

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

BRENNTAG SOUTHWEST, INC.

AI # 39146

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

* Settlement Tracking No.

* SA-AE-20-0051

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* Enforcement Tracking No.

* AE-PP-17-00908

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SETTLEMENT

The following Settlement is hereby agreed to between Brenntag Southwest, Inc. (“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 corporation that owns and/or operates a bleach production and chlorine facility located in St. Gabriel, Iberville Parish, Louisiana (“the Facility”).

II

On June 14, 2019, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-17-00908 (Exhibit 1).

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 FORTY-FIVE THOUSAND AND NO/100 DOLLARS (\$45,000.00), of which One Thousand Four Hundred Twenty-Two and 28/100 Dollars (\$1,422.28) 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), the 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 Iberville Parish, Louisiana. The advertisement, in form and wording approved by the Department and the Respondent, 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 twenty (20) days from notice received by the Respondent 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

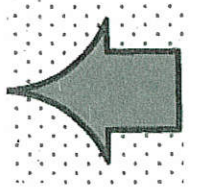
In consideration of the above, any claims for penalties are hereby compromised and settled

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.

BRENNTAG SOUTHWEST, INC.

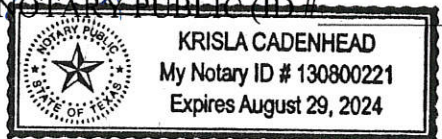


BY: W. Thomas Crain Jr.
(Signature)

W. Thomas Crain Jr.
(Printed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 12th day of October, 20 21, at 3:00pm.

Krisla Cadenhead
NOTARY PUBLIC (ID # _____)


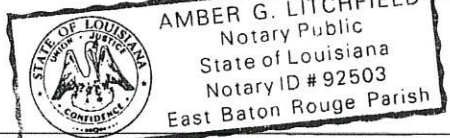
(stamped or printed)

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

BY: Lourdes Iturralde

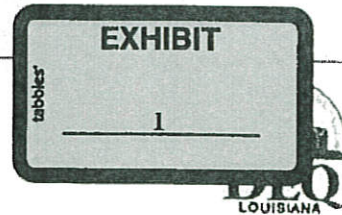
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 1st day of November, 20 21, at Baton Rouge, Louisiana.

Amber G. Litchfield
NOTARY PUBLIC (ID # 92503)


(stamped or printed)

Approved: Lourdes Iturralde
Lourdes Iturralde, Assistant Secretary



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

NOTICE OF POTENTIAL PENALTY

Enforcement Tracking No.	AE-PP-17-00908	Certified Mail No.	7014 0510 0002 3595 4400
Agency Interest (AI) No.	39146	Contact Name	Stacy Martinez
Alternate ID No.	1280-00090	Contact Phone No.	(225) 219-3378
Respondent:	Brenntag Southwest, Inc.	Facility Name:	St. Gabriel Bleach Plant
	c/o C T Corporation System	Physical Location:	4205 Louisiana Highway 75
	Agent for Service of Process		
	3867 Plaza Tower Drive Baton Rouge, LA 70816	City, State, Zip:	St. Gabriel, LA 70076
		Parish:	Iberville

This NOTICE OF POTENTIAL PENALTY is issued 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 30:2050.3(B).

FINDINGS OF FACT

An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.

I.	The Respondent owns and/or operates St. Gabriel Bleach Plant, a bleach production and chlorine facility. The facility is located at 4205 Louisiana Highway 75 in St. Gabriel, Iberville Parish, Louisiana.	
	Date of Violation	Description of Violation
II.	Chemical Accident Prevention Program (CAPP) Inspection April 18, 2017- April 19, 2017	The Respondent's Process Hazard Analysis (PHA) did not address stationary sources siting study as described in 40 CFR 68.67(c)(5). The last PHA conducted on September 20-22, 2011, did not have a stationary source siting study. Each failure for the PHA to address stationary source siting study is a violation of 40 CFR 68.67(c)(5), which language has been incorporated by reference in LAC 33:III.5901.A, and La. R.S.30:2057(A)(2). In correspondence dated November 2, 2017, the Respondent stated the stationary source siting was included in the most recent facility PHA updated on June 20, 2017.
III.	CAPP Inspection April 18, 2017- April 19, 2017	The Respondent failed to conduct PHA every five (5) years as described in 40 CFR 68.67(f). The last PHA was conducted on September 20-22, 2011. The failure to conduct PHA every five (5) years is a violation of 40 CFR 68.67(f), which language has been incorporated by reference in LAC 33:III.5901.A and La. R.S. 30:2057(A)(2). In correspondence dated November 2, 2017, the Respondent stated the PHA review was completed on June 20, 2017.
IV.	CAPP Inspection April 18, 2017- April 19, 2017	The Respondent failed to include safety and health considerations aside from necessary Personal Protective Equipment (PPE) in operation procedures SGBL-802 and SGBL-804. The facility did not include the properties of, and hazards presented by, the chemicals used in the process as described in 40 CFR 68.69(a)(3)(i) for SGBL-802 and SGBL-804. The facility also did not include control measures to be taken if physical contact or airborne exposure occurs as described in 40 CFR 68.69(a)(3)(iii) for SGBL-802 and SGBL-804. Each failure to include safety and health considerations aside from necessary PPE in operation procedures SGBL-802 and SGBL-804 is a violation of 40 CFR 68.69(a)(3)(i) and 40 CFR 68.69(a)(3)(iii), which language has been incorporated by reference in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). In correspondence dated November 2, 2017, the Respondent stated these procedures were updated to include the required information on May 9, 2017.
V.	CAPP Inspection April 18, 2017- April 19, 2017	The Respondent failed to annually certify operating procedures to assure that they reflect current operating practice. The Respondent had annual operating procedure certifications from February 2014, March 2015, and January 2016, but no certification for 2017. The failure to annually certify operating procedures is a violation of 40 CFR 68.69(c), which language has been incorporated by reference in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). In correspondence dated November 2, 2017, the Respondent stated operating procedures were reviewed and certified on May 9, 2017.
VI.	CAPP Inspection	The Respondent failed to conduct inspections and tests on process equipment in a manner consistent with manufacturer's recommendations and good engineering practices. Specifically, the Respondent failed to annually replace rupture disks for the expansion chamber on ET3. The rupture disk was installed in July 2015 and was not replaced until April 17, 2017, which was approximately nine (9) months after the rupture disk

	April 18, 2017- April 19, 2017	was due to be replaced in July 2016. Each failure to replace the rupture disk is a violation of 40 CFR 68.73(d)(3), which language has been incorporated by reference in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). In correspondence dated July 17, 2018, the Respondent provided documentation for the ET3 rupture disk replacement, which was completed on February 21, 2018.
VII.	CAPP Inspection April 18, 2017- April 19, 2017	The Respondent failed to correct deficiencies noted in December 2014 and November 2015 inspections of the bottom block assembly on a five (5) ton crane. The Respondent's contractor performed annual maintenance on the five (5) ton crane, and after both inspections in 2014 and 2015, the same deficiency was noted. Specifically, the bottom block assembly greasy fitting was noted as broken or missing in each inspection. For each occurrence, this deficiency was marked as a safety issue, however; it was not corrected. Additionally, the chlorine piping, one (1) inch degas line, was discovered to be vibrating excessively on upper deck during the facility tour. This caused visible abrasion to the exterior. Each failure to correct deficiencies before further use or in a timely manner is a violation of 40 CFR 68.73(e), which language has been incorporated by reference in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). In correspondence dated November 2, 2017, the Respondent stated that the contractors completed work on the bottom block assembly on June 23, 2017, and the contractor will rectify deficiencies identified in a timely manner moving on. In addition, the Respondent provided the work order and pictures as verification that the beam/pipe clamp was retightened on the one (1) inch degas line on April 21, 2017.
VIII.	CAPP Inspection April 18, 2017- April 19, 2017	The Respondent did not follow their written procedure to manage changes. Specifically, the Respondent used a maintenance work request form to initiate changes, and the Management of Change (MOC) form was completed once the change was completed. The maintenance work request form was not in the procedure. Additionally, MOC 4-6-16 was missing dates and signatures. The failure to establish and implement written procedures to manage changes is a violation of 40 CFR 68.75(a), which language has been incorporated by reference in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). In correspondence dated November 2, 2017, the Respondent stated that any future MOC will be completed as required and will be reviewed prior to initiation or completion of the work process.
IX.	CAPP Inspection April 18, 2017- April 19, 2017	The Respondent failed to update changed process safety information that resulted from a change to the stationary source. Specifically, MOC 1-4-16 and MOC 4-6-16 resulted in a change in the Piping and Instrument Diagrams (P&IDs); however, the P&IDs were not updated. Each failure to update the P&ID to reflect the MOC is a violation of 40 CFR 68.75(d), which language has been incorporated by reference in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). In correspondence dated November 2, 2017, the Respondent stated that the P&IDs were updated to reflect the changes to process.
X.	CAPP Inspection April 18, 2017- April 19, 2017	The Respondent failed to perform a Pre-Startup Safety Review (PSSR) as described in 40 CFR 68.77. A PSSR was not performed for the MOC 4-6-16. The failure to perform a PSSR is a violation of 40 CFR 68.77, which language has been incorporated by reference in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). In correspondence dated November 2, 2017, the Respondent stated that the PSSR for MOC 4-6-16 was performed on May 2, 2017.
XI.	CAPP Inspection April 18, 2017- April 19, 2017	The Respondent failed to update their Risk Management Plan (RMP) within six (6) months, regarding the October 17, 2013, incident. The failure to update the RMP is a violation of 40 CFR 68.195, which language has been incorporated by reference in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). In correspondence dated November 2, 2017, the Respondent stated that the RMP was updated before the audit but did not meet the deadline. The Respondent stated that a full RMP submission was reviewed on June 27, 2017 and was up to date.
XII.	CAPP Inspection April 18, 2017- April 19, 2017	The Respondent failed to include the date the investigation began as described in 40 CFR 68.81(d)(2) on the incident report for the October 17, 2013 incident. This is a violation of 40 CFR 68.81(d)(2), which language has been incorporated by reference in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). In correspondence dated November 2, 2017, the Respondent stated that changes have been made to the incident report within the Intelx to include the investigation timeframe.

XIII.	CAPP Inspection April 18, 2017- April 19, 2017	<p>The Respondent failed to implement safe work practices for the following:</p> <ol style="list-style-type: none"> 1. The required Lockout/Tagout procedure sheet for Safety Work Permit No. 001-Fab. The Cl₂ header dated September 30, 2016 was not filled out. 2. Permit numbers on safety work permits did not match the permit numbers on the corresponding three (3) hot work permits that were reviewed. 3. Safety work permit No. 001-weld 1, was dated November 30, 2016 and the corresponding hot work permit was dated November 29, 2016. In addition, the hot work completed date, start and stop time was not completed on the hot work permit. <p>Each failure to develop and implement safe work practices is a violation of 40 CFR 68.69(d), which language has been incorporated by reference in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). In correspondence dated November 2, 2017, the Respondent stated that each permit incident was reviewed with site management and employees. The Respondent retrained employees and affected personnel on June 15, 2017, to ensure hot work, Lockout/Tagout, and safe work permitting are performed correctly and completely in the future.</p>
XIV.	CAPP Inspection April 18, 2017- April 19, 2017	<p>The Respondent failed to obtain and evaluate contractor performance and safety information for two (2) contractors. This is a violation of 40 CFR 68.87(b)(1), which language has been incorporated by reference in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). In correspondence dated November 2, 2017, the Respondent stated that the contractors were contacted on April 19, 2017, to complete the required contractor evaluation form and submit updated insurance information. All other contractors were reviewed and verified as up to date.</p>
XV.	CAPP Inspection April 18, 2017- April 19, 2017	<p>The Respondent failed to consistently follow its policy to conduct periodic and close-out safety inspections. The facility's contractor policy (RMP 7.5.4 and RMP 7.5.5) require the facility personnel to audit contractors periodically and to conduct a close-out inspection prior to the contractor turning over the project to the facility. The Respondent could only provide three (3) contractor safety audits, and there were no safety audits for any of the four (4) contractors selected. The failure to consistently follow its policy to conduct periodic and close-out safety inspections is a violation of 40 CFR 68.87(b)(5), which language has been incorporated by reference in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). In correspondence dated November 2, 2017, the Respondent stated that the required inspections and close-out forms have been conducted since April 23, 2017.</p>
XVI.	CAPP Inspection April 18, 2017- April 19, 2017	<p>The Respondent failed to document compliance with 40 CFR 68.87(b)(2) and/or 40 CFR 68.87(b)(3). According to the Respondent's policy, contractor employees must be given safety and environmental site-specific training prior to or on the first day of work. The Respondent stated that the site-specific hazards and provisions of the emergency response plan are discussed with contractors during a walk through for safe-work permits but were not documented. The failure to maintain records is a violation of 40 CFR 68.200, which language has been incorporated by reference in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). In correspondence dated July 17, 2018, the Respondent provided documentation from October 2017 regarding contractor training, which included site-specific hazards and provisions of the Respondent's emergency response plan.</p>

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 Stacy Martinez at (225) 219-3378 or stacy.martinez@la.gov 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 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. 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.	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.
V.	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.

CONTACTS AND SUBMITTAL OF INFORMATION

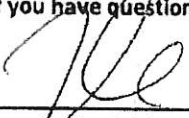
Enforcement Division:	Physical Address (if hand delivered):
Louisiana Department of Environmental Quality Office of Environmental Compliance Air Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Stacy Martinez	Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

HOW TO REQUEST CLOSURE OF THIS NOTICE OF POTENTIAL PENALTY

To expedite closure of the **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.

- The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7.
- The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
- The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent must include a justification of the offer.
- **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

If you have questions or need more information, you may contact Stacy Martinez at (225) 219-3378 or stacy.martinez@la.gov.



 Lourdes Iturralde
 Assistant Secretary
 Office of Environmental Compliance

Date: 6-14-19

cc: Brenntag Southwest Inc.
 c/o Matthew Cotton, Facility Operations Manager
 4205 LA Highway 75
 St. Gabriel, LA 70776

Attachment
 Request to Settle



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

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

Enforcement Tracking No.	AE-PP-17-00908	Contact Name	Stacy Martinez
Agency Interest (AI) No.	39146		
Alternate ID No.	1280-00090	Contact Phone No.	(225) 219-3378
Respondent:	Brenntag Southwest Inc.	Facility Name:	St. Gabriel Bleach Plant
	c/o C T Corporation System	Physical Location:	4205 Louisiana Highway 75
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	St. Gabriel, LA 70076
	Baton Rouge, LA 70816	Parish:	Iberville

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

- The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.
- In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-PP-17-00908), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
- In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-PP-17-00908), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$_____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.
 - Monetary component = \$_____
 - Beneficial Environmental Project (BEP) component (optional)= \$_____

DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
- The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-PP-17-00908) 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: Stacy Martinez

If you have questions or need more information, you may contact Stacy Martinez at (225) 219-3378 or stacy.martinez@la.gov.