

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

GRAMERCY HOLDINGS I LLC

AI # 1388

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

* Settlement Tracking No.
* SA-AE-22-0043
*
* Enforcement Tracking No.
* AE-CN-19-00540
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SETTLEMENT

The following Settlement is hereby agreed to between Atalco Gramercy LLC f/k/a Gramercy Holdings I LLC (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a limited liability company that owns and/or operates an alumina extraction facility located in Gramercy, St. James Parish, Louisiana (“the Facility”).

II

On October 27, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-19-00540 (Exhibit 1).

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 SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$75,000.00), of which Two Thousand Five Hundred Seventy-Nine and 80/100 Dollars (\$2,579.80) 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 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. James 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.

ATALCO GRAMERCY LLC F/K/A
GRAMERCY HOLDINGS I LLC

BY: _____

[Handwritten Signature]
(Signature)

JOHN HABISRENTINGER

(Printed)

TITLE: PRESIDENT

THUS DONE AND SIGNED in duplicate original before me this 13th day of SEPTEMBER, 20 22, at ST. JAMES PARISH.

[Handwritten Signature]

NOTARY PUBLIC (ID # 161642)

Jill Arnold, Notary Public No. 161642

(stamped or printed)

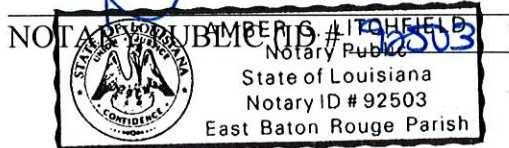
LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary

BY: _____

[Handwritten Signature]

Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 25th day of NOVEMBER, 20 22, at Baton Rouge, Louisiana.



(stamped or printed)

Approved: _____

[Handwritten Signature]
Celena J. Cage, Assistant Secretary



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

October 27, 2020

CERTIFIED MAIL (7019 1120 0000 2352 1831)
RETURN RECEIPT REQUESTED

GRAMERCY HOLDINGS I LLC
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, Louisiana 70816

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-19-00540
AGENCY INTEREST NO. 1388**

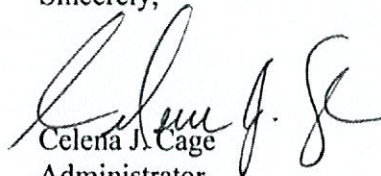
Dear Sir/Madam:

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 **GRAMERCY HOLDINGS I LLC (RESPONDENT)** for the violation(s) described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation(s) 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 Antoinette Cobb at (225) 219-3072 or via email at antoinette.cobb@la.gov.

Sincerely,


Celesta J. Cage
Administrator
Enforcement Division

CJC/AFC/afc
Alt ID No. 2560-00002
Attachment



c: Gramercy Holdings I LLC
c/o Mr. Brian Sullivan, Environmental Manager
1111 Airline Highway Suite 3370
Gramercy, LA 70052

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

<p>IN THE MATTER OF</p> <p>GRAMERCY HOLDINGS I LLC ST. JAMES PARISH ALT ID NO. 2560-00002</p> <p>PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>ENFORCEMENT TRACKING NO.</p> <p style="text-align: center;">AE-CN-19-00540</p> <p>AGENCY INTEREST NO.</p> <p style="text-align: center;">1388</p>
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CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **GRAMERCY HOLDINGS I LLC (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 Noranda Alumina (facility), an alumina extraction facility, located at 1111 Airline Highway in Gramercy, St. James Parish, Louisiana. The facility operates or has operated under the authority of the following Title V Air Permits:

UNIT/AREA	PERMIT	ISSUE DATE	EFFECTIVE EXPIRATION DATE
Bauxite Processing Area, Products Area , and Power Area	2453-V11	04/27/2020	09/08/2022
	2453-V10	02/11/2020	09/08/2022
	2453-V9	02/22/2019	09/08/2022
	2453-V8	09/27/2018	09/08/2022
	2453-V7	11/06/2017	09/08/2022
	2453-V6	09/08/2017	09/08/2022

UNIT/AREA	PERMIT	ISSUE DATE	EFFECTIVE EXPIRATION DATE
	2453-V5	08/11/2015	02/15/2016
Red Mud Management Area	2481-V5	07/30/2018	07/30/2023
	2481-V4	07/05/2012	07/05/2017
Cajunite Area	2387-V4	12/02/2019	06/30/2021
	2387-V3	09/05/2017	06/30/2021
	2387-V2	06/30/2016	06/30/2021
Prevention of Significant Deterioration Permit (PSD)	PSD-LA-684(M-1)	02/15/2011	02/15/2021

On or about December 12, 2016, the Department received a Name/Ownership/Operator Change Form (NOC-1) for the facility. According to the NOC-1, the facility name, ownership, and operational control changed, and permits transferred effective October 28, 2016, from the Noranda Alumina LLC (Noranda), the previous owner and/or operator, to Gramercy Holdings I LLC (Respondent). Noranda Alumina LLC assumed responsibility for all violations existing prior to the transfer of the permits.

II.

On or about June 26, 2017 through August 8, 2017, the Department conducted a Full Compliance Evaluation (FCE) Inspection to determine the Respondent's degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. A subsequent file review was conducted on or about July 28-30, 2020. While the Department's investigation is not yet complete, the following violations were noted during the course of the inspection and/or file review:

A. The Respondent failed to comply with the flow rate as noted in the table below.

	EMISSION POINT	PERMIT NUMBER	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
i.	EQT 0054 Bauxite Silo D/C	2453-V5	04/29/2017 (12-20 hours)	Flow rate >=90 gpm	Cause not reported; recorded flow rate= 75 gpm	Specific Requirement 17
ii.	EQT 0054 Bauxite Silo D/C	2453-V5	05/16/2017 (24-32 hours)	Flow rate >=90 gpm	Cause not reported; recorded flow rate= 62.6 gpm	Specific Requirement 17
iii.	EQT 0054 Bauxite Silo D/C	2453-V5	05/27/2017 (12-20 hours)	Flow rate >=90 gpm	Cause not reported; recorded flow rate= 86.3 gpm	Specific Requirement 17
iv.	EQT 0054 Bauxite Silo D/C	2453-V5	06/07/2017 (12-20 hours)	Flow rate >=90 gpm	Cause not reported; recorded flow rate= 89.1 gpm	Specific Requirement 17
v.	EQT 0054 Bauxite Silo D/C	2453-V5	06/16/2017 (24-32 hours)	Flow rate >=90 gpm	Cause not reported; recorded flow rate= 56 gpm	Specific Requirement 17
vi.	EQT 0054 Bauxite Silo D/C	2453-V5	06/19/2017 8-12 hours)	Flow rate >=90 gpm	Cause not reported; recorded flow rate = 88.5 gpm	Specific Requirement 17

	EMISSION POINT	PERMIT NUMBER	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
vii.	EQT 0054 Bauxite Silo D/C	2453-V5	06/24/2017 (12-20 hours)	Flow rate >=90 gpm	Cause not reported; recorded flow rate= 85.1 gpm	Specific Requirement 17
viii.	EQT 0054 Bauxite Silo D/C	2453-V5	07/14/2017 (4-8 hours)	Flow rate >=90 gpm	Cause not reported; recorded flow rate= 82.5 gpm	Specific Requirement 17
ix.	EQT 0056 Bel 4/5-6 Transfer Dust Collector	2453-V5	07/14/2017 (4-8 hours)	Flow rate >=90 gpm	Cause not reported; recorded flow rate= 87.3 gpm	Specific Requirement 172

Each failure to operate according to permitted requirements 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).

B. The Respondent failed to conduct daily visible emissions inspections as noted in the table below.

	EMISSION POINT	PERMIT NUMBER	DATE	REGULATORY or PERMIT REQUIREMENTS
i.	EQT 0028 Alumina Storage Bin Dust Collector	2453-V5	December 3-5, 2016	Specific Requirement 226
ii.	EQT 0028 Alumina Storage Bin Dust Collector	2453-V5	December 13-14, 2016	Specific Requirement 226
iii.	EQT 0028 Alumina Storage Bin Dust Collector	2453-V5	December 17-19, 2016	Specific Requirement 226
iv.	EQT 0028 Alumina Storage Bin Dust Collector	2453-V5	April 21, 2017	Specific Requirement 226
v.	EQT 0028 Alumina Storage Bin Dust Collector	2453-V5	May 31, 2017	Specific Requirement 226
vi.	EQT 0028 Alumina Storage Bin Dust Collector	2453-V5	July 4, 2017	Specific Requirement 226
vii.	EQT 0029 Alumina Loadout Dust Collector	2453-V5	December 19, 2016	Specific Requirement 226
viii.	EQT 0029 Alumina Loadout Dust Collector	2453-V5	December 29, 2016	Specific Requirement 226
ix.	EQT 0029 Alumina Loadout Dust Collector	2453-V5	January 21, 2017	Specific Requirement 226
x.	EQT 0029 Alumina Loadout Dust Collector	2453-V5	January 30-31, 2017	Specific Requirement 226
xi.	EQT 0029 Alumina Loadout Dust Collector	2453-V5	February 1-13, 2017	Specific Requirement 226
xii.	EQT 0029 Alumina Loadout Dust Collector	2453-V5	February 16-22, 2017	Specific Requirement 226
xiii.	EQT 0029 Alumina Loadout Dust Collector	2453-V5	February 25-26, 2017	Specific Requirement 226
xiv.	EQT 0029 Alumina Loadout Dust Collector	2453-V5	March 1, 2017	Specific Requirement 226
xv.	EQT 0029 Alumina Loadout Dust Collector	2453-V5	March 9-10, 2017	Specific Requirement 226
xvi.	EQT 0029 Alumina Loadout Dust Collector	2453-V5	March 28-29, 2017	Specific Requirement 226

	EMISSION POINT	PERMIT NUMBER	DATE	REGULATORY OF PERMIT REQUIREMENTS
xvii.	EQT 0026 Hydrate Loadout Dust Collector	2453-V5	November 22, 2016	Specific Requirement 116
xviii.	EQT 0026 Hydrate Loadout Dust Collector	2453-V5	November 25, 2016	Specific Requirement 116
xix.	EQT 0026 Hydrate Loadout Dust Collector	2453-V5	November 29-30, 2016	Specific Requirement 116
xx.	EQT 0026 Hydrate Loadout Dust Collector	2453-V5	December 13-14, 2016	Specific Requirement 116
xxi.	EQT 0026 Hydrate Loadout Dust Collector	2453-V5	December 17-19, 2016	Specific Requirement 116
xxii.	EQT 0026 Hydrate Loadout Dust Collector	2453-V5	December 22-23, 2016	Specific Requirement 116
xxiii.	EQT 0026 Hydrate Loadout Dust Collector	2453-V5	December 25-31, 2016	Specific Requirement 116
xxiv.	EQT 0026 Hydrate Loadout Dust Collector	2453-V5	January 1-31, 2017	Specific Requirement 116
xxv.	EQT 0026 Hydrate Loadout Dust Collector	2453-V5	February 1-13, 2017	Specific Requirement 116
xxvi.	EQT 0026 Hydrate Loadout Dust Collector	2453-V5	February 25, 2017	Specific Requirement 116
xxvii.	EQT 0026 Hydrate Loadout Dust Collector	2453-V5	February 26, 2017	Specific Requirement 116
xxviii.	EQT 0026 Hydrate Loadout Dust Collector	2453-V5	March 3, 2017	Specific Requirement 116
xxix.	EQT 0026 Hydrate Loadout Dust Collector	2453-V5	March 28-30, 2017	Specific Requirement 116
xxx.	EQT 0026 Hydrate Loadout Dust Collector	2453-V5	April 21, 2017	Specific Requirement 116
xxxi.	EQT 0026 Hydrate Loadout Dust Collector	2453-V5	May 31, 2017	Specific Requirement 116
xxxii.	EQT 0120 Railroad Unloading and Conveyor System	2453-V5	October 28, 2016- January 9, 2017*	40 CFR 64.6(c)(4), Specific Requirement 214
xxxiii.	EQT 0121 Barge Loading and Conveying	2453-V5	October 28, 2016- December 31, 2016*	40 CFR 64.6(c)(4), Specific Requirement 214

* Inspections were not conducted prior to the change in ownership and/or operational control.

Each failure to conduct daily visible emissions inspections 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).

- C. The Respondent failed to maintain records of the alarms and corrective actions for Power Boilers Nos. 1-4 (EQT 0014-0017). Specific Requirement 204 of Title V Permit No. 2453-V5 required the Respondent to keep records of oxygen content, alarm, and corrective correctives for EQT 0014-0017 on-site, for five (5) years, and be available for inspection by the Office of Environmental Compliance. Each failure to maintain records is a violation of Specific Requirement 204 of Title V Permit No. 2453-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). This requirement was removed in Title V Permit No. 2453-V6 issued in September 8, 2017. In the Response to Information Request dated June 22, 2020, the Respondent reported the electronic records of the oxygen content

were maintained and provided during the inspection. The Respondent also reported corrective actions were taken based on alerts and alarms when the oxygen content was outside of the established range. Records of the oxygen content alarms and corrective action were not manually recorded.

- D. The Respondent failed to use and/or diligently maintain a control device, the fogging system, for the West Dock Hoppers (EQT 0172 and 0174). The fogging system is used to control dust emissions during the unloading of bauxite from ships and into the hopper. On July 20, 2017, a section of the fogging system was down. While the bauxite was being loaded into the West Dock Hopper, dust was observed being emitted from the hopper and traveling north across the Mississippi River. Failure to operate control equipment, any device or contrivance, operating procedure or abatement scheme to prevent or reduce air pollution, in the proper manner is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- E. The Respondent failed to use and/or diligently maintain the Alumina Storage Bin (EQT 0028). On July 20, 2017, visible emissions were observed from the vent of the west dust collector for (EQT 0028). Failure to operate control equipment, any device or contrivance, operating procedure or abatement scheme to prevent or reduce air pollution, in the proper manner is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- F. The Respondent failed to submit notification at least forty-five (45) days prior to the deadline for the Kiln Nos. 1-3 (EQT 0018-0020) performance/emissions tests indicating the tests would not be conducted by the specified deadline in Title V Permit No. 2453-V6 issued on September 8, 2017. Specific Requirement 154 of Title V Permit No. 2453-V6, the renewal permit, required the Respondent to conduct performance/emissions tests for the following scenarios within 180 days after the issuance of a permit renewal: 1) Each kiln's ESP operating with all banks and 2) Each kiln's ESP operating with one bank down. The tests were due on or before March 8, 2018. The Respondent submitted the performance test notification and extension request to the Department dated March 27, 2018. The Department granted an extension of ninety (90) days to the performance test deadline on May 4, 2018. Failure to submit notification at least forty-five (45) days prior to the performance/emissions tests deadline is a violation of Specific Requirement 158 of Title V Permit No. 2453-V6, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- G. In the Amended 2017 First Semiannual Monitoring Report dated March 28, 2018, the 2017 Second Semiannual Monitoring Report dated March 28, 2018, and the 2018 First Semiannual Monitoring Report dated September 27, 2018, the Respondent reported the failure to maintain completed compliance assurance monitoring documentation records. According to the reports, records were incomplete for Railroad Unloading and Conveyor System (EQT 0120) and Barge Loading and Conveying (EQT 0121) from October 28, 2017 through December 31, 2017, and January 1, 2018 through May 10, 2018. According to the Respondent, the alumina handling equipment was operated by a third party and the Respondent was unable to locate the records after the third party left the

facility. Each failure to maintain records as required is a violation of 40 CFR 64.9(b)(1), Specific Requirement 210 of Title V Permit No. 2453-V6 and Specific Requirement 281 of Title V Permit No. 2453-V7, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- H. In the Amended 2017 First Semiannual Monitoring Report dated March 28, 2018, and the 2017 Second Semiannual Monitoring Report dated March 28, 2018, the Respondent reported the failure to maintain completed compliance assurance monitoring documentation records. According to the reports, records were incomplete for West Docker Hopper/Belt 1 Transfer Phase II (EQT 0172), East Dock Hopper Phase II (EQT 0173), Backup Docker Hopper Phase II (EQT 0175), and East Dock Hopper/Belt 1 Transfer Phase II (EQT 0176) from January 1, 2017 through December 31, 2017. According to the Respondent, the alumina handling equipment was operated by a third party and the Respondent was unable to locate the records after the third party left the facility. Each failure to maintain records as required is a violation of 40 CFR 64.9(b)(1).
- I. In the 2018 First Semiannual Report dated September 27, 2018, the Respondent reported the failure to maintain completed compliance assurance monitoring documentation records. According to the report, records were incomplete for West Docker Hopper/Belt 1 Transfer Phase II (EQT 0172), East Dock Hopper Phase II (EQT 0173), Backup Docker Hopper Phase II (EQT 0175), and East Dock Hopper/Belt 1 Transfer Phase II (EQT 0176) from January 1, 2018 through June 22, 2018. According to the Respondent, records were not maintained due to inadequate training of operations personnel regarding maintaining the records. Each failure to maintain records as required is a violation of 40 CFR 64.9(b)(1).
- J. In the 14-Day Excess Emissions Report dated August 27, 2019, the Respondent reported a performance test for the Pneumatic Conveying System Baghouse (EQT 0198) work bin vent was not conducted as required by 40 CFR 60, Subparts A and LL. Pursuant to 40 CFR 60.8(a) and referenced in 40 CFR 60.385(a), the Respondent was required to conduct a performance test within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup. Failure to conduct the performance test is a violation of 40 CFR 60.8(a), 40 CFR 60.385(a), Specific Requirement 394 of Title V Permit No. 2453-V9, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The violation was also reported in the 2019 First Semiannual Monitoring Report dated September 30, 2019 and the 2019 Second Semiannual Monitoring Report dated March 28, 2020. In the Response to Information Request dated June 22, 2020, the Respondent reported the stack test should have been performed June 18-21, 2019, when other associated sources were tested. The work bin vent was inadvertently missed and a different source was tested because of miscommunication and incorrect identified of the sources which required testing. The work bin stack was tested on October 1, 2019.
- K. In the 14-Day Excess Emissions Report dated August 27, 2019, the Respondent reported the truck/rail loadout baghouse was not permitted. Failure to submit a permit application to the permitting authority prior to construction, reconstruction, or modification is a violation of LAC 33:III.501.C.1 and La. R.S. 30:2057(A)(2). The unauthorized operation of the source prior to the issuance of a permit is a violation of LAC 33:III.501.C.2 and

La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The violation was also reported in the 2019 First Semiannual Monitoring Report dated September 30, 2019, and the 2019 Second Semiannual Monitoring Report dated March 28, 2020. A permit modification for Title V Permit No. 2453-V9 was submitted to the Department in June 2019 and a supplement to the application was submitted on October 8, 2019. Title V Permit No. 2453-V10 was issued on February 11, 2020, adding the emission source as a permitted source, Dry Hydrate Truck/Rail Loadout D/C (EQT 0221).

L. In the 14-Day Excess Emissions Report dated August 27, 2019, the Respondent reported excess fugitive emissions Product Area PM Fugitives LXX (FUG 0001) and Product Area PM Fugitives LXXLL (FUG 0045) from the hydrate conveying operations. According to the Respondent, the new Dust Collection System at the Hydrate Silo was not properly capturing and controlling particulate emissions associated with the new Pneumatic Hydrate Product Conveying System. Each failure to comply with the permitted emission limits is a violation of Title V Permit No. 2453-V9, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). A variance for the unpermitted (or excess) emissions for FUG 0045 was issued on November 1, 2019 with an October 28, 2020 expiration date. The violation was also reported in the 2019 First Semiannual Monitoring Report dated September 30, 2019, and the 2019 Second Semiannual Monitoring Report dated March 28, 2020.

M. In the Update to the 14-Day Excess Emissions Report dated December 13, 2019, the Respondent reported performance emissions tests were conducted for the Pneumatic Conveying System Baghouse (EQT 0198) and the Hydrate Loadout Dust Collector No. 1 (EQT 0026). The preliminary test results indicated emissions in excess of the permit limits. Each failure to comply with the permitted emission limits is a violation of Title V Permit No. 2453-V9, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The violations were also reported in the 2019 Second Semiannual Monitoring Report dated March 28, 2020. On or about July 10, 2020, the Respondent submitted the test notification and protocol for EQT 0026 and 0198 to the Department. The Department approved the testing protocol on July 13, 2020. The Respondent proposed a test date of September 1-2, 2020.

N. The Respondent reported the following violations of permitted operating parameters:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
i.	2019 1 st Semiannual Monitoring Report (09/30/2019)	2453-V8/V9	EQT 0054 Bauxite Silo D/C	01/03/2019-06/30/2019 (243 hours)	Pressure drop >=11.25 inches of water	The pressure drop across the scrubber was less than 11.25 inches of water Periodic build-up of dust inside the duct work vacuum lines	40 CFR 64.6(c)(2), Specific Requirement 72
ii.	2019 1 st Semiannual Monitoring Report (09/30/2019)	2453-V8/V9	EQT 0054 Bauxite Silo D/C	01/03/2019-06/30/2019 (342 hours)	Scrubber make-up water >= 90 gpm	The scrubber make-up water was less than 90 gpm. Water line intermittent restricted flow	40 CFR 64.6(c)(2), Specific Requirement 72

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
iii.	2019 1 st Semiannual Monitoring Report (09/30/2019)	2453-V9	EQT 0027 Hot End Baghouse	04/23/2019-04/24/2019 (8 hours)	Opacity <=20%	The East and West Conveyor Belts were buried in product (alumina) and backed up in the production process.	LAC 33:III.1311.C, Specific Requirement 156
iv.	2019 1 st Semiannual Monitoring Report (09/30/2019)	2453-V9	FUG 0001 Products Area PM Fugitives	04/23/2019-04/24/2019 (8 hours)	Prevent particulate matter from becoming airborne by taking all reasonable precautions.	The East and West Conveyor Belts were buried in product (alumina) and backed up in the production process.	LAC 33:III.1305, Specific Requirement 186
v.	2019 1 st Semiannual Monitoring Report (09/30/2019)	2453-V8/V9	EQT 0060 Belt 2/3 Dust Collector	01/31/2019-02/04/2019 (96 hours)	Opacity <=20%	The electrical service was out to the dust collector and it was not in-service during bauxite unloading during this time. The electrical service was down for approximately four (4) days.	LAC 33:III.1311.C, Specific Requirement 28
vi.	2019 1 st Semiannual Monitoring Report (09/30/2019)	2453-V8/V9	FUG 0010 Belt 2-3 Transfer Fugitives	01/31/2019-02/04/2019 (96 hours)	Prevent particulate matter from becoming airborne by taking all reasonable precautions.	The electrical service was out to the dust collector and it was not in-service during bauxite unloading during this time. The electrical service was down for approximately four (4) days.	LAC 33:III.1305, Specific Requirement 35
vii.	2019 Annual Scrubber Report (03/23/2020)	2453-V8/V9	EQT 0059 Bauxite Storage Building SE Dust Collector	08/08/2019 (one-4 hour period)	Scrubber flow rate water >= 50 gpm	Not reported	Specific Requirement 29
viii.	2019 2 nd Semiannual Monitoring Report (03/28/2020)	2453-V9	EQT 0054 Bauxite Silo D/C	08/03/2019-12/31/2019 (79 hours)	Pressure drop >=11.25 inches of water	Periodic build-up of dust inside the duct work vacuum lines	40 CFR 64.6(c)(2), Specific Requirement 72
ix.	2019 2 nd Semiannual Monitoring Report (03/28/2020)	2453-V9	EQT 0054 Bauxite Silo D/C	08/03/2019-12/31/2019 (265 hours)	Scrubber make-up water >= 90 gpm	Water line intermittent restricted flow	40 CFR 64.6(c)(2), Specific Requirement 72

Each failure to operate according to permitted requirements 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).

O. The Respondent failed to meet the following reporting requirements:

	REPORT (date)	PERMIT NUMBER	REPORTING REQUIREMENT	DUE DATE	SUBMITTAL DATE	REGULATORY or PERMIT REQUIREMENTS
i.	2018 Annual Compliance Certification (04/01/2019)	2387-V3, 2453-V7/V8, 2481-V4/V5	Submit the annual compliance certification by March 31 st for the preceding calendar year	03/31/2019	04/01/2019	LAC 33:III.535

	REPORT (date)	PERMIT NUMBER	REPORTING REQUIREMENT	DUE DATE	SUBMITTAL DATE	REGULATORY or PERMIT REQUIREMENTS
ii.	2018 Annual Report- Scrubber Flow Rate (04/01/2019)	2453-V7/V8	Submit report: due annually by the 31 st of March for the preceding calendar year. List the hours that the scrubber operated out of the ranges specified	03/31/2019	04/01/2019	Specific Requirement 27, 32, and 247

Each failure to meet reporting requirements is a violation of 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).

P. 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
i.	2016 2 nd Semiannual Monitoring Report (03/29/2017)	2453-V5	EQT 0020 2-73 Kiln No. 2	12/12/2016- 12/31/2016 (456 hours)	PM _{10/2.5} (11.34 max lb/hr)	0.59 tons*	Bank 2B out	Emission Rates for Criteria Pollutants
ii.	Amended 2017 1 st Semiannual Monitoring Report (03/28/2018)	2453-V5	EQT 0019 1-73 Kiln No. 1	06/18/2017- 06/30/2017 (288 hours)	PM _{10/2.5} (7.13 max lb/hr)	0.23 tons*	Bank 1A out Communication error	Emission Rates for Criteria Pollutants
iii.	Amended 2017 1 st Semiannual Monitoring Report (03/28/2018)	2453-V5	EQT 0020 2-73 Kiln No. 2	01/01/2017- 01/23/2017 (528 hours)	PM _{10/2.5} (11.34 max lb/hr)	4.76 tons*	Bank 2B and 2D out Tripped	Emission Rates for Criteria Pollutants
iv.	2017 2 nd Semiannual Monitoring Report (03/28/2018)	2453-V6	EQT 0019 1-73 Kiln No. 1	07/01/2017- 07/14/2017 (336 hours)	PM _{10/2.5} (7.13 max lb/hr)	0.27 tons*	Bank 1A out Tripped	Emission Rates for Criteria Pollutants
v.	2017 2 nd Semiannual Monitoring Report (03/28/2018)	2453-V6	EQT 0019 1-73 Kiln No. 1	07/19/2017- 07/23/2017 (96 hours)	PM _{10/2.5} (7.13 max lb/hr)	0.08 tons*	Bank 1A out Tripped	Emission Rates for Criteria Pollutants
vi.	2017 2 nd Semiannual Monitoring Report (03/28/2018)	2453-V6	EQT 0018 1-70 Kiln No. 3	09/02/2017- 09/08/2017 (144 hours)	PM _{10/2.5} (9.22 max lb/hr)	0.49 tons*	Bank 3C out Tripped	Emission Rates for Criteria Pollutants
vii.	2017 2 nd Semiannual Monitoring Report (03/28/2018)	2453-V7	EQT 0020 2-73 Kiln No. 2	11/04/2017- 11/07/2017 (72 hours)	PM _{10/2.5} (11.34 max lb/hr)	0.09 tons*	Bank 2D Communication error	Emission Rates for Criteria Pollutants
viii.	2017 2 nd Semiannual Monitoring Report (03/28/2018)	2453-V7	EQT 0019 1-73 Kiln No. 1	12/10/2017- 12/31/2017 (504 hours)	PM _{10/2.5} (7.13 max lb/hr)	0.41 tons*	Bank 1C out Tripped	Emission Rates for Criteria Pollutants
ix.	2018 1 st Semiannual Monitoring Report (09/27/2018)	2453-V7	EQT 0019 1-73 Kiln No. 1	01/01/2018- 01/18/2018 (432 hours)	PM _{10/2.5} (7.13 max lb/hr)	0.35 tons*	Bank 1C out Tripped	Emission Rates for Criteria Pollutants
x.	2018 1 st Semiannual Monitoring Report (09/27/2018)	2453-V7	EQT 0019 1-73 Kiln No. 1	02/05/2018- 02/27/2018 (184 hours)	PM _{10/2.5} (7.13 max lb/hr)	0.15 tons*	Bank 2C out Tripped	Emission Rates for Criteria Pollutants
xi.	2018 1 st Semiannual Monitoring Report (09/27/2018)	2453-V7	EQT 0018 1-70 Kiln No. 3	02/11/2018- 02/22/2018 (264 hours)	PM _{10/2.5} (9.22 max lb/hr)	0.90 tons*	Bank 3A out Tripped	Emission Rates for Criteria Pollutants
xii.	2018 1 st Semiannual Monitoring Report (09/27/2018)	2453-V7	EQT 0020 2-73 Kiln No. 2	03/15/2018- 03/20/2018 (144 hours)	PM _{10/2.5} (11.34 max lb/hr)	0.19 tons*	Bank 2C Low kilovolts	Emission Rates for Criteria Pollutants
xiii.	2018 1 st Semiannual Monitoring Report (09/27/2018)	2453-V7	EQT 0019 1-73 Kiln No. 1	03/28/2018- 03/29/2018 (24 hours)	PM _{10/2.5} (7.13 max lb/hr)	0.02 tons*	Bank 2D out Communication error	Emission Rates for Criteria Pollutants

*Quantity provided in the Response to Information Request dated June 22, 2020.

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).

III.

A Compliant Investigation was conducted on or about June 16, 2020, in regards to complaint received on June 14, 2020, [Agency Incident No. T197328], of orange and white dust on a resident's vehicle. During the investigation, emissions were observed from a vent in the Alumina Storage Bin Dust Collector (EQT 0028). A review of maintenance record for June 16, 2020, showed maintenance, change of socks, was conducted on the east and middle dust collector bin. The visible emissions observed during the investigation originated from the west side of the bin. The visible emissions, white particulate, indicated, the dust collectors on Alumina Storage Bin Dust Collector control devices were not used and/or maintained in proper working order. Failure to use and/or diligently maintain a control device in proper working order is a violation of LAC 33:III.905 and La. R.S. 30:2057(A)(2). The maintenance record for June 17, 2020, showed maintenance, change of socks, was conducted on the west and middle collectors on June 17, 2020. The facility is required monitor for visible emissions for EQT 0028 by visual inspection/determination daily and maintain records by electronic or hard copy. The Respondent failed to maintain records of visible emissions for EQT 0028 for the period of June 1, 2020 through June 16, 2020. Failure to comply with recordkeeping requirements is a violation of Specific Requirement 114 of Title V Permit No. 2453-V11, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

IV.

The Respondent reported the deviations listed in the table below:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE
i.	2018 2 nd Semiannual Monitoring Report (03/29/2019)	2453- V7/V8	EQT 0019 1-73 Kiln No. 1	09/02/2018- 11/04/2018 (1,512 hours)	An exceedance is defined as any of the ESP banks being down.	Bank 1A out- Communication error*
ii.	2018 2 nd Semiannual Monitoring Report (03/29/2019)	2453-V7	EQT 0019 1-73 Kiln No. 1	09/02/2018- 09/05/2018 (72 hours)	An exceedance is defined as any of the ESP banks being down.	Bank 1B out Tripped*
iii.	2018 2 nd Semiannual Monitoring Report (03/29/2019)	2453-V8	EQT 0020 2-73 Kiln No. 2	10/12/2018- 10/13/2018 (24 hours)	An exceedance is defined as any of the ESP banks being down.	Bank 2D out Tripped*
iv.	2018 2 nd Semiannual Monitoring Report (03/29/2019)	2453-V8	EQT 0020 2-73 Kiln No. 2	12/28/2018- 12/31/2018 (84 hours)	An exceedance is defined as any of the ESP banks being down.	Bank 2A Blown fuse*

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE
v.	2018 2 nd Semiannual Monitoring Report (03/29/2019)	2453-V7	EQT 0018 1-70 Kiln No. 3	08/24/2018- 08/26/2018 (72 hours)	Milliamps range 100-1000 mA	Bank 3C Low milliamps*
vi.	2019 1 st Semiannual Monitoring Report (09/30/2019)	2453-V8/V9	EQT 0019 Kiln No. 1	01/20/2019- 04/10/2019 (1,944 hours)	An exceedance is defined as any of the ESP banks being down.	Bank 1A out Tripped*
vii.	2019 1 st Semiannual Monitoring Report (09/30/2019)	2453-V9	EQT 0023 Hydrate Dryer No. 1	04/19/2019- 04/23/2019 (120 hours)	An excursion or exceedance is defined as a daily average of the voltage or the current intensity of the electrostatic precipitator is outside of the respective ranges of [12-45] kilovolts and [100-1000] milliamps. An excursion is also any missed daily reading of the average daily voltage or current intensity of the ESP that is not due to a planned or demand shutdown.	Bank 1A out Tripped*
viii.	2019 1 st Semiannual Monitoring Report (09/30/2019)	2453-V8/V9	EQT 0020 Kiln No. 2	01/01/2019- 01/04/2019 (96 hours)	An exceedance is defined as any of the ESP banks being down.	Bank 2A Wires burned out and blown fuse*
ix.	2019 1 st Semiannual Monitoring Report (09/30/2019)	2453-V8/V9	EQT 0023 Hydrate Dryer No. 1	02/14/2019- 02/22/2019 (216 hours)	An excursion or exceedance is defined as a daily average of the voltage or the current intensity of the electrostatic precipitator is outside of the respective ranges of [12-45] kilovolts and [100-1000] milliamps. An excursion is also any missed daily reading of the average daily voltage or current intensity of the ESP that is not due to a planned or demand shutdown.	Bank 2A tripped*
x.	2019 1 st Semiannual Monitoring Report (09/30/2019)	2453-V8/V9	EQT 0018 Kiln No. 3	04/10/2019- 04/14/2019 (120 hours)	An exceedance is defined as any of the ESP banks being down.	Bank 2A Low kilovolts
xi.	2019 2 nd Semiannual Monitoring Report (03/28/2020)	2453-V9	EQT 0019 Kiln No. 1	07/01/2019- 09/22/2019 (2,016 hours)	An exceedance is defined as any of the ESP banks being down.	Bank 1A out-tripped

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE
xii.	2019 2 nd Semiannual Monitoring Report (03/28/2020)	2453-V9	EQT 0023 Hydrate Dryer No. 1	10/13/2019-12/14/2019 (1,488 hours)	An excursion or exceedance is defined as a daily average of the voltage or the current intensity of the electrostatic precipitator is outside of the respective ranges of [12-45] kilovolts and [100-1000] milliamps. An excursion is also any missed daily reading of the average daily voltage or current intensity of the ESP that is not due to a planned or demand shutdown.	Bank 1A out-tripped
xiii.	2019 2 nd Semiannual Monitoring Report (03/28/2020)	2453-V9	EQT 0020 Kiln No. 2	09/01/2019-09/03/2019 (48 hours)	An exceedance is defined as any of the ESP banks being down.	Bank 2B tripped
xiv.	2019 2 nd Semiannual Monitoring Report (03/28/2020)	2453-V9	EQT 0023 Hydrate Dryer No. 1	09/01/2019-09/03/2019 (48 hours)	An exceedance is defined as any of the ESP banks being down.	Bank 2B tripped
xv.	2019 2 nd Semiannual Monitoring Report (03/28/2020)	2453-V9	EQT 0018 Kiln No. 3	12/28/2019-12/31/2019 (72 hours)	An exceedance is defined as any of the ESP banks being down.	Bank 3A-low kilovolts

* In the Response to Information Request dated June 22, 2020, the Respondent reported the kiln feed rate was limited. There were no excess emissions during this period.

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 thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written compliance plan as related to the violation cited in Paragraph II. L of the **FINDINGS OF FACT** portion of the action. The plan shall include, but not be limited to, the following information: 1) corrective actions implemented or will be implemented to minimize fugitive emissions, and 2) the progress of the engineering studies being conducted.

III.

To submit to the Air Planning and Assessment Division-Emissions Inventory Unit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, revised Emissions Inventories and

corresponding certification statements as necessary to account for emissions as related to Paragraph II.O of the **FINDINGS OF FACT** portion of this action. Copies of the signed certification statement(s) shall be submitted to the Enforcement Division.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a copy of the Quality Improvement Plan (QIP) implemented to address the deviations reported in Paragraph IV of the **FINDINGS OF FACT** portion of this action.

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: Antoinette Cobb
Re: Enforcement Tracking No. AE-CN-19-00540
Agency Interest No. 1388

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-19-00540
Agency Interest No. 1388

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 Division of Administrative Law (DAL) Procedural Rules. 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 Antoinette Cobb at (225) 219-3072 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. 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 **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 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 "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" 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.

V.

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


Baton Rouge, Louisiana, this 27th day of October, 2020.



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: Antoinette Cobb

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 REQUEST TO CLOSE		
Enforcement Tracking No.	AE-CN-19-00540	Contact Name	Antoinette Cobb	
Agency Interest (AI) No.	1388	Contact Phone No.	(225) 219-3072	
Alternate ID No.	2560-00002			
Respondent:	Gramercy Holdings I LLC	Facility Name:	Noranda Alumina	
	c/o C T Corporation System	Physical Location:	1111 Airline Highway	
	Agent for Service of Process			
	3867 Plaza Tower Drive	City, State, Zip:	Gramercy, LA 70052	
	Baton Rouge, LA 70816	Parish:	St. James	
STATEMENT OF COMPLIANCE				
STATEMENT OF COMPLIANCE		Date Completed	Copy Attached?	
A written report was submitted in accordance with Paragraph V 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(s) II-IV of the "Order" portion of the COMPLIANCE ORDER.				
All necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER.				
All necessary documents were submitted to the Department within 90 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? 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)				
<i>(check the applicable option)</i>				
_____	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.Subpart1.Chapter7.			
_____	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-19-00540), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.			
_____	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-19-00540), 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"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional)= \$ _____ • 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. 			
_____	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-19-00540) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.			

CERTIFICATION STATEMENT		
<p><i>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.</i></p>		
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:		
<p>Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Antoinette Cobb</p>		