

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

AIR PRODUCTS AND CHEMICALS, INC.

AI # 150340, 154867

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

\* Settlement Tracking No.  
\* SA-AE-21-0073  
\*  
\* Enforcement Tracking Nos.  
\* AE-CN-15-01055  
\* AE-CN-15-01055A  
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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 St. John the Baptist Parish and East Baton Rouge Parish, Louisiana (“the Facilities”).

II

On June 25, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-15-01055 (Exhibit 1).

On June 14, 2019, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-15-01055A (Exhibit 2).

The following violations, although not cited in the foregoing enforcement actions, are

included within the scope of this settlement:

Air Products and Chemical, Inc. AI# 150340  
Garyville Hydrogen Production Facility

A. The Respondent failed to timely submit the 2018 Annual Criteria Pollutant Emission Inventory statement. Specifically, the Respondent was required to submit the report by April 30, 2019, but the statement was postmarked on May 6, 2019. This is a violation of LAC 33:III.919.F.1.d and La. R.S. 30:2057(A)(2).

B. The Respondent failed to timely submit the 2018 Annual Toxic Emissions Data Inventory Statement. Specifically, the Respondent was required to submit the Statement by April 30, 2019, but the Statement was postmarked on May 6, 2019. This is a violation of LAC 33:III.5107.A and La. R.S. 30:2057(A)(2).

Air Products and Chemical, Inc. AI# 154867  
Baton Rouge Steam Methane Reforming Facility

A. The Respondent failed to provide refresher training at least every three (3) years, and more often if necessary, to each employee involved in operating a process. Specifically, records reviews for five (5) operators' refresher training revealed four (4) operators had late refresher training. Each failure to provide refresher training at least every three (3) years is a violation of 40 CFR 68.71(b), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2).

B(1). The Respondent failed to conduct inspections and tests on process equipment at a frequency consistent with applicable manufacturers' recommendations and good engineering practices. Specifically, the following inspections were conducted past the 6 month interval designated for the three compressors K106A, K106B, and K106C: inspections conducted on 5/30/2014; eight (8) months later another was conducted on 1/16/2015; seven (7) months later

another was conducted on 8/6/2015; seven (7) months later another was conducted on 3/17/2016; six (6) months later on 9/12/2016; eight (8) months later on 5/22/2017; three (3) months later on 8/14/2017; and eight (8) month later on 4/9/2018. Five of the inspections were past the 6 month interval for the preventative maintenance for each compressor. Each failure to timely conduct inspections and tests on process equipment is a violation of 40 CFR 68.73(d)(3), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2).

B(2). The Respondent failed to conduct inspections and tests on process equipment at a frequency consistent with applicable manufacturers' recommendations and good engineering practices. Specifically, the Respondent failed to conduct one (1) year proof test intervals on a critical safety instrument, 1010 Vent Knockout Drum Level High (LSHH8801). The instrument test cycle was not included in work order system (SAP) until 2016. This deficiency has since been corrected, as the instrument testing work order has been added to SAP and been tested on time on September of 2016 and September of 2017; however, the Respondent failed to conduct testing since the plant was started up in March of 2010. Because of this, five proof test were missed for LSHH8801. This is a violation of 40 CFR 68.73(d)(3), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2).

C. The Respondent failed to ensure the person performing the inspections/tests was documented in the report. Specifically, the Respondent's 2016 piping UT inspection reports for line numbers 7144, 7172B, and 8800 did not indicate the inspector name. Additionally, the pigtail creep measurement and dye penetrant reports dated October 2013 on F-201 did not indicate the person performing the inspection. Each failure document the persons performing the inspections/tests is a violation of 40 CFR 68.73(d)(4), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, 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 TWENTY-SEVEN THOUSAND AND NO/100 DOLLARS (\$ 27,000.00), of which One Thousand Three Hundred Sixty-Six and 29/100 Dollars (\$1,366.29) 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), 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 St. John the Baptist Parish and East Baton Rouge 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.

BY: Reginald E. Waddell  
(Signature)

Reginald E. Waddell  
(Printed)

TITLE: Operations Line Manager

THUS DONE AND SIGNED in duplicate original before me this 5 day of February, 20 22, at Bank of America.

[Signature]  
NOTARY PUBLIC (ID # 833105)



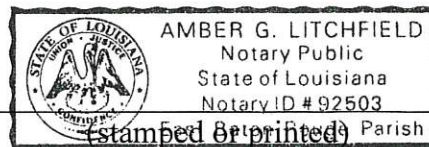
(stamped or printed)

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

BY: [Signature]  
Belena J. Cage, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 11th day of May, 20 22, at Baton Rouge, Louisiana.

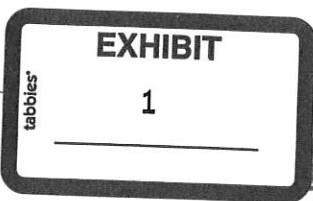
[Signature]  
NOTARY PUBLIC (ID # 92503)



(stamped or printed)

Approved: [Signature]  
\_\_\_\_\_  
Lourdes Iturralde, Assistant Secretary





LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
 OFFICE OF ENVIRONMENTAL COMPLIANCE  
 ENFORCEMENT DIVISION  
 POST OFFICE BOX 4312  
 BATON ROUGE, LOUISIANA 70821-4312

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

Enforcement Tracking No.	150340	Certified Mail No.	7004 2510 0006 3853 2470
Agency Interest (AI) No.	AE-CN-15-01055	Contact Name	Madison Kirkland
Alternate ID No.	2580-00052	Contact Phone No.	225-219-3165
Respondent:	Air Products and Chemicals, Inc.	Facility Name:	Garyville Steam Methane Reforming
	c/o C T Corporation System	Physical Location:	4663 West Airline Highway
	Agent for Service of Process	City, State, Zip:	Garyville, LA 70051
	3867 Plaza Tower Dr. Baton Rouge, LA 70816	Parish:	St. John Baptist Parish

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued 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**

*An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.*

I.	The Respondent owns and/or operates the Garyville Steam Machine Reforming (facility), an existing hydrogen production facility, located at 4663 West Airline Highway, in Garyville, St. John the Baptist Parish, Louisiana. The facility operatec and/or operates under Title V Air Permit No. 2580-00052-V1 issued on August 18, 2014, which was modified to Minor Source Air General Permit No. 2580-00052-01 issued on February 22, 2016.	
	<b>Date of Violation</b>	<b>Description of Violation</b>
II.	Inspection(s) April 8, 2015	The Respondent failed to conduct inspections and tests on process equipment at a frequency consistent with applicable manufacturers' recommendations and good engineering practices. Specifically, inspections on compressors K601A and K601B include major gas end overhauls/inspections every two (2) years. Inspections for the compressors were due in October 2011, but were not conducted until November 2012. Additionally, inspections were due for the compressor in November 2014, but were not conducted by the April 8, 2015 inspection date. Each failure is a violation of LAC 33:III.5901.A, which incorporates by reference 40 CFR 68.73(d)(3), and La. R.S. 30:2057(A)(2).
III.	Inspection(s) April 8, 2015	The Respondent failed to provide refresher training at least every three (3) years, and more often if necessary, to each employee involved in operating a process. Specifically, records reviews for two (2) employees working for the Respondent the last three (3) years revealed that they received no refresher training during that time period. Each failure is a violation of LAC 33:III.5901.A, which incorporates by reference 40 CFR 68.71(b), and La. R.S. 30:2057(A)(2).

**ORDER**

Based on the foregoing, the Respondent is **hereby ordered to comply with the requirements that are indicated below:**

I.	To take, immediately upon receipt of this <b>COMPLIANCE ORDER</b> , any and all steps necessary to meet and maintain compliance with the Air Quality Regulations, including, but not limited to, LAC 33:III.5901.
II.	To, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> , provide refresher training to each employee involved in operating a process that has not received such training within the last three (3) years and submit training verifications for the employees mentioned above in Findings of Fact subparagraph II.B to the Enforcement Division.
III.	To, within sixty (60) days after receipt of this <b>COMPLIANCE ORDER</b> , conduct mechanical integrity inspections on compressors K601A and K601B according to 40 CFR 68.73(d)(3), and/or provide evidence to the Enforcement Division that the inspections due in November 2014 were completed.

**RIGHT TO APPEAL**

I.	The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this <b>COMPLIANCE ORDER</b> . This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> .
II.	The request for an adjudicatory hearing shall specify the provisions of the <b>COMPLIANCE ORDER</b> 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 address specified in this document.
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 <b>COMPLIANCE ORDER</b> 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 Division of Administrative Law (DAL) Procedural Rules. The Department may amend or supplement this <b>COMPLIANCE ORDER</b> prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.
IV.	This <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> becoming a permanent part of its compliance history.
VI.	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 <b>COMPLIANCE ORDER</b> 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 Madison Kirkland at (225) 219-3165 or Madison.Kirkland@la.gov within ten (10) days of receipt of this <b>NOTICE OF POTENTIAL PENALTY</b> .
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 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 <b>NOTICE OF POTENTIAL PENALTY</b> . 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. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.
IV.	The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this <b>NOTICE OF POTENTIAL PENALTY</b> portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached " <b>CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE</b> " form. The Respondent must include a justification of the offer. <b>DO NOT</b> submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
V.	This <b>CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY</b> is effective upon receipt.

**CONTACTS AND SUBMITTAL OF INFORMATION**

<b>Enforcement Division:</b>	<b>Hearing Requests:</b>
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Louisiana Department of Environmental Quality Office of Environmental Compliance Air Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Madison Kirkland	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-15-01055 Agency Interest No. 150340
<b>Permit Division (if necessary):</b> Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Air Permits Division	<b>Physical Address (if hand delivered):</b> Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

**HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY**

- To appeal the **COMPLIANCE ORDER** portion, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **COMPLIANCE ORDER**.
- To request closure of this **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**, the Respondent must demonstrate compliance with the "Order" portion of this **COMPLIANCE ORDER** by completing the attached "**CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL REQUEST TO CLOSE**" form and returning it to the address specified.
- To expedite closure of the **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.
- The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7.
- The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
- The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent must include a justification of the offer.
- **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

If you have questions or need more information, you may contact Madison Kirkland at (225) 219-3165 or [Madison.Kirkland@la.gov](mailto:Madison.Kirkland@la.gov).

  
 \_\_\_\_\_  
**Lourdes Iturralde**  
 Assistant Secretary  
 Office of Environmental Compliance

Date: 10-25-18

cc: Air Products – Garyville Hydrogen  
 Engled Bosch, Site Supervisor  
 4663 Airline Hwy.  
 Garyville, LA 70051

Attachment(s)  
 - Request to Close

OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION  
 POST OFFICE BOX 4312  
 BATON ROUGE, LOUISIANA 70821-4312

CONSOLIDATED COMPLIANCE ORDER &  
 NOTICE OF POTENTIAL PENALTY  
 REQUEST TO CLOSE



Enforcement Tracking No.	150340	Contact Name	Madison Kirkland
Agency Interest (AI) No.	AE-CN-15-01055	Contact Phone No.	225-219-3165
Alternate ID No.	2580-00052	Contact Email	Madison.Kirkland@la.gov
Respondent:	<b>Air Products and Chemicals, Inc.</b>	Facility Name:	Garyville Steam Methane Reforming
	c/o C T Corporation System	Physical Location:	4663 West Airline Highway
	Agent for Service of Process		
	3867 Plaza Tower Dr.	City, State, Zip:	Garyville, LA 70051
	Baton Rouge, LA 70816	Parish:	St. John Baptist Parish

**STATEMENT OF COMPLIANCE**

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph I of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 60 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph III of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

**SETTLEMENT OFFER (OPTIONAL)**

*(check the applicable option)*

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:I.Subpart 1.Chapter 7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-N-15-01055), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-N-15-01055), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• <b>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</b></li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-N-15-01055) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

**CERTIFICATION STATEMENT**

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:		
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: <b>Madison Kirkland</b>		



JOHN BEL EDWARDS  
GOVERNOR

CHUCK CARR BROWN, PH.D.  
SECRETARY

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

June 14, 2019

CERTIFIED MAIL (7017 2400 0000 7556 8046)  
RETURN RECEIPT REQUESTED

**AIR PRODUCTS & CHEMICALS, INC.**  
c/o C T Corporation System  
Agent for Service of Process  
3867 Plaza Tower Drive  
Baton Rouge, LA 70816

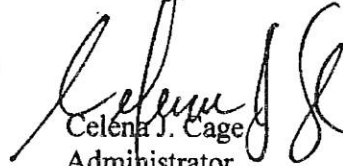
**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &  
NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-CN-15-01055A  
AGENCY INTEREST NO. 150340**

Dear Sir/Madam:

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 **AIR PRODUCTS & CHEMICALS, INC. (RESPONDENT)** for the violations described therein.

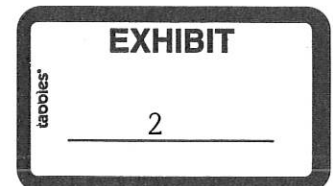
Any questions concerning this action should be directed to Madison Kirkland at (225) 219-3165 or [Madison.Kirkland@la.gov](mailto:Madison.Kirkland@la.gov).

Sincerely,

  
Celena J. Cage  
Administrator  
Enforcement Division

CJC/MLK/mlk  
Alt ID No. 2580-00052  
Attachment

c: Air Products & Chemicals, Inc.  
Engled Bosche, Site Supervisor  
4663 Airline Hwy.  
Garyville, LA 70051



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

<b>IN THE MATTER OF</b>	*	
	*	
<b>AIR PRODUCTS &amp; CHEMICALS, INC.</b>	*	<b>ENFORCEMENT TRACKING NO.</b>
<b>ST. JOHN THE BAPTIST</b>	*	
<b>ALT ID NO. 2580-00052</b>	*	<b>AE-CN-15-01055A</b>
	*	
	*	<b>AGENCY INTEREST NO.</b>
	*	
<b>PROCEEDINGS UNDER THE LOUISIANA</b>	*	<b>150340</b>
<b>ENVIRONMENTAL QUALITY ACT,</b>	*	
<b>La. R.S. 30:2001, ET SEQ.</b>	*	

**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-15-01055** issued to **AIR PRODUCTS & CHEMICALS, INC. (RESPONDENT)** on June 25, 2018 in the above-captioned matter as follows:

I.

The Department hereby amends paragraph II of the Findings of Fact cited in the Compliance Order & Notice of Potential Penalty Enforcement Tracking No. AE-PP-15-01055 to read as follows:

“The Respondent failed to conduct inspections and tests on process equipment at a frequency consistent with applicable manufacturers’ recommendations and good engineering practices. Specifically, inspections on compressor K601B included major gas end overhauls/inspections every two (2) years. Inspections for the compressor were due in October 2011, but were not conducted until November 2012. Additionally, inspections were due for the compressor K601B, in November 2014, but were not conducted by the April 8, 2015 inspection date. This is a violation of 40 CFR 68.73(d)(3), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2).”



II.

The Department hereby adds paragraph IV to the Findings of Fact section of the Compliance Order and Notice of Potential Penalty Enforcement Tracking No. AE-CN-15-01055 to read as follows:

“The Respondent failed to establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures; and changes to stationary sources that affect a covered process. Specifically, the Respondent failed to conduct a management of change prior to the extension of the compressor overhaul interval from 24,000 hours to 32,000 hours. In correspondence dated October 3, 2018, the Respondent provided documentation on the Compressor Outage Strategy for K601A and K601B. The outage interval extensions recommends the extensions of the K601A compressor overhaul interval to 32,000 hours on September 24, 2015. The failure to conduct a management of change prior to performing an extension of the compressor overhaul interval is a violation of 40 CFR 68.75(a), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2).”

III.

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 violation added in this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** in paragraph II, 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: Madison Kirkland**  
**Re: Enforcement Tracking No. AE-CN-15-01055A**  
**Agency Interest No. 150340**




IV.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-15-01055** and **AGENCY INTEREST NO. 150340** as if reiterated herein.

V.

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

Baton Rouge, Louisiana, this 14<sup>th</sup> day of June, 2019.

  
\_\_\_\_\_  
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: Madison Kirkland