

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

LOUISIANA PIGMENT COMPANY, L.P.

AI # 11496

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

* Settlement Tracking No.
* SA-AE-19-0054
*
* Enforcement Tracking No.
* AE-CN-13-01149
*
* Docket No. 2017-2585-EQ
*

SETTLEMENT

The following Settlement is hereby agreed to between Louisiana Pigment Company, L.P. (“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 partnership that owns and/or operates a titanium dioxide production facility located in Westlake, Calcasieu Parish, Louisiana (“the Facility”).

II

On January 7, 2016, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-13-01149 (Exhibit 1).

The following violations, although not cited in the foregoing enforcement action(s), are included within the scope of this settlement:

Louisiana Pigment Company, L.P.
Enforcement Tracking Nos. 11-00933 and 12-00282

A. The Respondent reported the following opacity exceedances:

Report (Date)	Date of Occurrence	Source
2015 1 st Semiannual Monitoring Report (9/10/2015)	1/26/2015 (10 min.)	EQT0028
	2/19/2015 (2 min.)	EQT0078
	3/20/2015 (14 min.)	FUG0001
2015 2 nd Semiannual Monitoring Report (3/11/2016)	12/27/2015 (10 min.)	FUG0001
2015 1 st Semiannual Monitoring Report (9/10/2015)	3/25/2015 (2 min.)	EQT0044
2015 2 nd Semiannual Monitoring Report (3/11/2016)	12/5/2015 (2 min.)	EQT0044
2015 1 st Semiannual Monitoring Report (9/10/2015)	4/20/2015 (2 min.)	EQT0041
2015 2 nd Semiannual Monitoring Report (3/11/2016)	8/1/2015 (3 min.)	EQT0041
2015 1 st Semiannual Monitoring Report (9/10/2015)	5/16/2015 (1 min.)	EQT0002
	6/1/2015 (2 min.)	EQT0039
	6/4/2015 (1 min.)	EQT0039
2015 2 nd Semiannual Monitoring Report (3/11/2016)	8/21/2015 (2 min.)	EQT0038
	12/8/2015 (1 min.)	EQT0011

Each opacity exceedance is a violation of Title V Air Permit No. 0520-00142-V9, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

B. The Respondent reported exceedances for PM10 and PM2.5 emissions. Specifically, the Respondent experienced opacity exceedances on January 26, 2015 for EQT0028, February 19, 2015 for EQT0078, and March 20, 2015 and December 27, 2015 for FUG0001, which resulted in exceedances above the permitted limits. Each exceedance is a violation of Title V Air Permit No. 0520-00142-V9 Emission Rates for Criteria Pollutants and CO2e, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

C. The Respondent reported that pH exceedances occurred on November 11, 2015, for EQT0022 and EQT0023. This is a violation of Title V Air Permit No. 0520-00142-V9 Emission Rates for TAP/HAP & Other Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

D. The Respondent reported a liquid flow rate/pH exceedance for EQT0022 occurred on November 11, 2015. Specifically, the exceedance resulted in Chlorine emissions of 2.7 pounds with a permit limit of .02 pounds per hour. This is a violation of Title V Air Permit

No. 0520-00142-V9 Emission Rates for TAP/HAP & Other Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- E. The Respondent reported exceedances for liquid flow rates occurred on August 3, 2015, November 11, 2015, and June 4 2015 for EQT0012, EQT0023, EQ0022, and EQ0026. Each exceedance occurrence is a violation of Title V Air Permit No. 0520-00142-V9, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- F. The Respondent reported exceedances for titanium tetrachloride from cumulative incidents and fugitives of .56 tons with a permit limit of .3 tons per year for UNF001. This is a violation of Title V Air Permit No. 0520-00142-V9, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

III

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

IV

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

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FORTY-SIX THOUSAND NINE HUNDRED FIFTY AND NO/100 DOLLARS (\$46,950.00), of which Two Thousand Three Hundred Forty-One and 93/100 Dollars (\$2,341.93) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty and this

Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VII

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

VIII

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

IX

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

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Calcasieu Parish, Louisiana. The advertisement, in

form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XI

Payment is to be made within thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XII

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

XIII

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

LOUISIANA PIGMENT COMPANY, L.P.

BY: John Dixon
(Signature)

JOHN DIXON
(Printed)

TITLE: PLANT MANAGER

THUS DONE AND SIGNED in duplicate original before me this 27 day of February, 20 20, at Westlake, Louisiana

Pamela K Davis
NOTARY PUBLIC (ID # 40868)

(stamped or printed)

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

BY: [Signature]

Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 6th day of May, 20 20, at Baton Rouge, Louisiana.

[Signature]

NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]

Lourdes Iturralde, Assistant Secretary

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

January 7, 2016

CERTIFIED MAIL (7004 2510 0006 3852 9790)
RETURN RECEIPT REQUESTED

LOUISIANA PIGMENT COMPANY, L.P.
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Dr.
Baton Rouge, LA 70816

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-13-01149
AGENCY INTEREST NO. 11496**

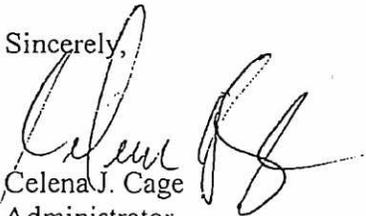
Dear Sir(s):

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 **LOUISIANA PIGMENT COMPANY, L.P. (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 Richard LeBlanc at (225) 219-3165.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/RDL/rdl
Alt ID No. 0520-00142
Attachment



c: Louisiana Pigment Company
3300 Bayou D'Inde Rd.
Westlake, LA 70669

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
LOUISIANA PIGMENT COMPANY, L.P.	*	ENFORCEMENT TRACKING NO.
CALCASIEU PARISH	*	
ALT ID NO. 0520-00142	*	AE-CN-13-01149
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	AGENCY INTEREST NO.
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, ET SEQ.	*	11496
	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **LOUISIANA PIGMENT COMPANY, L.P. (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 Titanium Dioxide Plant (the facility), an existing titanium dioxide production facility located at 3300 Bayou D'Inde Road in Westlake, Calcasieu Parish, Louisiana. The facility operated under Title V Air Permit No. 0520-00142-V6 issued on September 18, 2007. The permit was modified and Title V Air Permit No. 0520-00142-V7 was issued to the Respondent on February 27, 2009, which was administratively amended on September 28, 2009. The permit was modified and Title V Air Permit No. 0520-00142-V8 was issued to the Respondent on December 21, 2010. The facility currently operates under Title V Air Permit No. 0520-00142-V9 issued on April 21, 2014. Additionally, the facility operated under PSD Permit No. PSD-LA-553(M-4) issued on November 14, 2003, to increase production, which was administratively amended on

December 9, 2003, and PSD Permit No. PSD-LA-553(M-5) issued on October 20, 2004, to update emissions. The facility currently operates under PSD Permit No. PSD-LA-553(M-6) issued on July 25, 2005, to reroute an oxidizer vent, and PSD Permit No. PSD-LA-749 issued on December 21, 2010, to operate Off-Gas incinerators authorized on April 10, 2006.

II.

On or about December 15, 2009, May 10, 2011, October 19, 2011, and November 15, 2013, the Department conducted inspections at the facility to determine compliance with the Air Quality Regulations. Additionally, the Department conducted a file review for the facility on or about July 29, 2015.

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

- A. The Respondent self-reported in the facility's 2012 First and Second Semiannual Monitoring Reports submitted to the Department on or about September 20, 2012, and March 19, 2013, respectively, that visible emissions with opacity greater than 7% were observed coming from RBS Ore Bin Dust Collector F030-B (EQT0002). Specifically, visible emissions with opacity greater than 7% were observed coming from EQT0002 from 14:19 until 14:20 on February 19, 2012, and from 10:30 until 10:31 on September 10, 2012. Each instance of observed visible emissions from EQT0002 with opacity greater than 7% is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 13. Each instance of observed visible emissions from EQT0002 is also a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 672, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- B. The Respondent self-reported the following events of visible emissions with opacity greater than 7% observed coming from Feed Conveyor Dust Collector F042-A (EQT0010):

Report Type	Report Date	Event Date	Event Time	PM-10 Emitted
2011 Second Semiannual Monitoring Report	3/23/2012	10/6/2011	18:38-1839	Did not exceed permit limit
2012 First Semiannual Monitoring Report	9/20/2012	1/21/2012	8:35-8:36	Did not exceed permit limit
2012 Second Semiannual Monitoring Report	3/19/2013	10/2/2012	7:29-7:30	0.72 lbs

Each instance of observed visible emissions from EQT0010 with opacity greater than 7% after December 21, 2010, is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 94. Each instance of observed visible emissions with opacity

greater than 7% is also a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each exceedance over the permit limit of 0.04 pounds per hour (lbs/hr) of ten (10) micron or less particulate matter (PM-10) after December 21, 2010, is a violation of Title V Air Permit No. 0520-00142-V8 Emission Rates for Criteria Pollutants. Each exceedance is also a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- C. The Respondent self-reported in the facility's 2011 and 2012 Second Semiannual Monitoring Reports submitted on or about March 23, 2012, and March 19, 2013, respectively, failures to submit written notification to the Department within seven (7) days upon detecting visible emissions from EQT0010. Specifically, the Respondent failed to submit written notifications following the visible emissions events occurring on October 6, 2011, and October 2, 2012. Each failure to submit written notifications is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 678, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- D. The Respondent self-reported the following events of visible emissions with opacity greater than 7% observed coming from Feed Conveyor Dust Collector F042-B (EQT0011):

Report Type	Report Date	Event Date	Event Time	PM-10 Emitted
2011 First Semiannual Monitoring Report	9/26/2011	2/25/2011	8:55-9:00	Reported as exceedance of max hourly permit limit
2012 Second Semiannual Monitoring Report	3/19/2013	9/9/2012	15:58-16:05	8.8 lbs

Each instance of observed visible emissions from EQT0011 with opacity greater than 7% after December 21, 2010, is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 106. The failure to maintain opacity less than or equal to 20%, except for not more than one six-minute period, occurring on October 2, 2012, is also a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 111 and LAC 33:III.1311.C. Each instance of observed visible emissions is also a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each exceedance over the permit limit of 0.04 lbs/hr of PM-10 after December 21, 2010, is a violation of Title V Air Permit No. 0520-00142-V8 Emission Rates for Criteria Pollutants. Each exceedance is also a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- E. The Respondent self-reported in the facility's 2012 Second Semiannual Monitoring Report submitted on or about March 19, 2013, a failure to submit written notification to the Department within seven (7) days upon detecting visible emissions from

EQT0011. Specifically, the Respondent failed to submit a written notification following the visible emissions event occurring on September 9, 2012. The failure to submit written notification is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 678, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

- F. The Respondent self-reported in the facility's 2014 First Semiannual Monitoring Report submitted on or about September 18, 2014, a failure to maintain liquid flowrate above the permit limit for HCl Recovery Scrubber F265 (EQT0012). Specifically, the liquid flowrate for EQT0012 fell below the permit limit of 100 gallons per minute (gpm) at 13:18 on February 28, 2014. The failure to maintain liquid flowrate above the permit limit on February 28, 2014, is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 118, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- G. The Respondent self-reported the following exceedances above hourly maximum permit limits for EQT0013 as the result of incidents and/or releases:

Report Date	Event Date	Event Time	Pollutant	Permit Limit	Reported Amount
2/8/2011	2/2/2011	8:00-9:00	CO	200 lbs/hr	449.4 lbs
	2/2/2011	9:00-10:00	CO	200 lbs/hr	274.7 lbs
	2/2/2011	12:00-13:00	CO	200 lbs/hr	345.7 lbs
2/11/2011	2/6/2011	13:00-14:00	CO	200 lbs/hr	240.76 lbs
3/23/2011	3/22/2011	2:00-7:00	CO	200 lbs/hr	1392.25 lbs
5/9/2011	5/4/2011	9:00-10:00	CO	200 lbs/hr	839.5 lbs
7/1/2011	6/28/2011	19:00-20:00	CO	200 lbs/hr	285.94 lbs
9/23/2011	9/19/2011	6:00-7:00	CO	200 lbs/hr	207.2 lbs
10/7/2011	10/3/2011	14:00-15:00	CO	200 lbs/hr	900.57 lbs
11/1/2011	11/1/2011	20:00-21:00	CO	200 lbs/hr	215.05 lbs
	11/1/2011	21:00-22:00	CO	200 lbs/hr	200.37 lbs
12/29/2011	12/25/2011	9:00-10:00	CO	200 lbs/hr	676 lbs
	12/25/2011	11:00-13:00	CO	200 lbs/hr	730 lbs
12/30/2011	12/28/2011	13:00-14:00	CO	200 lbs/hr	289.8 lbs
3/7/2012	3/4/2012	14:00-16:00	CO	200 lbs/hr	2458.84 lbs
7/26/2012	7/24/2012	4:00-5:00	CO	200 lbs/hr	281.95 lbs
8/2/2012	7/27/2012	16:00-17:00	CO	200 lbs/hr	205.18 lbs
	7/30/2012	16:00-17:00	CO	200 lbs/hr	217.19 lbs
8/24/2012	8/21/2012	11:00-12:00	CO	200 lbs/hr	371.15 lbs
11/27/2012	11/23/2012	0:00-1:00	CO	200 lbs/hr	458.02 lbs
12/27/2012	12/21/2012	4:00-5:00	CO	200 lbs/hr	338.7 lbs
	12/21/2012	6:00-7:00	CO	200 lbs/hr	272.9 lbs

Report Date	Event Date	Event Time	Pollutant	Permit Limit	Reported Amount
	12/21/2012	7:00-8:00	CO	200 lbs/hr	320.3 lbs
9/26/2013	5/11/2013	2:00-3:00	CO	200 lbs/hr	405.7 lbs
9/18/2013	9/12/2013	16:00-18:00	CO	200 lbs/hr	418.03 lbs
10/24/2013	10/20/2013	9:52-11:48	CO	200 lbs/hr	349.03 lbs
1/13/2014	1/12/2014	17:15-18:30	CO	200 lbs/hr	489.4 lbs
3/20/2014	10/3/2013	20:00-21:00	SO2	556.51 lbs/hr	582.54 lbs
5/9/2014	5/8/2014	2:53-4:58	CO	200 lbs/hr	526.69 lbs
3/27/2015	12/16/2014	14:00-15:00	SO2	556.51 lbs/hr	578.02 lbs

Each exceedance of the permit limits for EQT0013 after December 21, 2010, but prior to April 21, 2014, is a violation of Title V Air Permit No. 0520-00142-V8 Emission Rates for Criteria Pollutants. Each exceedance after April 21, 2014, is a violation of Title V Air Permit No. 0520-00142-V9 Emission Rates for Criteria Pollutants. Each exceedance is also a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

H. The Respondent self-reported the following flame zone temperature deviations for EQT0013:

Report Date	Event Date	Equipment	Event Time
1/21/2011	1/17/2011	D223-B	10:14-10:56
	1/20/2011	D223-A	10:41-10:59
2/8/2011	2/2/2011	D223-A	7:16-17:18
		D223-B	7:27-10:14
		D223-B	12:13-13:37
2/11/2011	2/6/2011	D223-A	13:15-13:51
		D223-B	13:09-13:41
3/23/2011	3/21/2011	D223-B	16:36-17:09
	3/22/2011	D223-B	2:35-10:07
3/30/2011	3/24/2011	D223-A	18:19-18:48
5/9/2011	5/4/2011 – 5/5/2011	D223-A	9:30-10:56
		D223-B	9:30-12:17
5/9/2011	5/5/2011	D223-B	12:24-12:53
		D223-A	13:44-14:09
		D223-B	13:44-14:09
7/1/2011	6/28/2011	D223-B	18:59-19:32
	6/29/2011	D223-A	0:00-2:00
8/19/2011	8/15/2011	D223-A	11:29-21:59
8/19/2011	8/15/2011	D223-B	11:26-22:04

Report Date	Event Date	Equipment	Event Time
9/2/2011	8/31/2011 – 9/1/2011	D223-A	23:40-0:35
		D223-B	23:48-0:19
9/2/2011	9/1/2011	D223-B	7:52-8:15
9/23/2011	9/19/2011	D223-A	5:55-11:11
		D223-B	7:07-10:29
10/7/2011	10/3/2011	D223-A	14:08-15:57
		D223-B	14:10-14:46
11/1/2011	11/1/2011	D223-B	20:39-23:27
12/29/2011	12/25/2011	D223-A	8:44-9:38
		D223-B	9:01-9:37
		D223-A	11:47-12:41
		D223-B	11:49-12:41
12/30/2011	12/28/2011	D223-A	12:34-13:39
		D223-B	12:35-14:43
		D223-A	14:51-15:07
1/23/2012	1/18/2012	D223-A	19:34-20:01
2/22/2012	2/15/2012	D223-A	17:31-17:47
3/7/2012	3/4/2012	D223-A	13:58-16:50
		D223-B	14:00-16:34
3/15/2012	3/13/2012	D223-A	5:52-6:08
6/14/2012	6/12/2012	D223-B	14:03-14:25
6/28/2012	6/26/2012	D223-A	16:49-17:10
7/26/2012	7/24/2012	D223-B	3:50-4:52
	7/25/2012	D223-A	22:30-23:01
8/2/2012	7/27/2012	D223-A	16:11-16:31
	7/30/2012	D223-A	16:46-17:06
8/24/2012	8/21/2012	D223-A	11:34-16:28
		D223-B	11:20-16:42
10/23/2012	10/22/2012	D223-A	10:13-10:40
		D223-A	14:35-16:29
11/1/2012	10/28/2012	D223-B	13:40-13:57
11/1/2012	10/29/2012	D223-B	3:48-4:01
		D223-B	5:02-6:01
11/27/2012	11/23/2012	D223-A	0:04-1:38
12/27/2012	12/21/2012	D223-A	4:07-8:31
		D223-B	6:51-7:37
	12/25/2012	D223-A	21:38-22:09

Report Date	Event Date	Equipment	Event Time
12/27/2012	12/25/2012 – 12/26/2012	D223-A	23:20-1:08
12/27/2012	12/26/2012	D223-A	3:00-9:45
2/1/2013	1/30/2013	D223-B	11:20-13:28
3/7/2013	3/2/2013	D223-B	16:41-19:52
3/12/2013	3/6/2013	D223-B	22:55-23:02
3/15/2013	3/14/2013	D223-B	0:55-1:52
		D223-B	3:44-4:56
4/30/2013	4/27/2013 – 4/28/2013	D223-A	22:31-2:12
7/23/2013	7/22/2013	D223-A	2:14-2:39
		D223-A	4:01-4:26
8/8/2013	8/7/2013	D223-A	12:38-12:46
9/18/2013	9/12/2013	D223-A	15:29-17:16
		D223-A	18:01-18:40
		D223-B	15:29-17:01
		D223-B	18:04-18:13
10/24/2013	10/20/2013	D223-B	9:52-11:48
1/13/2014	1/12/2014	D223-A	17:17-18:30
		D223-B	17:15-18:30
1/23/2014	1/18/2014	D223-B	1:04-1:17
1/29/2014	1/24/2014	D223-A	18:14-20:23
5/9/2014	5/8/2014	D223-A	1:19-1:31
		D223-B	2:53-4:58

Each failure to maintain flame zone temperatures above 660degrees Celsius after December 21, 2010, but prior to April 21, 2014, is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirements 125 and 141. Each failure after April 21, 2014, is a violation of Title V Air Permit No. 0520-00142-V9 Specific Requirements 125 and 139. Each failure is also a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- I. The Respondent self-reported the following deviations on Specific Requirement 133 reports defined as wet scrubber liquid flow rates less than 1402 cubic feet per hour for EQT0013:

Report Date	Event Date	Equipment	Event Time
2/11/2011	2/8/2011	F208-A	14:39-14:50
11/30/2011	11/28/2011	F208-A	9:04
12/27/2011	12/22/2011	F208-B	17:28

Report Date	Event Date	Equipment	Event Time
3/13/2012	3/7/2012	F208-A	8:12

Each failure to maintain scrubber flow rate after December 21, 2010, is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirements 125 and 139. Each failure is also a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- J. The Respondent self-reported the following deviations on Specific Requirement 133 reports defined as wet scrubber pH less than 7 standard units for EQT0013:

Report Date	Event Date	Equipment	Event Time
5/19/2011	5/17/2011	F208-A	After 6:00-7:47
11/1/2011	10/27/2011	F208-B	14:01
3/28/2012	3/22/2012	F208-A	20:44-20:46
5/9/2012	5/4/2012	F208-B	9:59-10:24

Each failure to maintain a pH of 7 standard units or above after December 21, 2010, is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirements 125 and 140. Each failure is also a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- K. The Respondent self-reported in the facility's 2013 First Semiannual Monitoring Report submitted on or about September 26, 2013, a failure to monitor visible emissions by visual inspection/determination weekly. Specifically, the Respondent failed to conduct a weekly visual inspection for visible emissions from EQT0013 during the week of March 4, 2013, through March 11, 2013. This is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 136, LAC 33:III.1311.C, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

- L. The Respondent self-reported the following events where the liquid flow rate fell below the permit limit of 175 gallons per minute for Chlorine Scrubber Tower F414-A2 (EQT0022):

Report Type	Report Date	Event Date	Event Time
2011 First Semiannual Monitoring Report	9/26/2011	4/9/2011	22:46
2012 Second Semiannual Monitoring Report	3/19/2013	9/3/2012	0:55
2013 First Semiannual Monitoring Report	9/26/2013	6/20/2013	2:18-2:21
		6/26/2013	19:58-23:36

Each failure to maintain liquid flow rate at or above the permit limit for EQT0022 after December 21, 2010, is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 201. Each failure is also a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- M. The Respondent self-reported the following events where the liquid flow rate fell below the permit limit of 175 gallons per minute for Chlorine Scrubber Tower F414-B2 (EQT0023):

Report Type	Report Date	Event Date	Event Time
2011 First Semiannual Monitoring Report	9/26/2011	3/18/2011	23:28
2013 First Semiannual Monitoring Report	9/26/2013	5/22/2013	21:12-21:14

Each failure to maintain liquid flow rate at or above the permit limits for EQT0023 after December 21, 2010, is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 209. Each failure is also a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- N. The Respondent self-reported in the facility's 2013 First Semiannual Monitoring Report submitted on or about September 26, 2013, an event where the liquid pH fell below 7.5 standard units for EQT0023. Specifically, a vent valve was left open causing the pH to fall below 7.5 sometime after being placed on manual at approximately 14:38 on May 17, 2013, until the caustic was recharged at 22:09 on May 22, 2013. This is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 208, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- O. During the exceedance event abovementioned in subparagraph N for EQT0023, the Respondent failed to conduct pH recordkeeping by electronic or hard copy every four hours. Specifically, the Respondent self-reported that pH was sampled and recorded only twice per day. This is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 211, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- P. As a result of the exceedance event abovementioned in subparagraph N for EQT0023, an emissions exceedance also occurred. Specifically, the Respondent self-reported 3.65 pounds of chlorine emissions from 20:41 to 22:09 on May 22, 2013, with a maximum permit limit of .02 pounds per hour. This is a violation of Title V Air Permit No. 0520-00142-V8 Emission Rates for TAP/HAP & Other Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- Q. The Respondent self-reported the following events where the liquid flow rate fell below the permit limit of 130 gallons per minute for Calciner Off-Gas Scrubber (EQT0024):

Report Type	Report Date	Event Date	Event Time
2011 Second Semiannual Monitoring Report	3/23/2012	7/17/2011	8:10-11:16
2012 First Semiannual Monitoring Report	9/20/2012	5/25/2012 (intermittently)	8:25-10:51 (5 minutes total)
Specific Requirement 221 Report	3/4/2014	2/28/2014	13:18-13:53

Each failure to maintain liquid flow rate above the permit limits for EQT0024 after December 21, 2010, is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirements 217 and 229. Each failure is also a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

R. The Respondent self-reported in the facility's 2012 First Semiannual Monitoring Report submitted on or about September 20, 2012, an event where the liquid flow rate fell below the permit limit of 30 gallons per minute for Hydrogen Chloride Vent Scrubber F210-A (EQT0026). Specifically, the liquid flow rate fell below the permit limit at 6:57 on January 11, 2012. This is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 243, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

S. The Respondent self-reported the following opacity exceedances for Spray Dryer Dust Collector F603-A (EQT0028):

Report Type	Report Date	Event Date	Event Time
2013 First Semiannual Monitoring Report	9/26/2013	1/31/2013	15:30-15:55
		2/27/2013	11:10-11:20
Specific Requirement 690 Visible Emissions Report	3/4/2014	3/2/2014	12:55-13:00
2014 First Semiannual Monitoring Report	9/18/2014	1/9/2014	12:01-12:06

Each opacity exceedance for EQT0028 is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirements 251 and 685, LAC 33:III.1311.C, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

T. As a result of the January 31, 2013, February 27, 2013, and March 2, 2014, opacity exceedance events abovementioned in subparagraph S for EQT0028, emissions exceedances also occurred. Specifically, the Respondent self-reported PM-10 emissions of 1.59 pounds, 1.57 pounds and 1.31 pounds, respectively, with a permit max limit of .23 pounds per hour. Each PM-10 exceedance for EQT0028 is a violation of Title V Air Permit No. 0520-00142-V8 Emission Rates for Criteria Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

U. The Respondent self-reported in the facility's 2014 Second Semiannual Monitoring Report submitted on or about March 27, 2015, an opacity exceedance event for Pigment Transfer Bin Dust Collector F647-A3 (EQT0039) from 13:10 to 13:31 on October 14, 2014. The opacity exceedance for EQT0039 is a violation of Title V Air Permit No. 0520-00142-V9 Specific Requirement 348, LAC 33:III.1311.C, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Additionally, the event occurring on October 14, 2014, resulted in estimated PM-10 emissions of 4.48

pounds with a permit max limit of .03 pounds per hour. This is a violation of Title V Air Permit No. 0520-00142-V9 Emission Rates for Criteria Pollutants and CO₂e, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- V. The Respondent self-reported in the facility's 2013 First Semiannual Monitoring Report submitted on or about September 26, 2013, an opacity exceedance event for Small Bag Packing Silo Dust Collector F660-A1 (EQT0040) from 7:28 to 7:30 on April 18, 2013. The opacity exceedance for EQT0040 is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 361, LAC 33:III.1311.C, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Additionally, the event occurring on April 18, 2013, resulted in estimated PM-10 emissions of .09 pounds with a permit max limit of .03 pounds per hour. This is a violation of Title V Air Permit No. 0520-00142-V8 Emission Rates for Criteria Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- W. The Respondent self-reported in the facility's 2011 First Semiannual Monitoring Report submitted on September 26, 2011, an opacity exceedance event for Small Bag Packing Silo Dust Collector F660-A2 (EQT0041) from 12:47 to 12:49 on February 8, 2011. The opacity exceedance for EQT0041 is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 370, LAC 33:III.1311.C, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Additionally, the event occurring on September 26, 2011, resulted in estimated PM-10 emissions greater than the permit max limit of .03 pounds per hour. This is a violation of Title V Air Permit No. 0520-00142-V8 Emission Rates for Criteria Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- X. The Respondent self-reported the following operating parameter excursions and/or monitoring device downtimes for Utility Boiler D841-1X (EQT0046):

Report Type	Report Date	Event Date	Event Time
2011 First Semiannual Monitoring Report	9/26/2011	5/4/2011	10:40-11:38
2012 First Semiannual Monitoring Report	9/20/2012	6/29/2012	8:59-9:57
2012 Second Semiannual Monitoring Report	3/19/2013	10/16/2012	18:55-20:16
2013 Second Semiannual Monitoring Report	3/20/2014	11/13/2013	9:42-10:42
		11/20/2013	00:10-6:06
2014 First Semiannual Monitoring Report	9/18/2014	1/16/2014	6:03-7:02

Each operating parameter excursion and/or monitoring device downtime for EQT0046 after December 21, 2010, is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 428. Each exceedance is also a violation of LAC 33:III.509, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- Y. The Respondent self-reported the following opacity exceedance events for RDS Ore Silo Dust Collector F009-2 (EQT0050):

Report Type	Report Date	Event Date	Event Time	PM-10 Exceedance
2011 First Semiannual Monitoring Report	9/26/2011	4/16/2011	19:15	None
2011 Second Semiannual Monitoring Report	3/23/2012	8/12/2011	22:44	Yes, Amount Not Reported
2011 Second Semiannual Monitoring Report	3/23/2012	9/6/2011	13:03	Yes, Amount Not Reported
		9/10/2011	7:56	Yes, Amount Not Reported
		9/26/2011	0:30	Yes, Amount Not Reported
2012 First Semiannual Monitoring Report	9/20/2012	2/19/2012	10:25	None

Each opacity exceedance for EQT0050 after December 21, 2010, is a violation of Title V Air Permit No. 0520-0142-V8 Specific Requirements 455 and 461. Each exceedance is also a violation of LAC 33:III.1311.C, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each exceedance over the permit limit of 0.03 pounds per hour of PM-10 after December 21, 2010, is a violation of Title V Air Permit No. 0520-00142-V8 Emission Rates for Criteria Pollutants. Each exceedance is also a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- Z. The Respondent self-reported in the facility's 2013 First Semiannual Monitoring Report submitted on or about September 26, 2013, an opacity exceedance for Ore Silo Transfer No. 2 (DC-10) (EQT0061). Specifically, visible emissions were detected from EQT0061 at 14:50 on June 10, 2013. This is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirements 576, 581 and 672, LAC 33:III.1311.C, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- AA. The Respondent self-reported the following operating parameter excursions and/or monitoring device downtimes for Utility Boiler D841-2X (EQT0064):

Report Type	Report Date	Event Date	Event Time
2012 First Semiannual Monitoring Report	9/20/2012	1/26/2012	0:52-0:57
2012 Second Semiannual Monitoring Report	3/19/2013	10/12/2012	13:12-13:41
		12/21/2012	12:43-12:49
2013 First Semiannual Monitoring Report	9/26/2013	2/26/2013	0:30
		4/11/2013	1:40-3:05

Each operating parameter excursion and/or monitoring device downtime for EQT0064 after December 21, 2010, is a violation of Title V Air Permit

No. 0520-00142-V8 Specific Requirement 620. Each exceedance is also a violation of LAC 33:III.509, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

BB. The Respondent self-reported the following CO exceedances above the hourly maximum permit limit of 12.23 pounds per hour for EQT0064:

Report Date	Event Date	Event Time	Reported Amount
9/20/2012	2/15/2012	13:02-14:02	Not Reported
		17:02-18:02	Not Reported
3/19/2013	10/12/2012	13:02-14:02	13.4 lbs

Each exceedance of the permit limits for EQT0064 after December 21, 2010, is a violation of Title V Air Permit No. 0520-00142-V8 Emission Rates for Criteria Pollutants. Each exceedance is also a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

CC. The Respondent self-reported in the facility's 2013 First Semiannual Monitoring Report submitted on or about September 26, 2013, a deviation where the liquid flow rate fell below the permit limit of 65 gallons per minute for Emergency Scrubber Separator F162 (EQT0065). Specifically, the scrubber liquid flow rate fell below the permit limit of 65 gallons per minute from 2:32 to 2:48 on April 15, 2013. The failure to maintain scrubber flow rate above the permit limits for after December 21, 2010, is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 626. Each failure is also a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

II. The Respondent self-reported in the facility's 2013 First Semiannual Monitoring Report submitted on or about September 26, 2013, an opacity exceedance for Micronizer Feed Bins Dust Collectors F610 (EQT0069). Specifically, visible emissions were detected from EQT0069 from 8:50 to 9:00 on March 25, 2013. This is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirements 636, LAC 33:III.1311.C, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

JJ. The Respondent self-reported the following opacity exceedance events for Dust Collectors F649 (EQT0078):

Report Type	Report Date	Event Date	Event Time	PM-10 Exceedance
2011 First Semiannual Monitoring Report	9/26/2011	3/14/2011	23:00-23:05	Yes, Amount Not Reported
		4/5/2011	20:30	Yes, Amount Not Reported
2011 Second Semiannual Monitoring Report	3/23/2012	11/9/2011	18:15-18:18	Yes, Amount Not Reported

Report Type	Report Date	Event Date	Event Time	PM-10 Exceedance
2012 Second Semiannual Monitoring Report	3/19/2013	12/4/2012	18:52-18:55	.01 lbs
2013 First Semiannual Monitoring Report	9/26/2013	1/13/2013	19:21-19:24	.01 lbs
2014 First Semiannual Monitoring Report	9/18/2014	5/30/2014	23:10-23:12	.01 lbs

Each opacity exceedance over the permit limit of 0.003 pounds per hour of PM-10 prior to April 21, 2014, is a violation of Title V Air Permit No. 0520-00142-V8 Emission Rates for Criteria Pollutants. Each opacity exceedance after April 21, 2014, is a violation of Title V Air Permit No. 0520-00142-V9 Emission Rates for Criteria Pollutants and CO₂e. Each exceedance is also a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

KK. The Respondent self-reported the following releases as opacity exceedance events for Fugitives (FUG0001):

Report Type	Report Date	Event Date	Event Time	PM-10 Exceedance
2011 First Semiannual Monitoring Report	9/26/2011	3/31/2011	13:15-13:25	2 lbs
		4/26/2011	11:04-11:30	1.5 lbs
		5/3/2011	11:00-12:00	225 lbs
		5/4/2011	9:25-10:06	2 lbs
		5/24/2011	11:17-11:24	.5 lbs
2011 Second Semiannual Monitoring Report	3/23/2012	7/30/2011	18:05-18:35	.5 lbs
2012 First Semiannual Monitoring Report	9/20/2012	4/11/2012	8:10-8:30	None
2013 First Semiannual Monitoring Report	9/26/2013	6/4/2013	21:40-21:55	1 lb
Specific Requirement 719 Visible Emissions Report	8/11/2014	8/8/2014	15:10-15:20	3 lbs
2014 First Semiannual Monitoring Report	9/18/2014	6/12/2014	13:55-14:10	.5 lbs
Specific Requirement 719 Visible Emissions Report	9/24/2014	9/22/2014	9:15-9:20	1 lb

Each opacity exceedance for FUG0001 after December 21, 2010, but prior to April 21, 2014, is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirements 651. Each exceedance after April 21, 2014, is a violation of Title V Air Permit No. 0520-00142-V9 Specific Requirements 706, 713 and 723. Each exceedance is also a violation of LAC 33:III.1305, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each exceedance over the permit limit of

0.2 pounds per hour of PM-10 after December 21, 2010, but prior to April 21, 2014, is a violation of Title V Air Permit No. 0520-00142-V8 Emission Rates for Criteria Pollutants. Each exceedance after April 21, 2014, is a violation of Title V Air Permit No. 0520-00142-V9 Emission Rates for Criteria Pollutants and CO₂e. Each exceedance is also a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

LL. The Respondent self-reported in the facility's 2014 First Semiannual Monitoring Report submitted on or about September 18, 2014, a failure to written notification within seven (7) days upon detecting visible emissions for FUG0001. Specifically, the Respondent failed to submit a written notification within seven (7) days of the visible emissions event occurring on June 12, 2014. The failure to submit notification is a violation of Title V Air Permit No. 0520-00142-V9 Specific Requirement 719, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

MM. The Respondent self-reported in the facility's 2012 Second Semiannual Monitoring Report submitted on or about March 19, 2013, a failure to monitor visible emissions by visual inspection/determination daily for FUG0001. Specifically, visible emissions inspections were not completed for November 1, 2012. This is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirements 652, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The failure to complete visual emissions recordkeeping by manually logging upon measurement is a violation of Title V Air Permit No. 0520-00142-V8 Specific Requirement 660, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

NN. The Respondent self-reported the following titanium tetrachloride (TiCl₄) exceedances from cumulative incidents and fugitives above permit limits for Entire Facility (UNF0001):

Report Type	Report Date	Monitoring Period	Permit Limit	Reported Amount
2011 Second Semiannual Monitoring Report	3/23/2012	2011	.3 tpy	.75 tons
2013 Second Semiannual Monitoring Report	3/20/2014	2013	.3 tpy	.55 tons
2014 Second Semiannual Monitoring Report	3/27/2015	2014	.3 tpy	.36 tons

The 2011 and 2013 exceedances are violations of Title V Air Permit No. 0520-00142-V8 Emission Rates for TAP/HAP & Other Pollutants. The 2014 exceedance is a violation of Title V Air Permit No. 0520-00142-V9 Emission Rates for TAP/HAP & Other Pollutants. Each exceedance is also a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- OO. The Respondent self-reported in the facility's 2014 First Semiannual Monitoring Report submitted on or about September 18, 2014, the installation of equipment at the facility without approval from the permitting authority. Specifically in July 2010, the Respondent installed a temporary diesel pump and operated the pump without a permit through March 2012. The Respondent's failure to submit a permit application and receive approval from the permitting authority prior to the construction, modification, and/or operation of a facility, which ultimately may have resulted in an initiation or increase in emission of air contaminants, is a violation of LAC 33:III.501.C.1 and 30:2057(A)(2). Operation of the pump without a permit from July 2010 through March 2012 is a violation of LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- PP. The Respondent self-reported in the facility's 2014 First Semiannual Monitoring Report submitted on or about September 18, 2014, the operation of equipment without a permit. Specifically in order to replace the temporary diesel pump abovementioned in subparagraph OO, the Respondent installed a permanent diesel pump. While the Respondent received approval from the permitting authority to install the permanent diesel pump, the Respondent operated the pump without a permit from March 2012 until being included at EQT0084 in Title V Air Permit No. 0520-00142-V9 issued on April 21, 2014. Operation of the pump without a permit from March 2012 through April 21, 2014, is a violation of LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- QQ. The Respondent self-reported in the facility's 2014 Second Semiannual Monitoring Report submitted on or about March 27, 2015, a failure to operate according to the permit application. Specifically, the Respondent was authorized to install and operate a 575hp 2005 year model diesel compressor as EQT0085 in 0520-00142-V9 issued on April 21, 2014; however, the Respondent actually installed a 475hp 1996 year model diesel compressor. This is a violation of Title V Air Permit No. 0520-00142-V9 LA General Condition I, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Additionally, the Respondent reported that the deviation resulted in exceedances above the average and max hourly permit limits for NOx. Each exceedance of the permit limits is a violation of Title V Air Permit No. 0520-00142-V9 Emission Rates for Criteria Pollutants and CO_{2e}, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- RR. The Respondent experienced a release at the facility. Specifically, on or about December 21, 2014, a release of approximately 58.6 pounds of chlorine was released to the atmosphere due to waste chlorine tanks overflowing into a spent caustic tank. This is a violation of LAC 33:III.905 which states, "When facilities have been

installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded.” This is also a violation of Title V Air Permit No. 0520-00142-V9 Louisiana General Condition I, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

III.

On or about August 6, 2013, through August 7, 2013, the Department conducted a full compliance audit for the Chemical Accident Prevention Program provisions set forth in LAC 33:III.5901. Additionally, the Department conducted a file review for the facility on or about July 29, 2015.

While the Department’s investigation is not yet complete, the following violations were discovered during the course of the inspection and file review:

- A. The Respondent failed to certify that they have evaluated compliance with the Chemical Accident Prevention Program provisions at least every three (3) years. Specifically, the facility conducted a compliance audit in May 2009, but did not complete their next compliance audit until September 2012. This is a violation of LAC 33:III.5901.A, which incorporates by reference 40 CFR 68.58(a), and La. R.S. 30:2057(A)(2).
- B. The Respondent failed to promptly determine and document an appropriate response to each of the findings of a compliance audit and document that deficiencies have been corrected. Specifically, the May 2009 compliance audit report contained no documentation to address findings in the report and it was not documented if the findings were corrected. This is a violation of LAC 33:III.5901.A, which incorporates by reference 40 CFR 68.58(d), and La. R.S. 30:2057(A)(2).
- C. The Respondent failed to provide refresher training at least every three (3) years to each employee operating a process. Specifically, at the time of the inspection an employee was due for refresher training for the “Off Gas” unit in May 2012, but had not been completed at the time of the inspection. Additionally, another employee’s refresher training was due July 1, 2013, but was not completed until July 29, 2013. Each failure to provide refresher training is a violation of LAC 33:III.5901.A, which incorporates by reference 40 CFR 68.54(b), and La. R.S. 30:2057(A)(2).
- D. The Respondent failed to consult employees operating the process to determine the appropriate frequency of refresher training. Specifically, there was no documentation to demonstrate that an employee could receive refresher training at any time as

indicated by the Respondent. This is a violation of LAC 33:III.5901.A, which incorporates by reference 40 CFR 68.54(b), and La. R.S. 30:2057(A)(2).

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, including, but not limited to, all monitoring and reporting requirements, permit limits for emissions, and LAC 33:III.5901.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes amounts of any emissions listed above (subparagraphs II.D, II.Y, II.BB, II.JJ) as exceedances where the amounts were not provided.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, updated training records addressing the violations mentioned above in subparagraph III.C.

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 violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Richard LeBlanc
Re: Enforcement Tracking No. AE-CN-13-01149
Agency Interest No. 11496

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-13-01149
Agency Interest No. 11496

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 Richard LeBlanc at (225) 219-3165 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

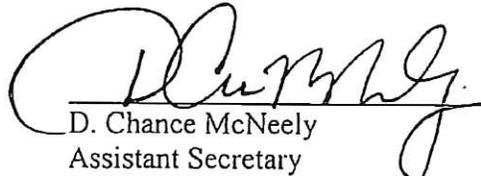
III.

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 7 day of January, 2018.



D. Chance McNeely
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: Richard LeBlanc