

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

SHELL CHEMICAL LP

AI # 1136

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

* Settlement Tracking No.
* SA-AE-20-0062
*
* Enforcement Tracking No.
* AE-CN-14-00824
* AE-CN-14-00824A
*
*
*
*
*

SETTLEMENT

The following Settlement is hereby agreed to between Shell Chemical LP (“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 partnership that owns and/or operates a chemical manufacturing complex located in Geismar, Ascension Parish, Louisiana (“the Facility”).

II

On October 5, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-14-00824 (Exhibit 1).

On February 21, 2017, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-14-00824A (Exhibit 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 TWENTY-THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$23,500.00), of which One Thousand Eight Hundred Thirty and 72/100 Dollars (\$1,830.72) 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 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.

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.

SHELL CHEMICAL LP

BY: Rhoman J. Hardy
(Signature)

RHOMAN J HARDY
(Printed)

TITLE: GM GEISMAR

THUS DONE AND SIGNED in duplicate original before me this 12 day of November, 20 20, at Geismar, LA.

[Signature]
NOTARY PUBLIC (ID # 85498)

PAMELA K. ALONSO
Louisiana Notary ID #85498
My Commission Is For Life


(stamped or printed)

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 25th day of March, 20 21, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 92503)

 AMBER G. LITCHFIELD
Notary Public
State of Louisiana
Notary ID # 92503
East Baton Rouge Parish

(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

October 5, 2015

CERTIFIED MAIL (7014 0510 0002 3595 4868)
RETURN RECEIPT REQUESTED

SHELL CHEMICAL LP
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Boulevard, Suite 400B
Baton Rouge, LA 70808

RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-14-00824
AGENCY INTEREST NO. 1136

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 SHELL CHEMICAL LP (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 Sarah Acosta at (225) 219-3704.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/SEA/sea
Alt ID No. 0180-00010
Attachment



c: Shell Chemical LP
Roxan Kraft, General Manager
7594 Louisiana Highway 75
Geismar, LA 70734

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

SHELL CHEMICAL LP
ASCENSION PARISH
ALT ID NO. 0180-00010

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

*
*
* ENFORCEMENT TRACKING NO.
*
* AE-CN-14-00824
*
* AGENCY INTEREST NO.
*
* 1136
*

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is issued to SHELL CHEMICAL LP (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 Plant, a chemical manufacturing complex, located at 7594 Louisiana Highway 75, 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
2727-V6	9/7/2012	1/27/2017
2669-V6	7/31/2012	7/31/2017
2136-V7	11/25/2014	8/23/2017
2185-V7	5/23/2014	11/22/2016
2057-V9	5/16/2014	12/27/2016
2151-V6	7/3/2012	7/3/2017

PERMIT	ISSUE DATE	EFFECTIVE EXPIRATION DATE
3001-V4	7/3/2012	7/3/2017
2729-V2	6/5/2012	6/5/2017
PSD-LA-647 (M3)	7/23/2007	n/a

II.

On or about June 15, 2015, a file review of the Respondent's facility was conducted to determine the degree of compliance with the Act and the Air Quality Regulations.

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

- A. In the 2012 Annual Compliance Certification dated March 28, 2013, the Respondent reported a sample port was found to be in open-ended condition. The sample port from N91 marine pump, P-K2965, was found open to the chemical sewer trench. This is a violation of LAC 33:III.2122.C.2, Title V Permit No. 2727-V6, LAC 33:III.501.C.4, LAC 33:III.905.A, and La. R.S. 30:2057(A)(2).

- B. In correspondence dated August 13, 2013, the Respondent reported a release began on July 5, 2013, upon startup of the K-K504 syngas compressor and ended on August 7, 2013. The released material was syngas, a flammable gas mixture, comprised of approximately 84% carbon monoxide, 5% methane and 11% hydrogen. The incident resulted in 1,064 pounds/hour of syngas for a total of 25,539 pounds during the duration of the incident. This release exceeded the reportable quantity for flammable gas for each of the 33 days between July 5 and August 7, 2013. Beginning on July 9, 2013, field and personal carbon monoxide (CO) monitors intermittently alarmed. Extensive checking of all effected operating equipment was performed using handheld monitors whenever an alarm occurred. After several days of intermittent alarms at varying locations, addition portable AreaRae monitors were deployed in an effort to narrow the search. The CO could only be detected for short periods and moved into and out of many areas due to variable winds. On August 6, 2013, a FLIR camera with the capability to detect CO was received from a leasing firm and personnel began performing a systematic survey. On August 7, 2013, CO flow from V-K620 (EQT 0660) vent stack was detected using FLIR, but since the stack was permitted to emit 764 tons of CO per year it was believed that the FLIR detection was associated with these authorized emissions. An unusual condition was identified at one of the syngas compressors, K-K504. Upon further investigation, a blow down valve on the discharge pot of the compressor was found to be indiscernibly cracked open, creating a

path for syngas to flow to V-K620 vent stack. This incident is a violation of LAC 33:III.905 and La. R.S. 30:2057(A)(2).

- C. In the 2013 1st Semiannual Monitoring Report dated September 16, 2013, the Respondent reported a faulty fuel gas solenoid resulted in 17 minutes of visible smoke from the TEGF ground flare. This is a violation of LAC 33:III.1311.C, Title V Permit No. 2669-V6, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- D. The Respondent reported the following unauthorized discharges:

Report date	Date of release	Pollutants released	Cause of incident
4/13/2015	4/8/2015	15.8 lbs ethylene	Bonnet gasket failure
10/11/2012	10/9/2012	234.2 lbs ethylene	Piping flange leak
4/17/2012	4/15/2012	276.3 lbs ethylene	Failure of the packing gland on the flow valve

Each incident of the Respondent's failure to control emissions is a violation of LAC 33:III.905 and La. R.S. 30:2057(A)(2).

- E. In the 2014 Annual Compliance Certification and in correspondence dated July 28, 2014, the Respondent reported it was discovered that the low firebox temperature reports for two NSPS Subpart NNN control devices (F-S2801 and F-S2881) failed to generate from January 2011 to December 2013. This resulted in nine occasions of temperature excursions for these control devices not being included in corresponding semiannual reports. Each incident of the Respondent's failure to include required information in the semiannual report is a violation of 40 CFR 60.665(I), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Title V Permit No. 2669-V6, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- F. In the 2014 Annual Compliance Certification, the Respondent reported late reporting of required information per NSPS Subpart NNN for the TEG Ground Flare (03b-73). The Respondent had considered its dual flare system to be a conventional flare, subject to the compliance demonstration requirements applicable to those devices. Consequently, required information applicable to a thermal incinerator was not included in the corresponding semiannual reports. Specifically, the three hour periods of operation during which the average firebox temperature was more than fifty degrees Fahrenheit below the average firebox temperature established during the most recent performance test at which compliance was determined. Each incident of the Respondent's failure to include required information is in the semiannual report is a violation of 40 CFR 60.665(I), which language

has been adopted as a Louisiana regulation in LAC 33:III.3003, Title V Permit No. 2669-V6, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

III.

On or about May 23, 27-29, and June 3, 2014, inspections of the Respondent's facility were conducted to determine the degree of compliance with the Act and the Air Quality Regulations.

While the Department's investigation is not yet complete, the following violation was noted during the course of the inspections:

The inspector noted the facility had not developed procedures that identified the components or type of testing that are to be applied to rotating equipment. The Respondent's failure to establish written procedures to maintain the ongoing integrity of process equipment is a violation of 40 CFR 68.73(b), which language has been LAC 33:III.5901, 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.

II.

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: Sarah Acosta
Re: Enforcement Tracking No. AE-CN-14-00824
Agency Interest No. 1136

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-14-00824
Agency Interest No. 1136

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 Sarah Acosta at (225) 219-3704 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY.

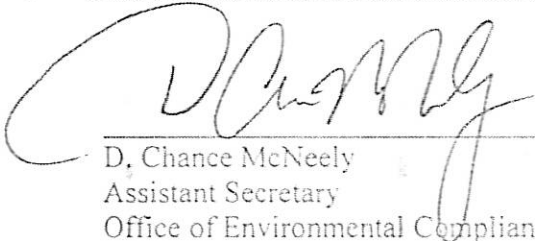
III.

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 5 day of October, 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 4312
Baton Rouge, LA 70821-4312
Attention: Sarah Acosta

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 21, 2017

CERTIFIED MAIL (7014 0510 0002 3595 3120)
RETURN RECEIPT REQUESTED

SHELL CHEMICAL LP
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

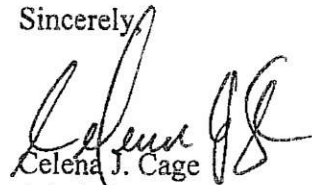
**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-14-00824A
AGENCY INTEREST NO. 1136**

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 **SHELL CHEMICAL LP (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Dr. Jacqueline A. Prudente at (225) 219-3378 or via email at jackie.prudente@la.gov.

Sincerely,


Celesta J. Cage
Administrator
Enforcement Division

CJC/JAP/jap
Alt ID No. 0180-00010
Attachment



Shell Chemical LP
c/o Kevin Poche, Environmental Lead
7594 Louisiana Highway 75
Geismar, LA 70737

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

IN THE MATTER OF

**SHELL CHEMICAL LP
ASCENSION PARISH
ALT ID NO. 0180-00010**

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

*	
*	
*	ENFORCEMENT TRACKING NO.
*	
*	AE-CN-14-00824A
*	
*	AGENCY INTEREST NO.
*	
*	1136
*	
*	

**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-14-00824** issued to **SHELL CHEMICAL LP (RESPONDENT)** on October 5, 2015 in the above-captioned matter as follows:

I.

The Department hereby removes Paragraph III of the Findings of Fact of Compliance Order & Notice of Potential Penalty AE-CN-14-00824 in its entirety.

II.

The Department hereby adds a Section IV, Paragraphs A – C, to the Findings of the Fact as follows:

“IV.

On or about May 29-30, June 2-3, 5-6, 9, 16-17, 23-24, July 15-16, 22 and September 10, 2014, the Department conducted a full compliance evaluation (FCE) of the facility. The Department issued Warning Letter AE-L-16-00177 to the Respondent on February 25, 2016. On March 17 and March 31, 2016, the Respondent submitted a response to the Warning Letter and a second response with supplemental information. On May 4, 2016, the Department conducted a file review for the facility.

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

- A. On February 18, 2013, an unauthorized release (incident T-146684) of 13,506 pounds (lbs) of liquid ethylene oxide occurred at the facility from approximately 9:18 AM to 1:22 PM. According to the Respondent's notification report dated February 25, 2013, the incident occurred when the relief valve on Railcar UTLX 901276 lifted while the car was being loaded. Personnel sprayed the released ethylene oxide with water to contain it, and the mixture drained through the facility's chemical sewer and biotreater. The release exceeded the Reportable Quantity (RQ) of 10 pounds for ethylene oxide. The failure to diligently maintain air pollution control facilities in proper working order is a violation of LAC 33:III.905.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2). The Respondent performed an investigation after this incident and took steps to prevent a similar occurrence in the future. According to a supplemental Warning Letter response submitted March 31, 2016, railcars were previously identified as empty by certain manifesting and seal requirements. All railcars are now confirmed empty via a weigh scale before being moved to the loading area. Additionally, the Respondent stated that they are completing an upgrade project for the ethylene oxide loading rack, including upgrading control valves and the control system, which was due to be completed in April 2016.
- B. On June 8, 2013, an unauthorized release (incident T-149059) of 44 lbs of ethylene oxide occurred at the facility from 5:23 PM to 6:09 PM. According to the Respondent's notification report dated June 11, 2013, the EO-2 Absorber Vent C-EO705 (RLP 0039) released the ethylene oxide after a level transmitter failed. The amount released exceeded the maximum permitted emissions rate of 0.02 lbs per hour and exceeded the RQ of 10 pounds. The exceedance of the hourly ethylene oxide limit is a violation of Title V Permit No. 2057-V7, LAC 33:III.501.C.4, LAC 33:III.905.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- C. In the 2011 Annual Compliance Certification, the Respondent reported that multiple open-ended lines (OELs) were discovered during the investigation of a leak from Tank T-S2991 and a review of similar piping. The exact number of OELs was not reported, though the Respondent stated that the OELs were found on November 28, 2011 and were sealed or mitigated by December 31, 2011. The Respondent provided training to prevent OELs from occurring in the future. The failure to ensure that each open-ended valve or line is equipped with a cap, blind flange, plug, or a second valve is a violation of 40 CFR 63.167, which language has been adopted as a Louisiana regulation by LAC 33:III.5122, as well as Title V Permit No. 2136-V5, LAC 33:III.2122.C.2.a., and La. R.S. 30:2057(A)(2)."

III.

The Department hereby adds the following Order, III, to the Compliance Order section as follows:

“III.

To submit to the Enforcement Division, within thirty (30) days of receipt of this **AMENDED COMPLIANCE ORDER**, the amount of gaseous ethylene oxide emitted to the atmosphere during the unauthorized release that occurred on February 18, 2013 (Findings of Fact Section III, Paragraph A).

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**, a written report that includes a detailed description of the circumstances surrounding the cited violations added in this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** and actions taken or to be taken to achieve compliance with the Order Portion of this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**. This report and all other reports or information required to be submitted to the Enforcement Division by this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: **Dr. Jacqueline A. Prudente**
Re: **Enforcement Tracking No. AE-CN-14-00824A**
Agency Interest No. 1136

V.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-14-00824** and **AGENCY INTEREST NO. 1136** as if reiterated herein.

VI.

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

Baton Rouge, Louisiana, this 21st day of February, 2017.



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: Dr. Jacqueline A. Prudente