

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	Settlement Tracking No.
	*	SA-AE-20-0002
INEOS AMERICAS LLC	*	
	*	Enforcement Tracking No.
AI # 89237	*	AE-PP-18-00668
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, <u>ET SEQ.</u>	*	

SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Ineos Americas 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 owned and/or operated a synthetic organic chemicals production facility located in Plaquemine, Iberville Parish, Louisiana (“the Facility”).

II

On March 15, 2019, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. AE-PP-18-00668 (Exhibit 1).

The following deviations, although not included in the foregoing enforcement action, are included within the scope of the settlement herein.

- A. In the 2018 Title V Annual Compliance Certification dated February 18, 2019, the Respondent reported the failure to maintain records for T-211 EA Scrubber (EQT0044) on the following dates:

DATE OF OCCURRENCE	DURATION
1/2/2018	1 hour
1/3/2018	1 hour
1/17/2018	5 hours
3/8/2018	4 hours
3/9/2018	1 hour
8/27/2018	1 hour
9/7/2018	7 hours
11/3/2018	1 hour
12/29/2018	25 hours

Each failure to maintain records is a violation of Title V Air Permit No. 2599-V5, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- B. In the 2018 Title V Annual Compliance Certification dated February 18, 2019, and the 2018 Title V First Semiannual Monitoring Report dated July 16, 2018, the Respondent reported the failure to identify and monitor 92 components in the Ethanolamines Plant in 2018. This is violation of Specific Requirement 18 of Title V Permit Nos. 2599-V4 and 2599-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- C. In the 2018 Title V Annual Compliance Certification dated February 18, 2019, the Respondent reported failure to identify and monitor 79 components in the Polyethylene Glycol Plant in 2018. This is violation of Specific Requirement 13 of Title V Permit No. 2503-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- D. The Respondent reported the failure to operate GE Tank DV-455 (EQT0072) at a 95% control efficiency. Specifically, the Respondent operated outside of the temperature level that is required in order to operate at 95% control efficiency on the following dates:

DATE OF OCCURRENCE	DURATION
03/15/2016	12 hours
06/02/2016	1 hour
07/08/2016	3 hours
07/14/2016	1 hour
07/18/2016	1 hour
08/29/2016	6 hours
08/30/2016	8 hours
08/31/2016	8 hours
09/01/2016	6 hours
09/02/2016	6 hours
09/03/2016	7 hours
09/04/2016	2 hours
02/28/2017	17 hours
05/09/2017	3 hours
05/10/2017	1 hour
05/10/2017	2 hours
05/11/2017	6 hours
05/11/2017	2 hours

05/12/2017	5 hours
05/12/2017	5 hours
05/13/2017	13 hours
05/14/2017	11 hours
05/15/2017	9 hours
05/16/2017	9 hours
05/17/2017	7 hours
05/18/2017	9 hours
05/18/2017	1 hour
05/19/2017	4 hours
05/19/2017	1 hour
05/20/2017	2 hours
05/20/2017	6 hours
05/20/2017	1 hour
05/21/2017	2 hours
05/21/2017	6 hours
05/22/2017	1 hour
05/22/2017	1 hour
05/23/2017	1 hour
06/12/2017	1 hour
06/23/2017	2 hours
06/30/2017	2 hours
08/08/2017	1 hour
08/11/2017	2 hours
08/11/2017	1 hour
06/15/2018	1 hour
07/13/2018	1 hour
07/16/2018	6 hours
07/23/2018	1 hour
08/12/2018	1 hour
08/27/2018	5 hours
08/29/2018	2 hours
08/30/2018	3 hours
08/30/2018	1 hour
09/01/2018	1 hour
09/07/2018	6 hours
09/07/2018	1 hour
09/07/2018	7 hours
10/15/2018	4 hours
10/15/2018	2 hours
10/17/2018	4 hours
10/17/2018	2 hours
10/18/2018	2 hours
10/18/2018	7 hours
10/19/2018	3 hours
10/19/2018	2 hours
10/20/2018	4 hours
10/21/2018	4 hours
10/22/2018	4 hours
10/23/2018	5 hours
10/23/2018	1 hour
10/24/2018	1 hour
10/24/2018	3 hours

10/25/2018	10 hours
10/26/2018	2 hours
10/27/2018	1 hour
10/27/2018	2 hours
10/27/2018	3 hours
10/28/2018	6 hours
10/28/2018	2 hours
10/29/2018	1 hour
10/29/2018	5 hours
10/30/2018	2 hours
10/30/2018	4 hours
10/31/2018	1 hour
10/31/2018	3 hours
10/31/2018	6 hours
10/31/2018	1 hour
11/01/2018	4 hours
11/01/2018	6 hours
11/02/2018	1 hour
11/03/2018	3 hours
11/04/2018	7 hours
11/04/2018	1 hour
11/04/2018	2 hours
11/05/2018	16 hours
11/06/2018	6 hours
11/06/2018	2 hours
11/06/2018	3 hours
11/07/2018	13 hours
11/08/2018	2 hours
11/09/2018	7 hours
11/12/2018	2 hours
11/19/2018	1 hour
11/20/2018	3 hours
11/24/2018	4 hours
11/24/2018	3 hours
11/30/2018	14 hours
12/02/2018	3 hours
12/03/2018	3 hours
12/03/2018	3 hours
12/08/2018	4 hours
12/17/2018	1 hour
12/26/2018	9 hours
12/26/2018	18 hours
12/27/2018	5 hours
12/28/2018	3 hours
12/31/2018	8 hours

Each failure to operate at a 95% control efficiency is a violation of Specific Requirement 19 of Title V Permit No. 1838-V5 and Title V Permit No. 1838-V6, LAC 33:III.2103.E.1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- E. In the 2018 Title V Second Semiannual Monitoring Report dated January 31, 2019, the Respondent reported the failure to keep records by electronic or hard copy at the

regulation's specified frequency for EQT0072. Specifically, on November 8, 2018, the Respondent had a temporary failure of process historian for eight (8) hours. This is a violation of Specific Requirement No. 17 of Title V Permit No. 1838-V5, 40 CFR 63.123, which language has been adopted as a Louisiana regulation in LAC 33:III.5122, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- F. In the 2016 Title V First Semiannual Monitoring Report dated July 31, 2016, the Respondent reported the failure to keep records by electronic or hard copy at the regulations' specified frequency for EQT0072. Specifically, from January 1, 2016 to January 25, 2016, the Respondent did not properly execute the data retrieval process properly, and as a result, the data records were not saved to the server for approximately 593 hours. In order to avoid losing data in the future, the Respondent changed the frequency to retrieve data from the historian file to a monthly time basis. This is a violation of Specific Requirement 17 of Title V Permit No. 1838-V5, 40 CFR 63.123, which language has been adopted as a Louisiana regulation in LAC 33:III.5122, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- G. In the 2015 Title V Annual Compliance Certification dated September 24, 2015, the Respondent reported the failure to keep records of the average flow rate in standard cubic feet per minute for T-434 Scrubber (EQT0005). Specifically, on March 1, 2015 to March 2, 2015, the Respondent's records were overwritten for approximately nine (9) hours. The Respondent's data is recorded on an electronic data base and the flow to gas ratio is calculated by the operating control system. The data storage has approximately 2-3 month storage limitation on the operating control system; however, during this period, the data had not been retrieved in a timely fashion, which resulted in missing data. This is a violation of Specific Requirement 6 of Title V Permit No. 2503-V1, LAC 33:III.2149.G.1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- H. In the 2015 Annual EA Ammonia Scrubber Report dated March 30, 2016, the Respondent reported the failure to keep records of the average flow rate in standard cubic feet per minute for the EA Ammonia Scrubber T-211 (EQT0044). Specifically, on 5/2/2015 (1) hour, 5/3/2015 (1) hour, 5/3/2015 (2) hour, 6/9/2015 (1), the Respondent's records were not recorded. In correspondence dated July 12, 2021, the Respondent stated that the plant trip was caused by the Respondent's instrumentation interruption. The instrument was serviced and procedures were put in place to prevent recurrence. This is a violation of Specific Requirement 7 of Title V Permit No. 2599-V4, LAC 33:III.507.H.1.a, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TWENTY-TWO THOUSAND AND NO/100 DOLLARS (\$22,000.00), of which One Thousand Three Hundred Twenty-Eight and 59/100 Dollars (\$1,328.59) represents the Department's enforcement costs in settlement of the claims set forth in this Settlement 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 permit record(s), the Notice of Potential Penalty and this Settlement Agreement 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 Settlement 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 Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VII

This Settlement Agreement 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 Agreement, 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 Iberville Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement 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 Agreement 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 Settlement 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 attached hereto.

XI

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

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.

INEOS AMERICAS LLC

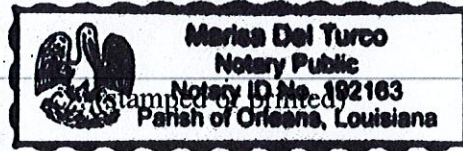
BY: Robert Holden
(Signature)

Robert Holden
(Printed)

TITLE: Attorney for INEOS

THUS DONE AND SIGNED in duplicate original before me this 19th day of October, 20 23, at 10:57am.

Merida Del Turco
NOTARY PUBLIC (ID # 192163)



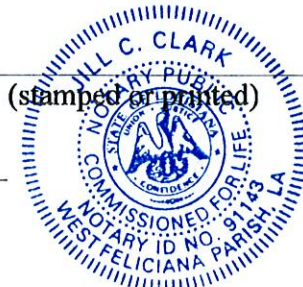
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

BY: Aurelia S. Giacometto
Aurelia S. Giacometto, Secretary

THUS DONE AND SIGNED in duplicate original before me this 12th day of March, 20 24, at Baton Rouge, Louisiana.

Jill C. Clark
NOTARY PUBLIC (ID # 91143)
La. Bar No. 33050

Approved: Celena J. Cage
Celena J. Cage, Assistant Secretary



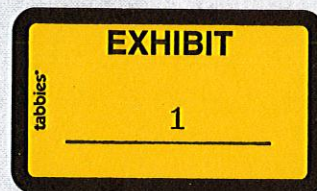
JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

March 15, 2019



CERTIFIED MAIL (7017 2400 0000 7556 7902)
RETURN RECEIPT REQUESTED

INEOS AMERICAS LLC
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-18-00668
AGENCY INTEREST NO. 89237**

Dear Sir(s):

On or about September 12, 2018 and March 13, 2019, file reviews of **INEOS OXIDE (FACILITY)**, a synthetic organic chemicals production facility, owned and/or operated by **INEOS AMERICAS, LLC (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 21255A Louisiana Highway 1 in Plaquemine, Iberville Parish, Louisiana. The facility consists of three (3) plants: the Glycol Ethers (GE) Plant which produces P-Series and E-Series glycol ethers, the Polyethylene Glycol (PEG) Plant which produces liquid and molten solid high molecular weight polyethylene glycol, and the Ethanolamines (EA) Plant which produces monoethanolamine, diethanolamine and triethanolamine. The facility's three (3) plants operate or have operated under the following Title V Air Permits:

PLANT	TITLE V AIR PERMIT NUMBER	ISSUE DATE	EXPIRATION DATE
GE Plant	1838-V5	November 3, 2015	November 3, 2020
	1838-V4	February 25, 2015	November 16, 2015
	1838-V3	December 19, 2011	November 16, 2015
	1838-V2	November 16, 2010	November 16, 2015
	1838-V1	January 8, 2009	November 14, 2010
PEG Plant	2503-V2	February 22, 2016	February 22, 2021
	2503-V1	December 1, 2010	December 1, 2015
EA Plant	2599-V5	August 8, 2018	August 8, 2023
	2599-V4	September 1, 2010	September 1, 2015

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While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the file reviews:

- A. In the 2013 Title V Annual Compliance Certification dated March 31, 2014, the Respondent reported exceedances of the permit limits for tanks and loading operations at the GE Plant and the EA Plant. In a meeting with the Department on or about January 29, 2015, the Respondent provided actual annual emissions amounts to the Department for the years 2010 through 2014. The permit limit exceedances are listed as follows:

PERMIT	ID NO.	POLLUTANT	PERMIT LIMIT	2014	2013	2012	2011	2010
				(tons/year)				
1838-V3 (1838-V2 for 2010)	EQT0015	VOC	0.83	1.03	1.00	1.00	-	-
	EQT0017	VOC	0.17	0.29	0.35	0.32	0.32	-
	EQT0018	VOC	0.34	0.41	0.46	0.52	0.44	-
		Methanol	0.15	0.28	0.32	0.36	0.30	-
	EQT0021	VOC	0.05	0.08	0.08	0.07	0.07	0.07
		Glycol ethers	0.05	0.08	0.08	0.07	0.07	0.07
	EQT0027	VOC	4.67	13.74	13.70	13.55	13.27	13.00
	EQT0032	Glycol ethers	<0.01	0.02	0.02	0.015	0.014	0.014
	EQT0033	Glycol ethers	<0.01	0.02	0.02	0.015	0.014	0.014
	GRP0007	Glycol ethers	0.02	0.03	-	-	-	-
2599-V4	EQT0046	VOC	<0.01	0.15	0.15	0.15	0.15	0.16
	EQT0046	Diethanolamine	<0.01	0.15	0.15	0.15	0.15	0.16
	EQT0050	VOC	0.01	3.06	2.62	2.56	3.06	2.69
		Diethanolamine	<0.01	0.06	0.07	0.07	0.08	0.07
	EQT0051	VOC	<0.01	3.37	2.61	2.16	3.32	2.87
		Diethanolamine	<0.01	0.06	0.05	0.04	0.06	0.05
	EQT0054	VOC	0.09	4.34	4.39	4.08	4.52	4.41
		Diethanolamine	<0.01	0.03	0.03	0.03	0.04	0.03
	EQT0055	VOC	0.04	0.16	0.16	0.15	0.16	0.15
	EQT0056	VOC	0.04	0.16	0.16	0.15	0.16	0.15
	EQT0059	VOC	<0.01	0.02	0.03	0.02	0.03	0.03
	EQT0060	VOC	<0.01	0.02	0.03	0.02	0.03	0.03
	EQT0063	VOC	0.42	3.87	3.84	3.63	3.86	3.53
	EQT0064	VOC	<0.01	0.06	0.06	0.05	0.06	0.06
		Diethanolamine	<0.01	0.06	0.06	0.05	0.06	0.06
	GRP0003	VOC	0.16	6.62	2.56	2.66	2.85	2.58
Diethanolamine		<0.01	0.07	0.02	0.05	0.05	0.04	

*Note - fields marked with "-" represent non-exceedances and/or calculation data not provided

Each VOC exceedance listed for the GE Plant occurring after and including 2011 is a violation of Title V Air Permit No. 1838-V3 Emission Rates for Criteria Pollutants and CO₂e, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each VOC exceedance listed for the GE Plant occurring in 2010 is a violation of Title V Air Permit No. 1838-V2 Emission Rates for Criteria Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each Glycol ether and methanol exceedance listed for the GE Plant occurring after and including 2011 is a violation of Title V Air Permit No. 1838-V3 Emission Rates for TAP/HAP & Other Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each Glycol ether exceedance listed for the GE Plant occurring in 2010 is a violation of Title V Air Permit

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No. 1838-V2 Emission Rates for TAP/HAP & Other Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each VOC exceedance listed for the EA Plant is a violation of Title V Air Permit No. 2599-V4 Emission Rates for Criteria Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each Diethanolamine exceedance listed for the EA Plant is a violation of Title V Air Permit No. 2599-V4 Emission Rates for TAP/HAP & Other Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent submitted permit modification applications on February 27, 2015, for Title V Permit Nos. 1838-V4 and 2599-V5. Title V Permit No. 1838-V4 was issued on November 3, 2015, and Title V Permit No. 2599-V5 was issued on August 8, 2018. The permit modifications addressed the exceedances for the permit limits on the equipment listed in the table above.

B. The Respondent reported the following violations from monitoring requirements:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	REPORTED VIOLATION	REGULATORY or PERMIT REQUIREMENTS
a	2014 1 st Semiannual Monitoring Report (9/30/2014)	1838-V3	GE Plant FUG0002	The Respondent submitted a self-disclosure letter to the Department dated August 15, 2014, stating that fugitive emission component counts were inaccurate and that discrepancies were identified with components being in light liquid or heavy liquid service as opposed to gas vapor service.	Specific Requirement 24 40 CFR 63.162(c) LAC 33:III.5122 Specific Requirement 99 40 CFR 63 Subpart H LAC 33:III.5122 LAC 33:III.2122
b	2017 Annual Compliance Certification (3/30/2018)	2503-V2	PEG Plant FUG0001	The Respondent did not identify and physically tag 42 flanges. Specifically, insulated flange connectors on the ethylene oxide (EO) piping are equipped with collars and stainless drain tubing protruding from the bottom of the insulation jacket to serve as an early detection system. The tubing was originally thought to be associated with stream tracing, and consequently not tagged and monitored	Specific Requirement 13 40 CFR 63.162(c) LAC 33:III.5122 Specific Requirement 89 40 CFR 63 Subpart H LAC 33:III.5122 LAC 33:III.2122
c	2014 1 st Semiannual Monitoring Report (9/30/2014)	2503-V1		The Respondent submitted a self-disclosure letter to the Department dated August 15, 2014, stating that fugitive emission component counts were inaccurate and that discrepancies were identified with components being in light liquid or heavy liquid service as opposed to gas vapor service.	Specific Requirement 13 40 CFR 63.162(c) LAC 33:III.5122 Specific Requirement 89 40 CFR 63 Subpart H LAC 33:III.5122 LAC 33:III.2122
d	2017 Annual Compliance Certification (3/30/2018)	2599-V4	EA Plant FUG0003	The Respondent did not identify and physically tag 139 flanges. Specifically, insulated flange connectors on the ethylene oxide (EO) piping are equipped with collars and stainless drain tubing protruding from the bottom of the insulation jacket to serve as an early detection system. The tubing was originally thought to be associated with stream tracing, and consequently not tagged and monitored	Specific Requirement 18 40 CFR 63.162(c) LAC 33:III.5122 Specific Requirement 116 40 CFR 63 Subpart H LAC 33:III.5122 LAC 33:III.2122
e	2016 Annual Compliance Certification (3/30/2017)			The Respondent failed to monitor 28 new components. Specifically, diethanolamine storage tank (DV-260) was in service without knowing and as a result five (5) valves, one (1) relief valve, twenty-one (21) connectors, and one (1) pump were not monitored.	Specific Requirement 51 40 CFR 63.168(d)(1) LAC 33:III.5122
f	2014 1 st Semiannual Monitoring Report (9/30/2014)			The Respondent submitted a self-disclosure letter to the Department dated August 15, 2014, stating that fugitive emission component counts were inaccurate and that discrepancies were identified with components being in light liquid or heavy liquid service as opposed to gas vapor service.	Specific Requirement 18 40 CFR 63.162(c) LAC 33:III.5122 Specific Requirement 116 40 CFR 63 Subpart H LAC 33:III.5122 LAC 33:III.2122

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Each failure to identify and/or monitor a component as required is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- C. In the 2014 Title V 1st Semiannual Monitoring Report dated September 30, 2014, and the 2016 Title V Annual Compliance Certification Report dated March 30, 2017, the Respondent reported the failure to maintain records for T-434 EO Scrubber (ZN) (EQT0005). Specifically, the instrumentation error caused the loss of data on January 18, 2014, April 29, 2014, January 1, 2016 to January 25, 2016, and March 15, 2016. Each failure to maintain liquid to gas flow ratio recordkeeping by electronic or hard copy is a violation of Specific Requirement 8 of Title V Air Permit No. 2503-V1, Specific Requirement 8 of Title V Air Permit No. 2503-V2, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- D. The Respondent failed to submit reports clearly identifying all instances of deviations. Specifically, the Respondent failed to report the violations mentioned above in Paragraph A in the 2009-2013 Title V Annual Compliance Certifications and 2009-2013 Title V Semiannual Monitoring Reports. Each failure for the GE Plant occurring after and including 2011 is a violation of Title V Air Permit No. 1838-V3, LAC 33:III.535.A General Conditions K and M, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2). Each failure for the GE Plant occurring in 2010 is a violation of Title V Air Permit No. 1838-V2, LAC 33:III.535.A General Conditions K and M, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2). Each failure for the EA Plant is a violation of Title V Air Permit No. 2599-V4, LAC 33:III.535.A General Conditions K and M, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

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.

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

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

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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.

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

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, 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 "**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.

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

Sincerely,



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/MLK/mlk
Alt ID No. 1280-00101
Attachment

c: INEOS Oxide
Jacob Shoemake, SHE Coordinator
21255A Hwy. 1 South
Plaquemine, LA 70765

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

**NOTICE OF POTENTIAL PENALTY
 REQUEST TO SETTLE (OPTIONAL)**



Enforcement Tracking No.	AE-PP-18-00668	Contact Name	Madison Kirkland
Agency Interest (AI) No.	89237	Contact Phone No.	225-219-3165
Alternate ID No.	1280-00101	Contact Email	Madison.Kirkland@la.gov
Respondent:	Ineos Americas, LLC	Facility Name:	Ineos Oxide
	c/o C T Corporation	Physical Location:	21255A Louisiana Highway 1
	Agent for Service of Process		
	3867 Plaza Tower Drive Baton Rouge, LA 70816	City, State, Zip:	Plaquemine, LA 70765
		Parish:	Iberville

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

_____ 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 33:1.Subpart 1.Chapter 7.

_____ In order to resolve any claim for civil penalties for the violations in **NOTICE OF POTENTIAL PENALTY (AE-PP-18-00668)**, 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-PP-18-00668)**, 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.

- 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-PP-18-00668)** 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: Madison Kirkland