

**STATE OF LOUISIANA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

**LACC, LLC US**

**AI # 203831**

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

\* **Settlement Tracking No.**  
\* **SA-WE-23-0008**  
\*  
\* **Enforcement Tracking No.**  
\* **WE-CN-21-00880**  
\*  
\* **Docket No. 2021-7912-DEQ**  
\*

**SETTLEMENT**

The following Settlement is hereby agreed to between LACC, LLC US (“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 a chemical manufacturing facility located in Westlake, Calcasieu Parish, Louisiana (“the Facility”).

**II**

On February 21, 2022, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-21-00880 (Exhibit 1).

**III**

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

**IV**

Respondent denies it committed any violations or that it is liable for any fines, forfeitures

and/or penalties.

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FOURTEEN THOUSAND AND NO/100 DOLLARS (\$14,000.00), of which One Thousand Thirty-Nine and 65/100 Dollars (\$1,039.65) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VII

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

## VIII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

## IX

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

## X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Calcasieu Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

## XI

Payment is to be made within thirty (30) 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 attached hereto.

## XII

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

## XIII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

LACC, LLC US

BY: [Signature]  
(Signature)

ANDREW LAVIN  
(Printed)

TITLE: EUSS MANAGER

THUS DONE AND SIGNED in duplicate original before me this 4<sup>th</sup> day of April, 20 23, at Westlake, LA.

[Signature]  
NOTARY PUBLIC (ID # 84539)

Carla Meyer  
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Roger W. Gringles, Secretary

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

THUS DONE AND SIGNED in duplicate original before me this 6<sup>th</sup> day of July, 20 23, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 66881)

Jay L. Glorioso  
(stamped or printed)

Approved: [Signature]  
Celena J. Cage, Assistant Secretary







II.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, a written report that includes a detailed description of the circumstances surrounding the cited violation(s) 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 the Department at the address specified in this document.
III.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, properly completed Table 1 Summary Sheets for Outfall 001 for the quarterly monitoring period(s) cited in Paragraph IV of the "Findings of Fact" portion of this Order.
IV.	To immediately cease, upon receipt of this COMPLIANCE ORDER, any unauthorized discharges from the Respondent's facility to waters of the state.

**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 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 left-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 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's (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 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 Kevin Foy at (225) 219-3485 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.	This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.

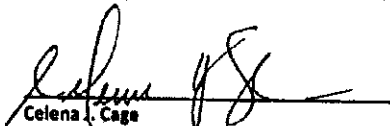
**CONTACTS AND SUBMITTAL OF INFORMATION**

<p><b>Enforcement Division:</b>                  Louisiana Department of Environmental Quality                  Office of Environmental Compliance                  Water Enforcement Division                  Post Office Box 4312                  Baton Rouge, LA 70821                  Attn: Kevin Foy</p>	<p><b>Hearing Requests:</b>                  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. WE-CN-21-00880                  Agency Interest No. 203831</p>
<p><b>Water Permits Division (if necessary):</b>                  Department of Environmental Quality                  Office of Environmental Services                  Post Office Box 4313                  Baton Rouge, LA 70821-4313                  Attn: Water Permits Division</p>	<p><b>Physical Address (if hand delivered):</b>                  Department of Environmental Quality                  602 N Fifth Street                  Baton Rouge, LA 70802</p>

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

- To appeal the **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**.
- To request closure of the **COMPLIANCE ORDER** portion, the Respondent must demonstrate compliance with the "Order" portion of this **COMPLIANCE ORDER** by completing the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form and returning it to the address specified.
  - Before requesting closure of the **COMPLIANCE ORDER** portion, please contact the Financial Services Division at 225-219-3865 or email them at [\\_DEQ-WWWFinancialServices@la.gov](mailto:_DEQ-WWWFinancialServices@la.gov) to determine if you owe outstanding fees.
- 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 33:1.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 "**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.
  - Before requesting closure of the **NOTICE OF POTENTIAL PENALTY** portion, please contact the Financial Services Division at 225-219-3865 or email them at [\\_DEQ-WWWFinancialServices@la.gov](mailto:_DEQ-WWWFinancialServices@la.gov) to determine if you owe outstanding fees.


If you have questions or need more information, you may contact Kevin Foy at (225) 219-3485 or [Kevin.Foy@la.gov](mailto:Kevin.Foy@la.gov).

  
 Celena J. Cage  
 Assistant Secretary  
 Office of Environmental Compliance

Date: 02/21/2022

- Attachment(s)
- Request to Close
  - Table 1
  - Table 2



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION <b>CONSOLIDATED COMPLIANCE ORDER &amp;</b> POST OFFICE BOX 4312 <b>NOTICE OF POTENTIAL PENALTY</b> BATON ROUGE, LOUISIANA 70821-4312 <b>REQUEST TO CLOSE</b>				
Enforcement Tracking No.	WE-CN-21-00880	Contact Name	Kevin Foy	
Agency Interest (AI) No.	203831	Contact Phone No.	(225) 219-3485	
Alternate ID No.	LA0127268			
Respondent:	LACC, LLC US	Facility Name:	Ethylene and Derivatives Plant	
	c/o C T Corporation System	Physical Location:	2200 Bayou D'Inde Pass	
	Agent for Service of Process			
	3867 Plaza Tower Dr. Baton Rouge, LA 70816	City, State, Zip:	Westlake, LA 70669	
		Parish:	Calcasieu	
<b>STATEMENT OF COMPLIANCE</b>				
<b>STATEMENT OF COMPLIANCE</b>		Date Completed	Copy Attached?	
A written report was submitted in accordance with Paragraph II 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) 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:				
<b>SETTLEMENT OFFER (OPTIONAL)</b>				
<i>(check the applicable option)</i>				
<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 33:1.Subpart1.Chapter7.			
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-21-00880), 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 (WE-CN-21-00880), 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> </ul> • 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.			
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-21-00880) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.			
<b>CERTIFICATION STATEMENT</b>				
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	
<b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>				
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Kevin Foy				

If you have questions or need more information, you may contact Kevin Foy at (225) 219-3485 or Kevin.Foy@la.gov.

**Table 1: Effluent Permit Limit Exceedances**

MP End Date	Outfall	Parameter	Limit	DMR Value	Units
01/31/2021	001-A	Solids, total suspended --- MO AVG	334	393.5	lb/d
01/31/2021	001-A	Solids, total suspended --- DAILY MX	1081	3322.1	lb/d
05/31/2021	001-A	BOD, 5-day, 20 deg. C --- MO AVG	218	453.4	lb/d
05/31/2021	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	582	1369.1	lb/d
07/31/2021	001-A	BOD, 5-day, 20 deg. C --- MO AVG	218	275.9	lb/d
07/31/2021	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	582	846.8	lb/d
07/31/2021	001-A	Solids, total suspended --- MO AVG	334	628.5	lb/d
07/31/2021	001-A	Solids, total suspended --- DAILY MX	1081	2661.6	lb/d
08/31/2021	001-A	BOD, 5-day, 20 deg. C --- MO AVG	218	489.4	lb/d
08/31/2021	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	582	860.6	lb/d
08/31/2021	001-A	Solids, total suspended --- MO AVG	334	781.8	lb/d
08/31/2021	001-A	Solids, total suspended --- DAILY MX	1081	1273.1	lb/d
09/30/2021	001-A	BOD, 5-day, 20 deg. C --- MO AVG	218	652	lb/d
09/30/2021	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	582	991.8	lb/d
09/30/2021	001-A	Solids, total suspended --- MO AVG	334	728.6	lb/d
09/30/2021	001-A	Solids, total suspended --- DAILY MX	1081	1257.3	lb/d
09/30/2021	004-Q	pH --- INST MAX	9	9.25	SU
10/31/2021	001-A	BOD, 5-day, 20 deg. C --- MO AVG	218	241.7	lb/d
10/31/2021	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	582	709.6	lb/d
10/31/2021	001-A	Solids, total suspended --- MO AVG	334	337.7	lb/d
10/31/2021	001-A	Solids, total suspended --- DAILY MX	1081	1310.9	lb/d
12/31/2021	003-Q	pH --- INST MAX	9	9.1	SU
01/31/2022	001-A	BOD, 5-day, 20 deg. C --- MO AVG	218	232.6	lb/d
01/31/2022	001-A	Solids, total suspended --- MO AVG	334	449	lb/d

Table 2:

<b>Monitoring Period</b>	<b>Parameter</b>	<b>Number of Minutes Not Recorded</b>
May 2019	Flow	195 minutes
May 2019	pH	2 minutes
December 2019	Flow	261 minutes
December 2019	pH	261 minutes
February 2020	Flow	2 days, 15 hours, and 31 minutes
February 2020	pH	2 days, 15 hours, and 31 minutes