<sup>nd</sup> Half 2015 Semiannual Monitoring Report dated March 11, 2016, the Respondent reported that, the Facility failed to conduct the Quarterly cooling tower monitoring to determine the absence of any Hazardous Air Pollutant (HAP) leaks from EQT0033 in the 4<sup>th</sup> Quarter of 2015. The failure to monitor heat exchange system used to cool the process equipment is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2). The Respondent Reported that the sampling was conducted in the following quarter which shows the system is leak free.



## 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 Act, the Air Quality Regulations, and all applicable permits.

### II.

To submit to the Enforcement Division, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, a written report that includes required information as denoted by asterisks (*\*report the date violation began and ended and the duration for each instance*), (*\*\*report quantity for each event*), (*\*\*\*What type of outage*) and (*\*\*\*\*report root cause*) in paragraphs III and IV of the Findings of Fact.

### III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report which explains the root cause of the flange fire incident (Incident ID 131539) on a natural gas pre-heater that occurred on May 31, 2011.

### IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report which explains the root causes of the following deviations which were reported as excursions during periods of startup, shutdown and malfunctions:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	POLLUTANTS RELEASED (permit limit)	QUANTITY REPORTED (unit)	REPORTED CAUSE
A.	2010 Annual Compliance Certification (3/31/2011)	0180-00031-V3 0180-00031-V4	Unit 1 Cold Box West Flare EQT0006		Carbon Monoxide 30.56tpy	Annual emission limit exceeded by approximately 0.32 tons.	The pilot for the Unit 1 Cold Box West Flare was not present for short periods of time during the calendar year.
B.	2011 Annual Compliance Certification (3/30/2012)	0180-00031-V5	Methanol Flare EQT0019	9/4/2011 4hrs	Methanol 3.13 lb/hr VOC 3.42lb/hr	Maximum hourly emission exceeded	The pilot for the Methanol Flare was extinguished during this period.

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	POLLUTANTS RELEASED (permit limit)	QUANTITY REPORTED (unit)	REPORTED CAUSE
C.	2011 Annual Compliance Certification (3/30/2012)	0180-00031-V5	Tank Farm Flare EQT0009	11/15/2011 1hr	Formaldehyde 0.01 lb/hr	Maximum hourly emission exceeded	The pilot for the Tank Farm Flare was extinguished during this period.
				12/13/2011 5hrs			
				12/13/2011 1hr			
				12/14/2011 1hr			
D.	2011 Annual Compliance Certification (3/30/2012)	0180-00031-V5	Tank Farm Flare EQT0009	11/15/2011 1hr	Methanol 0.03 lb/hr VOC 0.16lb/hr	Maximum hourly emission exceeded	The pilot for the Tank Farm Flare was extinguished during this period.
				12/13/2011 4hrs			
E.	2012 first Semiannual Monitoring Report (9/26/2012)	0180-00031-V5	Methanol Flare EQT0019	2/18/2012 5hrs	Methanol 3.13 lb/hr VOC 3.42lb/hr	Maximum hourly emission exceeded	The pilot for the Methanol Flare was extinguished during this period.
F.	2012 first Semiannual Monitoring Report (9/26/2012)	0180-00031-V5	Tank Farm Flare EQT0009	3/7/2012 3hrs	Formaldehyde 0.01 lb/hr	Maximum hourly emission exceeded	The pilot for the Tank Farm Flare was extinguished during this period.
				3/18/2012 8hrs			
				3/19/2012 1hr			
G.	2013 first Semiannual Monitoring Report (9/30/2013)	0180-00031-V5	Tank Farm Flare EQT0009	4/16/2013 2hrs	Formaldehyde 0.01 lb/hr	Maximum hourly emission exceeded	The pilot for the Tank Farm Flare malfunctioned.
				4/23/2013 2hrs			
				4/29/2013 7hrs			
				4/30/2013 2hrs			
				4/30/2013 1hr			
H.	2013 second Semiannual Monitoring Report 3/28/2014	0180-00031-V5	Tank Farm Flare EQT0009	8/8/2013- 8/17/2013 4.75hrs	Formaldehyde 0.01 lb/hr	Maximum hourly emission exceeded	Malfunction of the pilot for the Tank Farm Flare.
I.	2013 second Semiannual Monitoring Report 3/28/2014	0180-00031-V5	Methanol Flare EQT0019	9/21/2013 4.5hrs	Methanol 3.13 lb/hr VOC 3.42 lb/hr	Maximum hourly emission exceeded	Malfunction of the pilot for the Methanol Flare

V.

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: Pascal Ojong**  
**Re: Enforcement Tracking No. AE-CN-14-00914**  
**Agency Interest No. 2218**

**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-14-00914**  
**Agency Interest No. 2218**

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 Pascal Ojong at (225) 219-4468 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

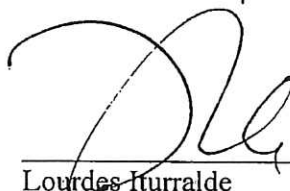
III.

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 18 day of July, 2016.



Lourdes Iturralde  
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 4312  
Baton Rouge, LA 70821-4312  
Attention: Pascal Ojong



JOHN BEL EDWARDS  
GOVERNOR

CEUCK CARR BROWN, PH.D.  
SECRETARY

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

July 13, 2018

CERTIFIED MAIL (7017 2400 0000 7556 7872)  
RETURN RECEIPT REQUESTED

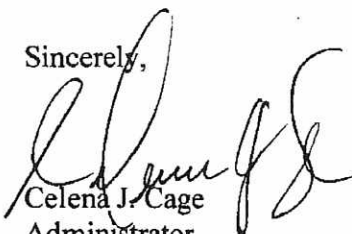
**PRAXAIR, INC.**  
c/o The Prentice-Hall Corporation System, Inc.  
Agent for Service of Process  
501 Louisiana Avenue  
Baton Rouge, LA 70802

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &  
NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-CN-14-00914A  
AGENCY INTEREST NO. 2218**

Dear Sir:

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

Any questions concerning this action should be directed to Christopher Clement at (225) 219-3748 or via email at [Christopher.clement@la.gov](mailto:Christopher.clement@la.gov).

Sincerely,  
  
Celena J. Cage  
Administrator  
Enforcement Division

CJC/CGC/cgc  
Alt ID No. 0180-00031  
Attachment



c: Praxair, Inc.  
Heather McCormick  
P.O. Box 230  
Geismar, LA 70734

**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE**

**IN THE MATTER OF**

**PRAXAIR, INC.**

**ASCENSION PARISH  
ALT ID NO. 0180-00031**

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

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**ENFORCEMENT TRACKING NO.**

**AE-CN-14-00914A**

**AGENCY INTEREST NO.**

**2218**

**AMENDED CONSOLIDATED COMPLIANCE ORDER &  
NOTICE OF POTENTIAL PENALTY**

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-14-00914** issued to **PRAXAIR, INC. (RESPONDENT)** on July 1, 2016, in the above-captioned matter as follows:

I.

The Department hereby removes paragraph's IV.A, IV.B, IV.C, IV.D and IV.E of the Findings of Fact section of the Consolidated Compliance Order and Notice of Potential Penalty Enforcement Tracking No. AE-CN-14-00914.

II.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-14-00914** and **AGENCY INTEREST NO. 2218** as if reiterated herein.

III.

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

Baton Rouge, Louisiana, this 13<sup>th</sup> day of July, 2018.



\_\_\_\_\_  
Lourdes Iturralde  
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  
Post Office Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Christopher Clement