STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-AE-19-0090**
EVONIK CYRO LLC	*	
	*	**Enforcement Tracking Nos.**
AI # 9701	*	**AE-CN-18-00911**
	*	**AE-CN-18-00911A**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between Roehm America LLC f/k/a Evonik Cyro LLC ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I

Respondent is a limited liability company that owns and/or operates a methyl methacrylate production facility located in Westwego, Jefferson Parish, Louisiana ("the Facility").

II

On December 6, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-18-00911 (Exhibit 1).

On May 21, 2019, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-18-00911A (Exhibit 2).

III

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

and/or penalties.

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of EIGHT THOUSAND SIX HUNDRED AND NO/100 DOLLARS ($8,600.00), of which Seven Hundred Seventy-Six and 07/100 Dollars ($776.07) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

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

VI

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

VII

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

VIII

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

IX

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

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each

payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XI

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

XII

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

ROEHM AMERICA LLC F/K/A
EVONIK CYRO LLC

BY: _____
(Signature)

_____
(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at _____.

_____
NOTARY PUBLIC (ID #_____)

_____
(stamped or printed)

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

BY: _____
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20_____, at Baton Rouge, Louisiana.

_____
NOTARY PUBLIC (ID # _____)

_____
(stamped or printed)

Approved: _____
Lourdes Iturralde, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

december 6, 2018

CERTIFIED MAIL (7012 2210 0001 1915 8510)
RETURN RECEIPT REQUESTED

EVONIK CYRO LLC
c/o Corporation Service Company
Agent for Service of Process
501 Louisiana Avenue
Baton Rouge, LA 70802

RE: CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-18-00911
AGENCY INTEREST NO. 9701

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 **EVONIK CYRO LLC (RESPONDENT)** for the violation(s) described therein.

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

Any questions concerning this action should be directed to Antoinette Cobb at (225) 219-3072 or via email at antoinette.cobb@la.gov.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/AFC/afc
Alt ID No. 1340-00314
Attachment

EXHIBIT
1

Post Office Box 4312 • Baton Rouge, Louisiana 70821-4312 • Phone 225-219-3715 • Fax 225-219-3708
www.deq.louisiana.gov

c: Evonik Cyro LLC
c/o Mr. Stehle Harris, EHS Manager
10800 River Road
Westwego, LA 70094

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
EVONIK CYRO LLC	*	**ENFORCEMENT TRACKING NO.**
JEFFERSON PARISH	*	
ALT ID NO. 1340-00314	*	**AE-CN-18-00911**
	*	
	*	**AGENCY INTEREST NO.**
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	**9701**
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED

COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **EVONIK CYRO 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 MMA Plant (facility), a methyl methacrylate (MMA) production facility located at 10800 River Road in Westwego, Jefferson Parish, Louisiana. The Respondent operates or has operated under the authority of the following Title V Permits:

PERMIT NO.	ISSUE DATE	EXPIRATION DATE
1982-V10	09/06/2017	02/22/2022
1982-V9	02/22/2017	02/22/2022
1982-V8	04/25/2016	06/26/2016
1982-V7	08/18/2014	06/26/2016
1982-V6	06/29/2011	06/26/2016

II.

On or about September 7-11, 2018, a Full Compliance Evaluation (FCE) Inspection was conducted to determine the Respondent's degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. A subsequent file review was conducted on or about November 19, 2018. While the Department's review is not complete, the following violations were noted during the course of the inspection and/or file review:

A. In the 2013 Second Semiannual Monitoring and Deviation Report dated March 27, 2014, the Respondent reported the failure to update the Risk Management Plant (RMP) within one (1) month of the change of emergency contact information. The failure to update the RMP accordingly is a violation of Specific Requirement 290 of Title V Permit No. 1982-V6, 40 CFR 68.195(b), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent corrected the violation by completing and submitting a new single registration form to include in the current RMP.

B. In the 2013 Annual Compliance Certification dated March 27, 2014, and correspondence dated March 31, 2014, the Respondent reported the exceedance of the permitted emission limits from Plant Scrubber No. 1 (EQT0008). The Respondent reported on February 19 and 20, 2013, that scrubber water flow was reduced to prevent backpressure in the abatement system during a period of high pressure in the unit. The high pressure was caused by pluggage in the lines leaving the scrubber. The Respondent cleaned the abatement system flame arrestor to relieve pressure on the abatement system. The permitted emission limits were exceeded intermittently for approximately 14 hours. The emissions were reported as follows:

POLLUTANT	PERMIT LIMIT	AMOUNT REPORTED OVER THE PERMIT LIMIT
VOCs	0.17 max lb/hr	15.47 lbs
MMA	0.10 max lb/hr	9.18 lbs
Methanol	0.06 max lb/hr	5.342 lbs

Each exceedance of a permitted emission limit is a violation of Title V Permit No. 1982-V6, LAC 33:III.501.C.4, and La R.S. 30:2057(A)(1) and 30:2057(A)(2).

C. In the 2014 First Semiannual Monitoring and Deviation Report dated September 30, 2014, the Respondent reported the exclusion of Particulate Matter (PM) emissions for the MMA Equipment Fugitives and Cooling Towers (FUG001) in the permit. According to correspondence dated September 17, 2015, the omission of PM emissions from the permit was discovered during a third party internal audit the week of September 22, 2014. In the correspondence dated September 17, 2015, the Respondent stated, "PM has been emitted at the facility since the installation of the MMA cooling towers in the 1980's." The release of an unpermitted pollutant is a violation of LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Department received a Part 70 Permit Renewal & Minor Modification Application dated December 15, 2015, which included PM emissions for the Cooling Towers.

The violations were also reported in the 2015 Annual Compliance Certification dated March 31, 2016. Title V Permit No. 1982-V8 was issued on April 25, 2016, permitting the PM emissions.

D. In the 2016 First Semiannual Monitoring and Deviation Report for Title V Permit No. 1982-V7 and Title V Permit No. 1982-V8 both dated September 23, 2016, the Respondent reported the failure to update the Risk Management Plant (RMP) within one (1) month of the change of emergency contact information.. The failure to update the RMP accordingly is a violation of Specific Requirement 237 of Title V Permit No. 1982-V7 AND Title V Permit No. 1982-V8, 40 CFR 68.195(b), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). This violation was corrected on May 10, 2016, when the Respondent submitted an emergency contact correction through RMP e-submit.

E. The Respondent reported the following violations from permitted operating parameters:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
I.	2017 First Semiannual Monitoring and Deviation Report (09/27/2017)	1982-V8	EQT 0008 MMA Plant Scrubber No. 1	02/07/2017 (3.17 hours)	Flow rate >=9.5 gallons/min, except during periods of scrubber maintenance	Utilities had insufficient water pressure to supply the scrubber with the required flow rate; Actual flow was not reported.	Specific Requirement 36
II.	2017 Second Semiannual Monitoring and Deviation Report (03/28/2018)	1982-V10	EQT 0009 MMA Tank Farm Scrubber	10/18/2017 (9h 25m)	Flow rate >=5.2 gallons/min	Flow slightly below 5.2 gpm; Actual flow was not reported.	Specific Requirement 59
III.	2017 Second Semiannual Monitoring and Deviation Report (03/28/2018)	1982-V10	EQT 0009 MMA Tank Farm Scrubber	12/03/2017 (8h 25 m)	Flow rate >=5.2 gallons/min	Flow slightly below 5.2 gpm; Actual flow was not reported.	Specific Requirement 59
IV.	2017 Second Semiannual Monitoring and Deviation Report (03/28/2018)	1982-V10	EQT 0009 MMA Tank Farm Scrubber	12/04/2017 (9h 25m)	Flow rate >=5.2 gallons/min	Flow slightly below 5.2 gpm; Actual flow was not reported.	Specific Requirement 59
V.	2017 Second Semiannual Monitoring and Deviation Report (03/28/2018)	1982-V10	EQT 0009 MMA Tank Farm Scrubber	12/05/2017 (5h 15m)	Flow rate >=5.2 gallons/min	Flow slightly below 5.2 gpm; Actual flow was not reported.	Specific Requirement 59

Each failure to operate according to permitted requirements is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

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

	REPORT (date)	PERMIT NUMBER	REPORTING REQUIREMENT	DUE DATE	POSTMARKED DATE	REGULATORY or PERMIT REQUIREMENTS
I.	2013 Second Semiannual VOC Leaking Component Report (02/18/2014)	1982-V6	Semiannual Reports shall be submitted on January 31 and July 31.	01/31/2014	02/18/2014	Specific Requirement 250
II.	2014 First Semiannual VOC Leaking Component Report (08/13/2014)	1982-V6	Semiannual Reports shall be submitted on January 31 and July 31.	07/31/2014	08/21/2014	Specific Requirement 250
III.	2014 Second Semiannual VOC Leaking Component Report (02/19/2015)	1982-V7	Semiannual Reports shall be submitted on January 31 and July 31.	01/31/2015	02/23/2015	Specific Requirement 197
IV.	2015 First Semiannual VOC Leaking Component Report (08/24/2015)	1982-V7	Semiannual Reports shall be submitted on January 31 and July 31.	07/31/2015	08/31/2015	Specific Requirement 197
V.	2015 Second Semiannual Leaking Component Report	1982-V7	Semiannual Reports shall be submitted on January 31 and July 31.	01/31/2016	02/19/2016	Specific Requirement 197
VI.	2016 First Semiannual VOC Leaking Component Report	1982-V8	Semiannual Reports shall be submitted on January 31 and July 31.	07/31/2016	08/10/2016	Specific Requirement 197
VII.	2016 Second Semiannual VOC Leaking Component Report	1982-V8	Semiannual Reports shall be submitted on January 31 and July 31.	01/31/2017	02/24/2017	Specific Requirement 197

Each failure to comply with reporting requirements is a violation of applicable permits and associated requirements listed above, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

III.

In the 2016 Second Semiannual Monitoring and Deviation Report dated March 28, 2017, the Respondent reported changes to the permitted emissions limits for the MMA Equipment Fugitives (FUG 0001). In Title V Permit No. 1982-V7 issued on August 18, 2014, FUG0001 was permitted for 19.55 tons per year of VOC. In Title V Permit No. 1982-V8 issued on April 25, 2016, FUG 0001 was permitted for 3.15 tons per year of VOC. According to the Respondent, the decrease in the permitted emission limit was due to changes in emissions estimation methods; the change in emission limits caused an exceedance of permit limits that were not due to an increase in emissions. In the Request for Minor Modification to Part 70 Air Permit dated July 14, 2017, the Respondent proposed to update the facility fugitive emissions source, MMA Equipment Fugitives (FUG 0001), to more accurately reflect current

operations. Title V Permit No. 1982-V10 was issued on September 6, 2017, increasing the FUG 0001 VOC from 3.17 tons per year to 25.94 tons per year.

COMPLIANCE ORDER

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

I.

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

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the reported cause(s) and actual flow rates for the violations cited in Paragraph II.E of the **FINDINGS OF FACT** portion of the action.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the following information as related to Paragraph III of the **FINDINGS OF FACT** portion of the action: 1) an explanation of the changes in emissions estimation methods used for Title V Permit No. 1982-V8, and 2) a report of all exceedances which shall include the date, duration(s), and quantities.

IV.

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:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Antoinette Cobb
Re: Enforcement Tracking No. AE-CN-18-00911
Agency Interest No. 9701

to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

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

VI.

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

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

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

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would

like to have such a meeting, please contact Antoinette Cobb at (225) 219-3072 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached **"CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE"** form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

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

V.

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

Baton Rouge, Louisiana, this 6th day of December, 2018.

Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Antoinette Cobb

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

CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE

DEQ LOUISIANA

Enforcement Tracking No.	AE-CN-18-00911	Contact Name	Antoinette Cobb
Agency Interest (AI) No.	9701	Contact Phone No.	(225) 219-3072
Alternate ID No.	1340-00314		
Respondent:	Evonik Cyro LLC	Facility Name:	MMA Plant
	c/o Corporation Service Company	Physical Location:	10800 River Road
	Agent for Service of Process		
	501 Louisiana Avenue	City, State, Zip:	Westwego, LA 70094
	Baton Rouge, 70802	Parish:	Jefferson

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph V of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) II-IV of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 90 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER *(OPTIONAL)*

(check the applicable option)

____	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:I.Subpart1.Chapter7.
____	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00911), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
____	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00911), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay $_____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. • Monetary component = $_____ • Beneficial Environmental Project (BEP)component (optional)= $_____ • *DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.*
	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00911) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

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

Respondent's Physical Address	Respondent's Phone #	Date

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Antoinette Cobb

JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 21, 2019

CERTIFIED MAIL (7012 2210 0001 1915 8626)
RETURN RECEIPT REQUESTED

EVONIK CYRO LLC
c/o Corporation Service Company
Agent for Service of Process
501 Louisiana Avenue
Baton Rouge, LA 70802

RE: AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-18-00911A
AGENCY INTEREST NO. 9701

Dear Sir/Madam:

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

Any questions concerning this action should be directed to Antoinette Cobb at (225) 219-3072 or via email at antoinette.cobb@la.gov.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/AFC/afc
Alt ID No. 1340-00314
Attachment

EXHIBIT
tabbies
2

c: Evonik Cyro LLC
c/o Mr. Stehle Harris, EHS Manager
10800 River Road
Westwego, LA 70094

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
EVONIK CYRO LLC	*	ENFORCEMENT TRACKING NO.
JEFFERSON PARISH	*	
ALT ID NO. 1340-00314	*	AE-CN-18-00911A
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	9701
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, ET SEQ.	*	

AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-18-00911** issued to **EVONIK CYRO LLC (RESPONDENT)** on December 6, 2018, in the above-captioned matter as follows:

I.

The Department hereby removes Paragraph II.B of the Findings of Fact in its entirety.

II.

The Department hereby removes Paragraph II.F of the Findings of Fact in its entirety.

III.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-18-00911** and **AGENCY INTEREST NO. 9701** as if reiterated herein.

IV.

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

Baton Rouge, Louisiana, this 21st day of May, 2019.

Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
Post Office Box 4312
Baton Rouge, LA 70821-4312
Attention: Antoinette Cobb