



State of Louisiana

Department of Environmental Quality



KATHLEEN BABINEAUX BLANCO
GOVERNOR

November 30, 2004

MIKE D. McDANIEL, Ph.D.
SECRETARY

CERTIFIED MAIL (7002 2030 0002 8909 6529)
RETURN RECEIPT REQUESTED

GEORGIA GULF CHEMICALS & VINYL, L.L.C.
c/o Corporation Service Company
Agent of Service
320 Somerulos Street
Baton Rouge, Louisiana 70802-6129

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-04-0311
AGENCY INTEREST NO. 2455**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **GEORGIA GULF CHEMICALS & VINYL, L.L.C. (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or referral to the Department of Justice for appropriate legal actions.

Any questions concerning this action should be directed to Jeremy Addison at (225) 219-3761.

Sincerely,

Peggy M. Hatch
Administrator
Enforcement Division

PMH/JCA/jca
Alt ID No. 1280-00002
Attachment



OFFICE OF ENVIRONMENTAL COMPLIANCE • P.O. BOX 4312 • BATON ROUGE, LOUISIANA 70821-4312

AN EQUAL OPPORTUNITY EMPLOYER



c: Dennis C. Fec, Environmental Manager
Georgia Gulf Chemicals & Vinyls, LLC
Plaquemine Facility
P.O. Box 629
Plaquemine, LA 70765

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

IN THE MATTER OF

**GEORGIA GULF CHEMICALS &
VINYLS, L.L.C.
IBERVILLE PARISH
ALT ID NO. 1280-00002**

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ENFORCEMENT TRACKING NO.

AE-CN-04-0311

AGENCY INTEREST NO.

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

2455

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **GEORGIA GULF CHEMICALS & VINYLS, L.L.C. (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 a chemical plant located at 26100 Louisiana Highway 405 South in Plaquemine, Iberville Parish, Louisiana. The facility operates under multiple air permits.

II.

The Respondent's facility is subject to the provisions of the Louisiana Air Quality Control Act and Title V of the Clean Air Act, and the facility has either submitted Title V permit applications and/or applications to modify existing Title V permit applications (hereinafter "Applications") for its Caustic/Chlorine Plant, Utilities/Wastewater Plant, VCM/EDC Plant, Cogeneration Plant, and Phenol/Acetone Plant. Additionally, the facility has submitted Title V permit applications to modify Title V Air Permit No. 2330-V0 for its Nebraska Boiler issued on August 16, 2004, Title V Air Permit No. 881-V0 for its PVC Plant issued on September 2, 1998, and Title V Air Permit No. 2224-V0 for its EDC/VCM Unit Hazardous Waste and Vent Gas Incinerators (hereinafter "VCM Incineration Section") issued on September 21, 1999.

III.

Through Consolidated Compliance Order and Notice of Potential Penalty AE-CN-03-0340 issued by the Department on or about January 8, 2004, the Respondent received authorization, while its Applications are pending, to operate certain emission points within emission limits different than as set forth in its current air permits.

IV.

According to the Respondent, over the past year, the Respondent has been utilizing better sampling and analysis practices and techniques to enhance the quality of its air emissions estimates. As a result of employing better techniques and practices, the Respondent has discovered that the concentration of 1,3-butadiene and acetaldehyde in the vent stream to EIQ Point No. IN-CAP is such that the estimated annual emission of each constituent from this EIQ point is expected to exceed one pound per year. Previous analyses, which were not based on the techniques and practices now in use, had not detected 1,3-butadiene or acetaldehyde at

concentrations in the vent stream sufficient to result in estimated annual emissions of one pound per year or greater of these constituents at this EIQ Point. The current Title V Permit No. 2224-V0 for the VCM Incineration Section does not include limits for either of these constituents. These emissions estimates were reported to the Department in the Respondent's TRI Report and in the VCM Incineration Section Title V permit renewal application submitted in March 2004. An additional letter on behalf of the Respondent dated September 17, 2004, reported these emissions and additional details and facts related to same. The Respondent currently has pending a Title V Permit renewal application for the VCM Incineration Section, which includes requested hourly and annual emission limits for 1,3-butadiene and acetaldehyde. The Respondent requests interim authorization to operate EIQ Point No. IN-CAP with emission limits of 0.003 lbs/hr and 0.010 TPY for 1,3-butadiene; and emission limits of 0.013 lbs/hr and 0.060 TPY for acetaldehyde.

V.

On or about October 7, 2004, a file review of the Respondent's facility was performed to determine the degree of compliance with the Act and Air Quality Regulations.

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

The Department received a letter from the Respondent dated September 17, 2004. According to the letter, the concentration of 1,3-butadiene and acetaldehyde in the vent stream to EIQ Point No. IN-CAP is such that the estimated annual emission of each constituent from this EIQ point is expected to exceed one pound per year and the current Title V Air Permit No. 2224-V0 for the VCM Incineration Section does not include emission limits for 1,3-butadiene and acetaldehyde in the vent stream to EIQ Point No. IN-CAP. The construction, modification, or operation of a facility which may ultimately result in an initiation or increase in emission of air contaminants without prior approval from the permitting authority is a violation of LAC 33:III.501.C.2 and Sections 2057(A)(1) and 2057(A)(2) of the Act.

VI.

On or about October 12, 2004, a file review of a letter from the Respondent dated July 1, 2004, in response to an inspection of the Respondent's facility performed on May 10 and 11, 2004, was conducted to determine the degree of compliance with the Act and Air Quality Regulations. The letter provides information regarding violations noted in the Respondent's Annual Compliance Certification for the 2003 calendar year dated March 26, 2004.

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

- A. According to information provided by the Respondent in the letter dated July 1, 2004, and information provided in the facility's Annual Compliance Certification for the 2003 calendar year dated March 26, 2004, weekly visual inspections of pumps found dripping were monitored with an instrument that was not calibrated per Method 21 standards. This is a violation of Part 70 Specific Condition 4 of Title V Air Permit No. 881-V0, Section D.1.b of the Louisiana MACT Determination for Non-HON Equipment Leaks dated March 30, 1995, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act. According to the letter dated July 1, 2004, pumps found dripping are now monitored with monitoring instruments that are calibrated per Method 21 standards.
- B. According to information provided by the Respondent in the letter dated July 1, 2004, and information provided in the facility's Annual Compliance Certification for the 2003 calendar year dated March 26, 2004, records of emissions measured in accordance with 40 CFR 61.68 cannot be located for the period September 18 - 30, 2003. This is a violation of Part 70 Specific Condition 2 of Title V Air Permit No. 881-V0, 40 CFR 61.71(a)(3) which language has been adopted as a Louisiana regulation in LAC 33:III.5116, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act. According to the letter dated July 1, 2004, data documenting continuous monitoring for the period September 18-30, 2003, was lost, however back-up report retention is now being done on a routine basis to insure record retention.
- C. According to information provided by the Respondent in the letter dated July 1, 2004, information provided in the facility's Annual Compliance Certification for the 2003 calendar year dated March 26, 2004, and

information provided on October 29, 2004, and November 9, 2004, carbon monoxide calibration drift test daily calibrations were out of range for 28 days between July 11, 2003, and November 5, 2003. Each day the calibration was out of range is a violation of Part 70 Specific Conditions 1 and 3.A of Title V Air Permit No. 2224-V0, Hazardous Waste Incinerator Operating Permit Condition V.A.8.C, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act. According to the letter dated July 1, 2004, operations personnel have been instructed to monitor drift results and correct as needed.

VII.

The Respondent submitted a Hazardous Organic NESHAP (HON) Notification of Compliance Status (NCS) dated September 17, 1999, for sources at its Plaquemine, Louisiana facility subject to the 40 CFR Part 63, Subpart G, National Emission Standards for Organic Hazardous Air Pollutants (the HON), compliance date of April 22, 1999. The NCS was submitted as a requirement of 40 CFR 63.152(b). Based on the performance testing and design evaluation, the cumene/methanol ratio for the West Biotreatment Tank was set at a level not to exceed a 0.30 daily average in the initial NCS submitted on September 17, 1999. A supplemental revision to the initial NCS regarding the cumene/methanol ratio was submitted by the Respondent on September 29, 2000. The revision to the NCS dated September 29, 2000, noted the addition of the East Biotreatment Tank to the NCS and proposed an adjustment of the cumene/methanol ratio for the East and West Biotreatment Tanks to be set at a level not to exceed a 0.39 daily average. The adjustment was proposed because the Respondent experienced instances where the cumene/methanol ratio exceeded the initial set point, even though the exceedance events were not due to any process startup, shutdown, malfunction, or treatment device upset conditions. Additionally, according to the Respondent, samples obtained during exceedances were analyzed by an independent lab and results determined that the Biotreatment Unit met the HON Required Mass Removal (RMR) standard (40 CFR 63.138(f)) under all conditions. An additional supplemental revision to the NCS regarding the cumene/methanol

ratio was submitted by the Respondent as an attachment to the HON Subpart G Semiannual Report dated November 19, 2003. The revision to the NCS dated November 19, 2003, proposed an adjustment of the cumene/methanol ratio for the East and West Biotreatment Tanks to be set at a level not to exceed a 0.60 daily average. This adjustment was proposed because the phenol unit experienced a number of occasions of low production rates during 2003 and since the methanol unit has been shut down and methanol has ceased to be used in the PVC unit. These factors caused the cumene/methanol ratio of <0.39 to be inadequate.

VIII.

The Respondent is subject to 40 CFR Part 63, Subpart G, National Emission Standards for Organic Hazardous Air Pollutants (the HON) and is required to submit Periodic Reports semiannually containing the information in paragraphs (c)(2), (c)(3), and (c)(4) of 40 CFR 63.152. 40 CFR 63.152(c)(2)(ii)(B) applies to sources required to submit Periodic Reports semiannually and specifies the number of excused excursions for each control device or recovery device for each semiannual period as depicted in the table below. As stipulated in 40 CFR 63.152(c)(2)(ii), for each excursion, except for excused excursions, the owner or operator shall be deemed to have failed to have applied the control in a manner that achieves the required operating conditions.

Semiannual Period	# of Excused Excursions per Semiannual Period
1 st	6
2 nd	5
3 rd	4
4 th	3
5 th	2
≥ 6 th	1

IX.

On or about October 18, 2004, a file review of a letter from the Respondent dated July 1, 2004, that was submitted in response to an inspection of the Respondent's facility performed on May 10 and 11, 2004, was conducted to determine the degree of compliance with the Act and Air Quality Regulations. The letter provides information regarding violations noted in the HON Subpart G Semiannual Report dated November 19, 2003.

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

According to information provided by the Respondent in the HON Subpart G Semiannual Report dated November 19, 2003, the Respondent reported 70 non-excused excursions for the Biological Treatment System daily average cumene/methanol ratio of <0.39 for the period April 9, 2003, through August 28, 2003. According to the Respondent, the cumene/methanol ratio of 0.39 was not met due to low production rates. The Respondent failed to operate the Biological Treatment System in accordance with the requirements as set forth in the revised NCS submitted to the Department on September 29, 2000. Each excursion above the established daily average cumene/methanol ratio of <0.39 is a violation 40 CFR 63.152(c)(2)(ii)(C) which language has been adopted as a Louisiana regulation in LAC 33:III.5122 and Section 2057(A)(2) of the Act.

X.

On or about October 19, 2004, a file review of the Respondent's HON Subpart G Semiannual Report dated May 19, 2004, was conducted to determine the degree of compliance with the Act and Air Quality Regulations.

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

According to information provided by the Respondent in the HON Subpart G Semiannual Report dated May 19, 2004, the Respondent reported 51 non-excused excursions for the Biological Treatment System daily average cumene/methanol ratio of <0.60 for the period September 21, 2003, through February 27, 2004. The respondent failed to operate the Biological Treatment System in accordance with the requirements as set forth in the revised NCS submittal received by the

Department on November 19, 2003. Each excursion above the established daily average cumene/methanol ratio of <0.60 is a violation 40 CFR 63.152(c)(2)(ii)(C) which language has been adopted as a Louisiana regulation in LAC 33:III.5122 and Section 2057(A)(2) of the Act.

XI.

On or about October 19, 2004, a file review of unauthorized release report notifications from the Respondent dated June 25, 2004, and August 4, 2004, were conducted to determine the degree of compliance with the Act and Air Quality Regulations.

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

- A. The Department received an unauthorized release report notification from the Respondent dated June 25, 2004, indicating a release of 3 pounds of vinyl chloride on June 20, 2004, at approximately 11:39 a.m. The release occurred for less than a minute. According to the Respondent, approximately 3 pounds of vinyl chloride was released when the Pressure Relief Valve (PSV-6642) on the Reactor Train #1 Torpedo lifted at approximately 11:39 a.m. on June 20, 2004. This is a violation of 40 CFR 61.65(a) which language has been adopted as a Louisiana regulation in LAC 33:III.5116 and Sections 2057(A)(1) and 2057(A)(2) of the Act.

- B. The Department received an unauthorized release report notification from the Respondent dated August 4, 2004, indicating a release of 3.5 pounds of vinyl chloride on July 30, 2004, at approximately 5:15 p.m. The release occurred for approximately 5 minutes. According to the Respondent, approximately 3.5 pounds of vinyl chloride was released when a rupture disk under a relief valve failed. This is a violation of 40 CFR 61.65(a) which language has been adopted as a Louisiana regulation in LAC 33:III.5116 and Sections 2057(A)(1) and 2057(A)(2) of the Act.

XII.

On or about October 20, 2004, a file review of the Respondent's Hazardous Organic NESHAP (HON) Subpart H Semiannual Report dated July 29, 2004, was conducted to determine the degree of compliance with the Act and Air Quality Regulations.

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

- A. According to information provided by the Respondent in the HON Subpart H Semiannual Report dated July 29, 2004, the Respondent reported a valve (Tag #68608) in the VCM Unit was found leaking on November 26, 2003, and was repaired on December 1, 2003. The 90-day recheck was not performed until March 3, 2004, 93 days after repair. The valve was found leaking at this time with a screening value of 3125 ppm. The valve was removed for repair on March 3, 2004. The rebuilt valve was returned to service on March 10, 2004. The component was monitored on March 11, 2004, and had a screening value of 34 ppm, below the leak definition of 500 ppm. When a leak has been repaired, the valve shall be monitored at least once within the first 3 months after the repair. The Respondent's failure to monitor the valve within the first 3 months after repair is a violation of 40 CFR 63.168(f)(3) which language has been adopted as a Louisiana regulation in LAC 33:III.5122 and Section 2057(A)(2) of the Act.
- B. According to information provided by the Respondent in the HON Subpart H Semiannual Report dated July 29, 2004, the Respondent reported a valve (Tag #32906) in the Phenol Unit that was on delay of repair and not repaired during a turnaround. The failure to repair this valve during the turnaround is a violation of 40 CFR.63.171(a) which language has been adopted as a Louisiana regulation in LAC 33:III.5122 and Section 2057(A)(2) of the Act. As stated in the report, the maintenance department repaired the valve next to the leaking valve while the equipment was out of service. The repair of the leaking valve was scheduled during the turnaround, however the maintenance technician repaired the wrong component. The leaking valve is currently still on the delay of repair list.

XIII.

On or about October 25, 2004, a file review of the Respondent's Non-HON Fugitive Emissions Semiannual Report dated January 30, 2004, was conducted to determine the degree of compliance with the Act and Air Quality Regulations.

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

According to information provided by the Respondent in the Non-HON Fugitive Emissions Semiannual Report dated January 30, 2004, the Respondent reported that a connector in the PVC Plant was found leaking after it was isolated from HAP/VOC service and put on delay of repair on March 9, 2003. The connector

component was thought to have been isolated from HAP/VOC service, however the connector was found leaking again on June 9, 2003. At this time the connector was repaired and taken off of delay of repair on July 1, 2003. The Respondent failed to repair the connector within 15 calendar days after the leak was detected. This is a violation of Section O.9 of the Louisiana MACT Determination for Non-HON Equipment Leaks dated March 30, 1995, Part 70 Specific Condition No. 4 of Title V Air Permit No. 881-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act. To prevent occurrence of a similar incident, the Respondent stated that any piece of equipment that is labeled "out of service" specifically for LDAR purposes will be blinded at all potential process sources to prevent the inadvertent introduction of process materials to the leaking component.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with all applicable Air Quality Regulations and terms and conditions of air quality permits.

II.

To protect the air quality, the Respondent is required to comply with the following:

- A. If the Respondent chooses to emit any air contaminant in the state of Louisiana, the following interim limitations shall apply:

Emission Point	Emissions	Hourly Maximum Limit (lbs/hr)	Annual Limit (TPY)
IN-CAP	1,3-butadiene	0.003	0.010
IN-CAP	Acetaldehyde	0.013	0.060

All other emission limitations, monitoring requirements, and permit conditions shall remain in effect and enforceable. The terms, conditions, and emission limitations set forth in this **COMPLIANCE ORDER** supercede any conflicting terms of

Compliance Order AE-CN-03-0340 issued January 8, 2004. The Respondent shall comply with the aforementioned interim limits until the decision or order of the Department addressing its VCM Incineration Section Title V permit renewal application becomes final, pursuant to La.R.S. 30:2024, or unless otherwise notified in writing by the Department.

The Respondent shall at all times properly operate and maintain all facilities and systems of control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of these interim limitations. Once the decision or order of the Department addressing its VCM Incineration Section Title V permit renewal application or limitation becomes final, pursuant to La.R.S. 30:2024, the Respondent shall comply with the terms, conditions, and emission limitations established in any permit or permit modifications issued pursuant thereto, and any terms, conditions, or authorizations pursuant to either this **COMPLIANCE ORDER** or the January 8, 2004 Compliance Order shall cease.

- B. If the Respondent does not choose to emit 1,3-butadiene or acetaldehyde from EIQ No. IN-CAP, the Respondent shall, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, provide written documentation to the Department that no activities exist at the Respondent's facility resulting in any unauthorized discharges of these constituents to the air.

III.

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**.

IV.

To submit quarterly reports to the Enforcement Division detailing the permit status of the requested emissions limits listed in paragraph II of this **COMPLIANCE ORDER**. The reports shall provide the Enforcement Division with an updated list of the air permit(s) that have been issued by the Department that authorize the Respondent to operate in accordance with the requested emissions limits listed in paragraph II of this **COMPLIANCE ORDER**. The reports shall also include the date that each permit was issued and a list of the emission limits and associated emission points that have been incorporated into each permit. The quarterly reports shall be submitted on or before the fifteenth day of April, July, October and January for each preceding quarter until air permits have been issued that authorize the Respondent to operate in accordance with all of the emissions limits listed in paragraph II of this **COMPLIANCE ORDER**.

V.

To submit to the Enforcement Division a final report that Item Nos. I-III required by this **COMPLIANCE ORDER** have been completed. The final report shall be submitted within thirty (30) days of issuance of the renewed Title V Air Permit for the Facility.

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-04-0311
Agency Interest No. 2455

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be

filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Jeremy Addison at (225) 219-3761 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

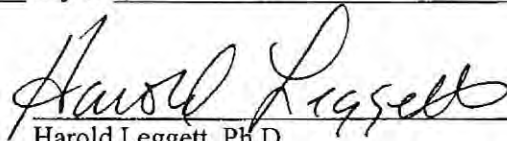
III.

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

IV.

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

Baton Rouge, Louisiana, this 30 day of November, 2004.



Harold Leggett, Ph.D.
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: David R. Simmons

BOBBY JINDAL
GOVERNOR



HAROLD LEGGETT, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 11, 2009

CERTIFIED MAIL (7005 1820 0002 2365 5237)
RETURN RECEIPT REQUESTED

GEORGIA GULF CHEMICALS & VINYLs, LLC
c/o Corporation Service Company
Agent of Service
320 Somerulos Street
Baton Rouge, LA 70802-6129

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-PP-05-0069
AGENCY INTEREST NO. 2455**

Dear Sir:

On or about December 14, 2004, an inspection of **GEORGIA GULF CHEMICALS & VINYLs - PLAQUEMINE FACILITY**, owned and/or operated by **GEORGIA GULF CHEMICALS & VINYLs, LLC (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste and Air Quality Regulations. The facility is located at 26100 Highway 405 in Plaquemine, Iberville Parish, Louisiana.

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 inspection:

- A. The Respondent failed to provide a secondary containment designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the waste if the waste is released from the tank(s) (i.e., capable of preventing lateral as well as vertical migration of waste into or through the liner system), as specified in LAC 33:V.4437.B.1, in violation of LAC 33:1109.E.1.a.ii. Specifically, the Respondent failed to provide a secondary containment system meeting the aforementioned criteria for the less than ninety (90) day hazardous waste storage tank 00-7626. The Respondent corrected the violation by applying a chemical resistant coating to tank 00-7626 concrete secondary containment structure.
- B. The Respondent failed to provide an external liner system for two (2) of its permitted hazardous waste storage tanks that was free of cracks or gaps, in violation of LAC 33:V.1907.E.1.c and Permit Condition V.A.2.b of the effective Hazardous



Notice of Potential Penalty
Georgia Gulf Chemicals & Vinyls, LLC
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effective Hazardous Waste Tank Permit issued on July 27, 1990. Specifically, a portion of the high-density polyethylene liner (HDPE) utilized to provide secondary containment for hazardous waste storage tanks TK-623-A and TK-629 had been removed in September 2004 in order to remediate a release of ethylene dichloride heavy ends (K019) to soils beneath the liner that was discovered on or about September 8, 2004. The liner was repaired following the December 2004 inspection.

- C. The Respondent failed to provide secondary containment for ancillary equipment associated with a permitted hazardous waste storage tank, in violation of LAC 33:V.1907.F and Permit Condition V.A.2.b of the effective Hazardous Waste Tank Permit issued on July 27, 1990. Specifically, a portion of the recirculation line for hazardous waste storage tank TK-623-A was located beneath the HPDE liner providing secondary containment for hazardous waste storage tanks TK-623-A and TK-629. A leak in the TK-623-A recirculation line resulted in a release of approximately 122 pounds of ethylene dichloride heavies (K019) from TK-623-A and its ancillary equipment to soils beneath the secondary containment liner. The HPDE liner was repaired in December 2004 in a manner that the liner provided secondary containment to hazardous waste storage tanks TK-623-A, TK-629, and the tanks' ancillary equipment.
- D. The Respondent failed to document external corrosion of aboveground portions of a hazardous waste tank system as specified in LAC 33:V.1911.C.1, in violation of LAC 33:V.1911.G and Permit Conditions V.A.2.c.(1) & V.A.4.b.(1) of the effective Hazardous Waste Tank Permit issued on July 27, 1990. Specifically, during its inspections, the Department observed several areas of external corrosion on TK-629. However, the Respondent failed to document these areas of corrosion on the TK-629 inspection logs dated November 1 through December 14, 2004, as specified in Condition III.E and Attachment 8 (Inspection Schedule) of the effective Hazardous Waste Tank Permit issued on July 27, 1990.
- E. The Respondent failed to initiate closure of permitted hazardous waste storage tank TK-623-A within ninety (90) days after receiving the final volume of hazardous wastes, in violation of LAC 33:V.3513.A. Specifically, a review of previous facility compliance inspections and statements provided by Ms. Hillary Garner of Georgia Gulf during the December 14, 2004, inspection revealed that the permitted hazardous waste storage tank TK-623-A had last received hazardous waste in 1995. However, the Respondent failed to either initiate partial or final closure of the tank within ninety (90) days as required by LAC 33:V.3513.A or receive approval from the Department for an extension to the timeframe in accordance with criteria specified in LAC 33:V.3513.A.1-4. The Respondent decommissioned and demolished TK-623-A in late 2005 in order to make room for a new TK-623 tank that would later replace TK-623-A.
- F. The Respondent failed to demonstrate successful execution of the Performance Specification Test Procedures specified in 40 CFR 266, Appendix IX, as adopted and amended at LAC 33:V.3099, Appendix I, in violation of LAC 33:V.3009.B.2. Specifically, during the December 14, 2004, inspection, the Department documented several deficiencies pertaining to the records and data

Notice of Potential Penalty
Georgia Gulf Chemicals & Vinyls, LLC
Page 3

maintained by the Respondent used to demonstrate compliance with the Continuous Emission Monitoring Performance Specification Test (PST) Procedures specified in 40 CFR 266, Appendix IX. These deficiencies included, but were not necessarily limited to, missing or wrong gas cylinder certification sheets and raw data associated with the Response Time Evaluation (Section 2.1.6.2), a required component of PST Procedures, which was not included in the annual PST Reports.

- G. The Respondent failed to monitor valves and connectors in gas or light liquid service at the required intervals (i.e., on an annual basis based upon the components inaccessibility), in violation of 40 CFR 63.168 and 40 CFR 63.174, and Air Permit No. 2224-VO. Specifically, the components on the hazardous waste storage tank TK-629 were, at the time of the inspection, subject to the 40 CFR 63 Subpart H requirements as specified in the Respondent's Consolidated Fugitive Emissions Monitoring Program implemented under the facility air permit. At the time of the inspection, there were four (4) connectors and two (2) valves in gas service on the top of tank TK-629 that were subject to the monitoring requirements. According to statements provided by Mr. Dave Goldsmith of Georgia Gulf during the inspection, these four (4) connectors and two (2) valves had been classified as "unsafe to monitor," as allowed by regulations, due to the condition of the stairs used to access the top of TK-629. Components classified as "unsafe to monitor" are only required to be monitored when conditions are safe to do so. The Respondent had performed ultrasonic thickness testing on TK-629 in March 2004 that included two (2) points on the roof of the tank, thereby demonstrating that the roof of the tank was accessible and safe to monitor. Despite the accessibility of the tank in 2004, the Respondent had last monitored the six four (4) connectors and two (2) valves located at the roof of the tank on or about May 17, 2001.

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 violations. If you would like to have such a meeting, please contact Craig Easley, Enforcement Writer, at (225) 219-3735 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 statement.

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.

Notice of Potential Penalty
Georgia Gulf Chemicals & Vinyls, LLC
Page 4

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,


Peggy M. Hatch
Assistant Secretary

PMH/KCE/kce
Alt ID No. LAD057117434

c: Mr. Dennis Fec
Environmental Manager
Georgia Gulf Chemicals & Vinyls, LLC
P.O. Box 629
Plaquemine, LA 70765



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
September 29, 2010

CERTIFIED MAIL (7004 2510 0005 5763 5299)
RETURN RECEIPT REQUESTED

GEORGIA GULF CHEMICALS & VINYLs, LLC
c/o Corporation Service Company
Agent of Service
320 Somerulos Street
Baton Rouge, LA 70802-6129

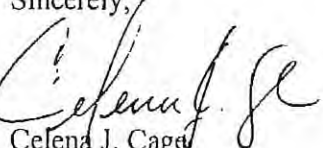
RE: COMPLIANCE ORDER
ENFORCEMENT TRACKING NO. HE-C-10-01050
AGENCY INTEREST NO. 2455

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **COMPLIANCE ORDER** is hereby served on **GEORGIA GULF CHEMICALS & VINYLs, LLC (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **COMPLIANCE ORDER** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Craig Easley at (225) 219-3735.

Sincerely,

Celena J. Cagle
Administrator
Enforcement Division

CJC/KCE/kce
Alt ID No. LAD057117434
Attachment

c: Mr. Dennis Fec, Georgia Gulf Chemicals & Vinyls, LLC



**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

**GEORGIA GULF CHEMICALS
& VINYLS, LLC
IBERVILLE PARISH
ALT ID NO. LAD057117434**

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ENFORCEMENT TRACKING NO.

HE-C-10-01050

AGENCY INTEREST NO.

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

2455

COMPLIANCE ORDER

The following **COMPLIANCE ORDER** is issued to **GEORGIA GULF CHEMICALS & VINYLS, 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) and 30:2050.2.

FINDINGS OF FACT

I.

The Respondent owns and/or operates a facility known to the Department as Georgia Gulf Chemicals & Vinyls, LLC – Plaquemine Division located at 26100 Highway 405, Plaquemine, Iberville Parish, Louisiana. The facility is a large quantity generator of hazardous waste and operates under the EPA Identification Number LAD057117434. The facility is also a permitted hazardous waste treatment, storage, disposal (TSD) facility. The current hazardous waste operating permit LAD057117434-OP-RN-1 became effective on October 28, 2007.

II.

On or about May 11, 2010, the Department conducted an inspection of the facility to assess compliance with the Hazardous Waste Regulations. The inspection revealed the following violations:

- A. The Respondent failed to maintain a hazardous waste storage tank secondary containment structure free of cracks and gaps, in violation of LAC 33:V.309.A, LAC 33:V.1509.C, and LAC 33:V.1907.E.1.c, & Permit Conditions III.E and V.A.3.b(3) of Hazardous Waste Operating Permit LAD057117434-OP-RN-1. Specifically, the Department observed numerous cracks of varying size and depth within the external liner system providing secondary containment for hazardous waste storage tank T-47507.
- B. The Respondent failed to document significant deteriorations relating to the hazardous waste tank secondary containment structures in the daily tank inspection logs, as specified in LAC 33:V.1911.C.2, in violation of LAC 33:V.1911.G and Permit Condition V.A.6.b(1)(c) of Hazardous Waste Operating Permit LAD057117434-OP-RN-1. Specifically, the Respondent failed to document the hazardous waste tank secondary containment deteriorations (i.e., crack and gaps) referenced in Findings of Fact, Paragraph II.A in the daily tank inspection logs.
- C. The Respondent failed to initiate closure of permitted hazardous waste storage tank T-47519 within ninety (90) days of when the tank last received hazardous waste, in violation of LAC 33:V.3513.A. Specifically, a review of previous facility compliance inspections and statements provided by Ms. Hillary Garner of Georgia Gulf during the May 11, 2010, inspection revealed that the permitted hazardous waste storage tank T-47519 had not received hazardous waste since at least December 2008. However, the Respondent failed to either initiate partial or final closure of the tank within ninety (90) days as required by LAC 33:V.3513.A or receive approval from the Department for an extension to the timeframe in accordance with criteria specified in LAC 33:V.3513.A.1-4.
- D. The Respondent failed to demonstrate the length of time that universal waste had been accumulated onsite following the date it became a universal waste, in violation of LAC 33:V.3825.C. Specifically, the Respondent failed to demonstrate the length of time universal waste electronics stored within the Obligated Storage Building had been accumulated onsite.
- E. The Respondent failed to clearly mark or label universal waste electronics or a container storing universal waste electronics with the words "Universal Waste—Electronics," or "Waste Electronics," or "Used Electronics," in violation of LAC 33:V.3823.A.7.

Specifically, the Respondent failed to properly label universal waste electronics stored within the Obligated Storage Building.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To remedy, within ninety (90) days of receipt of this **COMPLIANCE ORDER**, all deteriorations in the hazardous waste tank secondary containment structures, in accordance with LAC 33:V.1509.C, LAC 33:V.1907.E.1.c.7 and Permit Conditions III.E and V.A.6.b(3) of Hazardous Waste Operating Permit LAD057117434-OP-RN-1.

II.

To immediately, upon receipt of this **COMPLIANCE ORDER**, implement procedures ensuring that all malfunctions and deteriorations relating to the hazardous waste tanks and their associated ancillary equipment and secondary containment structures are recorded on the hazardous waste daily inspection logs as specified in LAC 33:V.1911.C.2, in accordance with LAC 33:V.1509.D, LAC 33:V.1911.G and Permit Condition V.A.6.b(1)(c) of Hazardous Waste Operating Permit LAD057117434-OP-RN-1.

III.

To initiate closure, within ninety (90) days of receipt of this **COMPLIANCE ORDER**, of permitted hazardous waste storage tank T-47519 or request an extension to the timeframe specified for closure of the tank in accordance with criteria specified in LAC 33:V.3513.A.1-4.

IV.

To immediately clearly mark, upon receipt of this **COMPLIANCE ORDER**, all universal waste electronics and/or containers of universal waste electronics with the date of generation and the words "Universal Waste—Electronics," or "Waste Electronics," or "Used Electronics" and to institute procedures to ensure that universal waste electronics are marked or labeled in accordance with LAC 33:V.3823.A.7 and LAC 33:V.3825.C.

V.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Hazardous Waste Regulations.

VI.

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
Attention: Craig Easley
Enforcement Tracking No. HE-C-10-01050
Agency Interest No. 2455

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. HE-C-10-01050
Agency Interest No. 2455

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement

this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.


VII.

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

VIII.

This **COMPLIANCE ORDER** is effective upon receipt.

Baton Rouge, Louisiana, this 26 day of September, 2010.



Beau James Brock
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: Leigh Gauthreaux

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

September 29, 2010

CERTIFIED MAIL (7004 1160 0000 3797 0065)
RETURN RECEIPT REQUESTED

GEORGIA GULF LAKE CHARLES, LLC

c/o Corporation Service Company
Agent for Service of Process
320 Somerulos Street
Baton Rouge, Louisiana 70802-6129

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-10-00457
AGENCY INTEREST NO. 4013**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **GEORGIA GULF LAKE CHARLES, LLC (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Chris Kotrlik at (225) 219-3752.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/CCK/cck
Alt ID No. 0520-00012
Attachment



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

<p>IN THE MATTER OF</p> <p>GEORGIA GULF LAKE CHARLES, LLC CALCASIEU PARISH ALT ID NO. 0520-00012</p> <p>PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, <u>ET SEQ.</u></p>	<p>* * * ENFORCEMENT TRACKING NO. * * AE-CN-10-00457 * * AGENCY INTEREST NO. * * 4013 * *</p>
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CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **GEORGIA GULF LAKE CHARLES, 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 the Vinyl Chloride Monomer (VCM) Plant located at 1600 VCM Plant Road in Westlake, Calcasieu Parish, Louisiana. This facility is currently permitted to operate under Title V Permit No. 0520-00012-V1, issued on May 15, 2009. This facility was previously permitted to operate under Title V Permit No. 0520-00012-V0, issued on October 27, 2005.

II.

On or about July 25 to September 14, 2006, an inspection of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality

Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent was not maintaining records of daily monitoring system calibration checks for Thermal Oxidizer Continuous Emission Monitoring System (CEMS) AI-904, Vinyl Chloride Area Monitor AI-171 (process unit), and Vinyl Chloride Area Monitor AI-401 (tank farm). Each failure to maintain records of monitoring system calibration checks is a violation of 40 CFR 61.14(f), which language has been adopted as a Louisiana regulation in LAC 33:III.5116; Part 70 General Condition C of Title V Permit No. 0520-00012-V0; LAC 33:III.501.C.4; and La. R.S. 30:2057(A)(2). It was noted that the Respondent began maintaining the required records during the course of the inspection;
- B. According to 40 CFR 61.14(f), the Respondent is required to maintain records of the, "...occurrence and duration of any period during which the monitoring system is malfunctioning or inoperative." During the course of the inspection, it was noted that the Respondent did not have records that the Thermal Oxidizer CEMS AI-904 was inoperative during a power outage on February 11, 2006. This is a violation of Part 70 General Condition C of Title V Permit No. 0520-00012-V0; 40 CFR 61.14(f), which language has been adopted as a Louisiana regulation in LAC 33:III.5116; LAC 33:III.501.C.4; and La. R.S. 30:2057(A)(2);
- C. The Respondent failed to initiate External Leak Detection Forms on February 16, 22, 23, and 27, 2006 when the vinyl chloride fixed point monitor AI-171 for the process area, Stream 5 detected concentrations of vinyl chloride greater than five (5) parts per million. Each failure to initiate an External Leak Detection Form is a violation of 40 CFR 61.65(b)(8)(i), which language has been adopted as a Louisiana regulation in LAC 33:III.5116; LAC 33:III.501.C.4; LAC 33:III.905; and La. R.S. 30:2057(A)(2);
- D. The Respondent failed to maintain records of weekly visual pump inspections for two pumps: P-112 (Tag# 01307) and BL-412 (Tag# 09425). Each failure to maintain a record of a weekly visual pump inspection is a violation of 40 CFR 63.181(c), which language has been adopted as a Louisiana regulation in LAC 33:III.5122; Part 70 Specific Condition 2 of Title V Permit No. 0520-00012-V0; LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2);
- E. The Respondent failed to equip two (2) open-ended valves with a cap, blind flange, plug, or second valve. Each open-ended valve is a violation of 40 CFR 63.167, which language has been adopted as a Louisiana regulation in LAC 33:III.5122; Part 70 Specific Condition 2

of Title V Permit No. 0520-00012-V0; LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

III.

On or about May 21 and 26, 2009, an inspection of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent failed to perform monthly visual inspections of seal or closure mechanisms (car-seals) on closed vent system bypass lines from August 2006 through February 2007. Each missed inspection is a violation of 40 CFR 63.172(j)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122; Part 70 Specific Condition 2 of Title V Permit No. 0520-00012-V0; LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). Records reviewed during the course of the inspection indicate that the Respondent began conducting these visual inspections on or about March 8, 2007;
- B. On or about May 7, 2009, the Respondent released approximately 2.4 pounds of vinyl chloride to the atmosphere from the C-500 Emergency Scrubber Stack due to operator error. This is a violation of LAC 33:III.905, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

IV.

On or about December 1 through 3, 2009, an inspection of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the inspection:

- A. The frequency of inspections and tests for Instruments IT 501, PSL 518, PT 201, FIC 224, HCV 224, and LSHH 485 was not consistent with applicable manufacturers' recommendations and good engineering practices. Each failure to conduct inspections and tests consistent with applicable manufacturer's recommendations and good engineering practices is a violation of 40 CFR 68.73(d)(3), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A; Specific Requirements 386 and 442 of Title V Permit No. 0520-00012-V1; LAC 33:III.501.C.4; and La. R.S. 30:2057(A)(2);
- B. The frequency of inspections and tests for Vessels C201, S217, and C202 was not consistent with applicable manufacturers' recommendations

and good engineering practices. Each failure to conduct inspections and tests consistent with applicable manufacturer's recommendations and good engineering practices is a violation of 40 CFR 68.73(d)(3), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A; Specific Requirements 386 and 442 of Title V Permit No. 0520-00012-VI; LAC 33:III.501.C.4; and La. R.S. 30:2057(A)(2);

- C. The Respondent failed to document the date and the name of the person who performed the inspection or test for Loop or instrument grouping GENOPR A002 and AL 5401. This is a violation of 40 CFR 68.73(d)(4), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A; Specific Requirements 385 and 442 of Title V Permit No. 0520-00012-VI; LAC 33:III.501.C.4; and La. R.S. 30:2057(A)(2).

V.

On or about April 30, 2010, a file review of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the file review:

- A. According to a letter dated September 22, 2006, "The R-201B Furnace had been shutdown and was being prepared for restart when [a 1,2-dichloroethane (EDC)] leak was observed. The EDC Vapors were ignited (at approximately 19:28 [on September 17, 2006]) from an adjacent furnace in operation...." The following pollutants were released during the course of this unauthorized discharge:

Pollutant	Amount (lbs)	Reportable Quantity (lbs)
Vinyl Chloride	1018	1
Ethylene Dichloride	1144	100
Hydrogen Chloride	43390	5000
Ethylene	3119	5000
Chloroform	323	10
Carbon Tetrachloride	208	10
Ethyl Chloride	4807	100

The Respondent's failure to maintain emissions at a level less than or equal to that provided for in Title V Permit No. 0520-00012-V0 is a violation of Part 70 General Condition C of Title V Permit No. 0520-00012-V0, LAC 33:III.501.C.4, LAC 33:III.905, La. R.S. 30:2057(A)(1), and 30:2057(A)(2);

- B. According to a report dated November 17, 2007, the Respondent had a fire and a release of vinyl chloride, ethylene dichloride, hydrogen chloride, and phosgene to the atmosphere on November 10, 2007. The initial fire started when a vapor cloud and liquid of vinyl chloride, ethylene dichloride and hydrogen chloride was ignited by an undetermined source. During the incident which lasted approximately two (2) hours and forty-five (45) minutes the following pollutants were released:

Pollutant	Amount (lbs)	Reportable Quantity (lbs)
Vinyl Chloride	713	1
Ethylene Dichloride	2,707	100
Hydrogen Chloride	250,049	5000
Phosgene	165	10
Ethyl Chloride	0.07	
Methane	0.113	
Ethylene	4	
Ethane	0.006	
Carbon Monoxide	0.03	

This unauthorized discharge is in violation of LAC 33:III.905, La. R.S. 30:2057(A)(1), and 30:2057(A)(2);

- C. According to a report dated November 18, 2005, the Respondent had an unexcused pH excursion at AIC-902A on May 7, 2005. This is a violation of 40 CFR 63.113(c), which language has been adopted as a Louisiana regulation in LAC 33:III.5122; LAC 33:III.905; and La. R.S. 30:2057(A)(2);
- D. According to a report dated March 31, 2006, Tank T-550, "was filled above the liquid level in tank," on November 26, 2005. This is a violation of LAC 33:III.905, LAC 33:III.2103.B, and La. R.S. 30:2057(A)(2);
- E. According to a report dated March 31, 2006, the Respondent exceeded its annual propylene fugitive emissions limit, or 2.31 tons per year, as set forth in Title V Permit No. 0520-00012-V0. This is a violation of Part 70 General Condition C of Title V Permit No. 0520-00012-V0, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2);
- F. According to a report dated June 23, 2006, the Respondent discovered two (2) open ended lines on January 29, 2006. Each open-ended line is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.167(a)(1), 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. According to a report dated June 23, 2006, the Respondent failed to double blind or block the feed line to C-717B on March 2, 2006, when the exchanger was removed from service. This represents an open ended line and, thus, is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.167(a)(1), 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);
- H. According to a report dated September 28, 2006, the Respondent failed to perform monitoring to verify that emissions from Agitator S-208A were below the applicable leak definition after attempting repair on March 18, 2006. The failure to repair (as defined in 40 CFR 63.161) Agitator S-208A within 15 calendar days after it was detected as leaking is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.173(c)(1), 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);
- I. According to a report dated September 28, 2006, the Respondent failed to perform monthly Method 21 monitoring of Agitator S-208A during March 2006. This is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.173(a)(1), 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);
- J. According to a report dated September 28, 2006, the Respondent failed to maintain at least 99% control efficiency (3-hour rolling average) of vinyl chloride emissions from the Laboratory Emissions (Source ID LAB-002) on May 2, 2006. This is a violation of Part 70 General Condition C of Title V Permit No. 0520-00012-V0, LAC 33:III.501.C.4, LAC 33:III.905, LAC 33:III.5109.A.1, La. R.S. 30:2057(A)(1), and 30:2057(A)(2);
- K. According to a report dated September 28, 2006, the Respondent discovered five (5) open ended lines on the tank farm vent header during May 2006. Each open-ended line is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.167(a)(1), 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);
- L. According to a report dated September 28, 2006, the Respondent discovered on May 27, 2006, that a, "bleeder plug was not installed on a ¾ inch bleeder valve on the CL2 trim line." This represents an open ended line and, thus, is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.167(a)(1), 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);
- M. According to a report dated November 17, 2006, the Respondent had an unexcused excursion on July 14, 2006, when the dry vent bypass indicator switch (ZAO-901) and wet vent bypass indicator switch (ZAO-902) failed to read due to a Process Information Management System (PIMS) outage. This is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.114(d)(1), 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);
- N. According to a report dated December 28, 2006, "P-255 pump was found to have an open ended line, due to a missing plug, during an inspection [on July 27, 2006]." This is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.167(a)(1), 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);
- O. According to a report dated December 28, 2006, "Instrument air was mistakenly blocked in [on August 10, 2006] causing the valve going to the [F-412B Tank Farm Carbon Adsorption System] to open." According to Table 2 of Title V Permit No. 0520-00012-V0, F-412B, "is used for emergency (malfunction) events only." The failure to comply with all conditions of Title V Permit No. 0520-00012-V0 is a violation of Part 70 General Condition C of Title V Permit No. 0520-00012-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2);
- P. According to a report dated December 28, 2006, excess emissions of EDC, vinyl chloride, ethylene, HCl, ethyl chloride were released to the atmosphere during restart of the thermal oxidizers on September 18, 2010, following a fire at R-201B. This release is in violation of Part 70 General Condition C of Title V Permit No. 0520-00012-V0, LAC 33:III.501.C.4, LAC 33:III.905, La. R.S. 30:2057(A)(1), and 30:2057(A)(2);
- Q. According to a report dated May 18, 2007, "The HCl Column (C-202) vent bypassed the thermal oxidizer firebox [for approximately one (1) minute on September 25, 2006]. The vent was routed to the HCl absorber column. This event was not a normal bypass of the wet and/or dry vent headers." This release is in violation of 40 CFR 63.113(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122; Part 70 Specific Condition No. 1 of Title V Permit No. 0520-00012-V0; LAC 33:III.501.C.4; LAC 33:III.905; La. R.S. 30:2057(A)(1); and 30:2057(A)(2);

- R. According to a report dated March 30, 2007, the Respondent exceeded its annual emission limit for chloroform during the 2006 calendar year from Process Equipment Fugitive Emissions (Source ID FE-1), or 0.06 tons per year, as set forth in Title V Permit No. 0520-00012-V0. The Respondent's failure to maintain emissions at a level less than or equal to that provided for in Title V Permit No. 0520-00012-V0 is a violation of Part 70 General Condition C of Title V Permit No. 0520-00012-V0, LAC 33:III.501.C.4, LAC 33:III.905, La. R.S. 30:2057(A)(1), and 30:2057(A)(2);
- S. According to a report dated April 11, 2007, the Respondent failed to monitor 1,308 valves during the 4th quarter of 2006. Each missed monitoring event is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.168(b), 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);
- T. According to a report dated April 11, 2007, the Respondent failed to monitor 5,605 connectors during the 4th quarter of 2006. Each missed monitoring event is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.174(a), 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);
- U. According to a report dated June 20, 2007, on March 19, 2007, a vinyl chloride release occurred when, "The blow down line at [VCM Check Sphere] T-401A which connects to [VCM Check Tanks Caustic Collection Drum] S-420 was single blocked (which was leaking through). The second valve was left open after blowing down to T-401A..." This release of vinyl chloride lasted approximately 3.35 hours and is in violation of LAC 33:III.905, La. R.S. 30:2057(A)(1), and 30:2057(A)(2);
- V. According to a report dated June 20, 2007, the Thermal Oxidizers (Source ID VS-901 A/B) had excess emissions of hydrogen chloride on February 6, 2007, when, "the pH [of C-902 Caustic Scrubber] went below the HON parameter." These excess emissions are a violation of Part 70 General Condition C of Title V Permit No. 0520-00012-V0, LAC 33:III.501.C.4, LAC 33:III.905, La. R.S. 30:2057(A)(1), and 30:2057(A)(2);
- W. According to a report dated March 31, 2008, the Respondent failed to maintain at least 99% control efficiency (3-hour rolling average) of vinyl chloride emissions from the Laboratory Emissions (Source ID LAB-002) during the period encompassing August 11 through August 17, 2007. This is a violation of Part 70 General Condition C of Title V

- Permit No. 0520-00012-V0, LAC 33:III.501.C.4, LAC 33:III.905, LAC 33:III.5109.A.1, La. R.S. 30:2057(A)(1), and 30:2057(A)(2);
- X. According to a report dated March 31, 2008, "pH tracking parameter for Scrubber 902 A was not met [on August 28, 2007,] and was left off semi annual NESHAP report." The failure to include all excursions on the Periodic Report required by 40 CFR 63.152(c) is a violation of 40 CFR 63.152(c)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, and La. R.S. 30:2057(A)(2);
- Y. According to a report dated March 31, 2008, the Respondent discovered four (4) missing caps on October 3, 2007. Each of these missing caps represents an open ended line and, thus, is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.167(a)(1), 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);
- Z. According to a report dated March 31, 2008, the Respondent discovered a line in ethylene dichloride service with a missing cap and an open bleed valve on October 20, 2007. This represents an open ended line and, thus, is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.167(a)(1), 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);
- AA. According to a report dated March 31, 2008, the Respondent discovered two (2) missing caps on December 17, 2007. Each of these missing caps represents an open ended line and, thus, is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.167(a)(1), 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);
- BB. According to a report dated March 31, 2008, the Respondent discovered one (1) missing cap on December 18, 2007. This missing cap represents an open ended line and, thus, is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.167(a)(1), 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);
- CC. According to a report dated March 31, 2008, the Respondent failed to report one (1) deviation in its Title V Quarterly Deviation Report for the period encompassing July through September 2007. This is a violation of Part 70 General Condition R.3 of Title V Permit No. 0520-00012-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2);

- DD. According to a report dated March 31, 2008, the Respondent exceeded its annual emission limit for chloroform during the 2007 calendar year from Process Equipment Fugitive Emissions (Source ID FE-1), or 0.06 tons per year, as set forth in Title V Permit No. 0520-00012-V0. The Respondent's failure to maintain emissions at a level less than or equal to that provided for in Title V Permit No. 0520-00012-V0 is a violation of Part 70 General Condition C of Title V Permit No. 0520-00012-V0, LAC 33:III.501.C.4, LAC 33:III.905, La. R.S. 30:2057(A)(1), and 30:2057(A)(2);
- EE. According to a report dated March 31, 2008, the Respondent exceeded its annual emission limit for poly aromatic hydrocarbons during the 2007 calendar year from Caustic Storage Tank (Source ID T-701), or 0.0001 tons per year, as set forth in Title V Permit No. 0520-00012-V0. The Respondent's failure to maintain emissions at a level less than or equal to that provided for in Title V Permit No. 0520-00012-V0 is a violation of Part 70 General Condition C of Title V Permit No. 0520-00012-V0, LAC 33:III.501.C.4, LAC 33:III.905, La. R.S. 30:2057(A)(1), and 30:2057(A)(2);
- FF. According to a report dated May 19, 2008, "The HCl Column (C-202) vent bypassed the thermal oxidizer firebox [for approximately seven (7) minutes on October 17, 2007]. The vent was routed to the HCl absorber column. This event was not a normal bypass of the wet and/or dry vent headers." This release is in violation of 40 CFR 63.113(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122; Part 70 Specific Condition No. 1 of Title V Permit No. 0520-00012-V0; LAC 33:III.501.C.4; LAC 33:III.905; La. R.S. 30:2057(A)(1); and 30:2057(A)(2);
- GG. According to a report dated September 29, 2008, the Respondent discovered one (1) missing cap on April 15, 2008. This missing cap represents an open ended line and, thus, is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.167(a)(1), 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);
- HH. According to a report dated December 9, 2008, the Respondent discovered one (1) missing cap on July 13, 2008. This missing cap represents an open-ended valve and, thus, is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.167(a)(1), 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);

- II. According to a report dated December 9, 2008, the Respondent discovered one (1) missing cap on August 29, 2008. This missing cap represents an open-ended valve and, thus, is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.167(a)(1), 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);
- JJ. According to a report dated December 9, 2008, the Respondent discovered twelve (12) missing caps or plugs on September 7, 2008. Each of these missing caps or plugs represents an open-ended line or valve and, thus, is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.167(a)(1), 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);
- KK. According to a report dated December 9, 2008, the Respondent discovered one (1) missing cap on September 29, 2008. This missing cap represents an open-ended line and, thus, is a violation of Part 70 Specific Condition No. 2 of Title V Permit No. 0520-00012-V0; 40 CFR 63.167(a)(1), 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);
- LL. According to a report dated December 9, 2008, the Respondent failed to use the submerged fill pipe when filling Stormwater Collection/Process Wastewater Storage Tank T-550 on August 21, 2008. This is a violation of Part 70 General Condition C of Title V Permit No. 0520-00012-V0, LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(2);
- MM. According to a report dated December 9, 2008, "Quarterly HON sample [of the heat exchangers] was taken while the plant (exchange system) was not in service. Sample was not taken when the plant was put back into operation during the," third calendar quarter of 2008. This is a violation of 40 CFR 63.104(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, and La. R.S. 30:2057(A)(2);
- NN. According to a report dated July 1, 2009, "There was an incident that occurred on May 7, 2009 involving the emergency vent stack (VS-391) that resulted in the 10-ppm, 3 hour average emission standard [for vinyl chloride] to be exceeded," because, "a valve was inadvertently closed." This release is a violation of 40 CFR 61.63(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5116; LAC 33:III.905; LAC 33:III.5109; La. R.S. 30:2057(A)(1); and 30:2057(A)(2);
- OO. According to a report dated September 21, 2009, the Respondent exceeded its annual emission limit for 1,2-dichloroethane (EDC) during the 2009 calendar year from Tank Farm Carbon Adsorption System Vent

- (RLP0039), or 0.002 tons per year, as set forth in Title V Permit Nos. 0520-00012-V0 and 0520-00012-V1. The Respondent's failure to maintain emissions at a level less than or equal to that provided for in its Title V Permits is a violation of Part 70 General Condition C of Title V Permit Nos. 0520-00012-V0 and 0520-00012-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2);
- PP. According to a report dated September 21, 2009, the Respondent failed to timely submit the 40 CFR 61 Subpart F report for the period encompassing March through May 2009 by the June 15, 2009, due date. This is a violation of 40 CFR 61.70(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5116, and La. R.S. 30:2057(A)(2). The Respondent submitted this report on July 1, 2009;
- QQ. According to a report dated September 21, 2009, the Respondent exceeded the maximum hourly vinyl chloride emission limit for the I-901 A/B Thermal Oxidizers (EQT0039) on June 23, 2009, or 0.25 pounds per hour, as set forth in Title V Permit No. 0520-00012-V1. The Respondent's failure to maintain emissions at a level less than or equal to that provided for in its Title V Permit is a violation of Part 70 General Condition C of Title V Permit No. 0520-00012-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2);
- RR. According to a report dated December 9, 2009, "There was an incident that occurred on October 5, 2009 involving the emergency vent stack (VS-391) that resulted in the 10-ppm, 3 hour average emission standard [for vinyl chloride] to be exceeded," due to loss of combustion air to each of the thermal oxidizers. The report further states that, "The loss of combustion air was due to a shutdown of the BL 902 combustion air blower. Attempts were made to start the backup blower, but were unsuccessful." This release is a violation of 40 CFR 61.63(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5116; LAC 33:III.905; LAC 33:III.5109; La. R.S. 30:2057(A)(1); and La. R.S. 30:2057(A)(2);

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with the Act and all applicable

Air Quality Regulations, including, but not limited to, all terms and conditions of Title V Permit No. 0520-00012-V1.

II.

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

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Chris Kotrlik
Enforcement Tracking No. AE-CN-10-00457
Agency Interest No. 4013

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-10-00457
Agency Interest No. 4013

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, *et seq.*), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Chris Kotrlik at (225) 219-3752 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

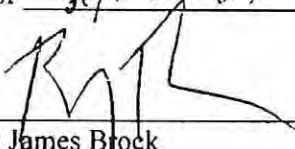
III.

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

IV.

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

Baton Rouge, Louisiana, this 29 day of September, 2010.



Beau James Brock
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: Chris Kotrlík