

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

FLOPAM INC.

AI # 166443

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

* Settlement Tracking No.
* SA-AE-21-0083
*
* Enforcement Tracking No.
* AE-CN-14-01082
*
*
*
*
*

SETTLEMENT

The following Settlement is hereby agreed to between Flopam 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 manufacturing complex facility located in Plaquemine, Iberville Parish, Louisiana (“the Facility”).

II

On December 21, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-14-01082 (Exhibit 1).

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

- I. During the course of the inspection on September 11, 2018-September 13, 2018, the Respondent failed to assure that the recommendations for PHAs (process hazard analysis) are resolved in a timely manner and failed to communicate Acrylamide Tertio Butyl Sulfonate (ATBS) PHA findings with affected employees. Specifically, the following two (2) PHAs were reviewed:

- A. The ATBS initial PHA had 65 recommendations of which 87 action items were created. The following are the 87 action items created: four (4) recommendations were overdue, thirty-six (36) were completed late, three (3) that were closed required more information, five (5) were closed in error without addressing the finding, thirty-seven (37) were closed on time, and two (2) remained open with future due dates. In correspondence dated October 5, 2018, October 15, 2018, and October 25, 2018, the Respondent provided additional documentation which addressed the PHA findings.
- B. ATBS Neutralization Project PHA had 78 recommendations of which 73 action items were created. The following are the 73 action items that were created: twenty-nine (29) are overdue, nine (9) were completed late, three (3) were closed in error without addressing the finding, twenty-nine (29) were closed on time and three (3) remained open with future dates. In correspondence dated December 12, 2018, the Respondent provided additional documentation which addressed the PHA findings.
- C. The findings for the above two (2) PHAs were not communicated to affected employees. In correspondence dated October 5, 2018, the Respondent provided documentation demonstrating the communication of PHA findings with employees.

The Respondent's failure to assure that the recommendations are resolved in a timely manner and communicate the actions to employees whose work assignments are in the process and may be affected by the recommendations or actions is a violation of 40 CFR 68.67 (e), which language has been adopted as a Louisiana Regulation in LAC 33:III.5901, and La. R.S. 30:2057(A)(2). October 15, 2018, and October 25, 2018, which corrected the above areas of concern.

- II. During the course of the inspection on September 11, 2018-September 13, 2018, the Respondent failed to establish and implement written procedures to maintain the ongoing integrity of process equipment. Specifically, the following were noted during the inspection:

- A. The Respondent was still in the process of developing maintenance procedures for rotating equipment deemed critical in the PHA for the ATBS process and entering corresponding work orders into their work order system (SAP). These procedures should have been written prior to the startup of the ATBS unit in May 2017. In correspondence dated May 20, 2020, the Respondent reported that the development of the written procedures for equipment specific to the process is on-going and will be completed by first quarter 2021. The failure to establish and implement written procedures to maintain the on-going integrity of process equipment is a violation of 40 CFR 68.73(b), which language has been adopted as a Louisiana Regulation in LAC 33:III.5901, and La. R.S. 30:2057(A)(2).
- B. The MAP-03-104 Cooling Tower Fan #1 Preventative Maintenance Procedure was entered into SAP to be completed quarterly; however, maintenance was not completed quarterly. The cooling tower fan is in the ATBS unit, which started up in May 2017. Therefore, the maintenance plans should have been implemented on the

startup date. In correspondence dated May 22, 2019, the Respondent reported this was completed by March 12, 2019. The failure to establish and implement written procedures to maintain the on-going integrity of process equipment is a violation of 40 CFR 68.73(b), which language has been adopted as a Louisiana Regulation in LAC 33:III.5901, and La. R.S. 30:2057(A)(2).

- III. The Respondent failed to ensure that the inspection/testing procedures for instrumentation followed recognized and generally accepted good engineering practices. Specifically, the Respondent did not have any frequency, neither industry standards nor original equipment manufacturer recommendations established in their procedures for the preventative maintenance of instruments. The failure to ensure that the inspection/testing procedures for instrumentation followed recognized and generally accepted good engineering practices is a violation of 40 CFR 68.73(d)(2), which language has been adopted as a Louisiana Regulation in LAC 33:III.5901, and La. R.S. 30:2057(A)(2). In correspondence dated May 22, 2019, the Respondent reported that recognized and generally accepted good engineering practice procedures have been included in the written procedures.
- IV. During the course of the inspection on September 11, 2018-September 13, 2018, the Respondent failed to document an appropriate response to each of the findings of the compliance audit and document that deficiencies have been corrected. Specifically, Finding 6.2.3 of the 2015 compliance audit was not resolved or corrected. The finding noted that personnel erecting a scaffold outside the diked area of the acrylonitrile storage tanks were unable to describe the hazards and warning properties of acrylonitrile. The failure to document an appropriate response to each of the findings of the compliance audit and document that deficiencies have been corrected is a violation of 40 CFR 68.79(d), which language has been adopted as a Louisiana Regulation in LAC 33:III.5901, and La. R.S. 30:2057(A)(2).
- V. During the course of the inspection on September 11, 2018-September 13, 2018, the following are three (3) instances of the failure to periodically evaluate that each contract employee is trained in the work practices to safely perform his/her job:
 - A. Section 5.8 of Contractor EHS Responsibilities Summary, SAF-02-604 Rev. 03, stated that the Respondent will conduct weekly contractor assessments using the Contractor Weekly Assessment form; however there were no records of this assessment being completed. In correspondence dated October 5, 2018, the Respondent reported that the above provision was part of the original set of procedures created when the facility was initially constructed and was intended to apply only to new construction; however, this provision has been removed.
 - B. The Respondent's procedure stated that periodic Field Safety Inspection/Audits would be conducted. The Respondent reported that the audits were done quarterly in past; however, the inspections/audits had not been completed since December 2017.

In correspondence dated October 5, 2018, the Respondent reported that the quarterly assessments have resumed.

- C. Training qualifications for two (2) UEC employees had expired, but they were still allowed to work at the facility. The UEC supervisor reported that both employees would be sent to receive refresher training.

The failure to periodically evaluate that each contract employee is trained in the work practices to safely perform his/her job is a violation of 40 CFR 68.87(b)(5), which language has been adopted as a Louisiana Regulation in LAC 33:III.5901, and La. R.S. 30:2057(A)(2).

The Respondent must complete the Compliance Schedule for the ATBS Plant, as outlined in the Administrative Order on Consent (Exhibit 2), to address certain areas of concern noted during the Department's September 2018 inspection.

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 THIRTEEN THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$13,400.00), of which Two Thousand Fifteen and 16/100 Dollars (\$2,015.16) 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 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, 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.

FLOPAM INC.

BY: [Signature]
(Signature)

Ivan Caldwell
(Printed)

TITLE: Site Director

THIS DONE AND SIGNED in duplicate original before me this July 7 day of July, 20 22, at 01:20 pm.

[Signature]
NOTARY PUBLIC (ID # 77428)

RACQUEL P. SPONAUGLE
NOTARY PUBLIC
ID# 77428

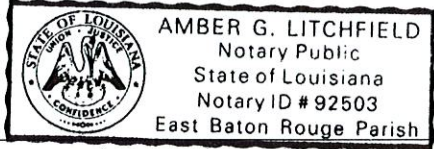
(stamped or printed)

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

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

THIS DONE AND SIGNED in duplicate original before me this 5th day of October, 20 22, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 92503)



(stamped or printed)

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



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 21, 2018

CERTIFIED MAIL (7017 0530 0000 5978 5502)
RETURN RECEIPT REQUESTED

FLOPAM, INC.
c/o National Registered Agents, Inc.
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-14-01082
AGENCY INTEREST NO. 166443**

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 **FLOPAM, INC. (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 Stacy Martinez at 225-219-3378 or stacy.martinez@la.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/SMM/smm
Alt ID No. 1280-00141
Attachment



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

<p>IN THE MATTER OF</p> <p>FLOPAM, INC.</p> <p>IBERVILLE PARISH</p> <p>ALT ID NO. 1280-00141</p> <p>PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>ENFORCEMENT TRACKING NO.</p> <p style="text-align: center;">AE-CN-14-01082</p> <p>AGENCY INTEREST NO.</p> <p style="text-align: center;">166443</p>
--	---	---

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **FLOPAM, INC. (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 Flopam Facility, a manufacturing complex, located at 26790 Louisiana Highway 405 in Plaquemine, Iberville Parish, Louisiana. The facility operates or has operated under the authority of the following Title V Permits and Prevention of Significant Deterioration (PSD) Permits:

PERMIT NO.	ISSUE DATE
1280-00147-V8	August 14, 2018
1280-00147-V7	December 28, 2017
PSD-747(M-7)	December 28, 2017
1280-00147-V6	June 14, 2017
PSD-747(M-6)	June 14, 2017
1280-00147-V5	January 7, 2016
PSD-747(M-5)	January 7, 2016
1280-00147-V4	February 10, 2015

PERMIT NO.	ISSUE DATE
PSD-747(M-4)	February 10, 2015
1280-00147-V3	May 13, 2013
PSD-747(M-3)	May 13, 2013
1280-00147-V2	July 5, 2012
PSD-747(M-2)	July 5, 2012

II.

On or about June 18, 2014, the Department performed an inspection of the Respondent's facility to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the inspections and subsequent file review conducted on December 18, 2018:

- A. During the June 18, 2014 inspection, areas of concern were noted in the 2013 Scrubber Out of Range Report dated March 13, 2014, the 2013 Revised Title V First Semiannual Report dated March 12, 2014, and the 2013 Title V Second Semiannual Report dated March 12, 2014. Specifically, Acrylamide Plant AML1 and TNA1 Scrubber AM1-SC1, Emission Point No. EQT 0041, and Acrylamide Plant AML1-Reactors/Scrubber AM1-SC2/AM1-SC3, Emission Point No. EQT 0046, operated out of range of the scrubbant flow rate permit limit. Emission Point Nos. EQT 0046 and EQT 0041 are group members of Common Requirements for Scrubbers, CRG 002, which require the flow rate to be ≥ 2.0 gallons per minute per Specific Requirement No. 9 of Title V Permit Nos. 1280-0041-V2 and 1280-00141-V3. The following are the reported hours that EQT 0041 and EQT 0046 operated out of range from the scrubbant flow rate permit requirement.

	REPORT (date)	PERMIT NUMBER	EQUIPMENT	INCIDENT DATE (duration)	FLOW (gallons per minute)	REQUIREMENT (gallons per minute)
1.	2013 Scrubber Out of Range Report (March 13, 2014) & 2013 Revised Title V First Semiannual Report (March 12, 2014)	1280- 00141-V2	EQT 0041 (AM1-SC1)	1.6.2013 (3 hours)	1.4	≥ 2.0

	REPORT (date)	PERMIT NUMBER	EQUIPMENT	INCIDENT DATE (duration)	FLOW (gallons per minute)	REQUIREMENT (gallons per minute)
2.	2013 Scrubber Out of Range Report (March 13, 2014) & 2013 Revised Title V First Semiannual Report (March 12, 2014)	1280- 00141-V2	EQT 0041 (AMI-SCI)	4.4.2013 (2 hours 55 minutes)	1.4	>=2.0
3.	2013 Scrubber Out of Range Report (March 13, 2014) & 2013 Revised Title V First Semiannual Report (March 12, 2014)	1280- 00141-V2	EQT 0041 (AMI-SCI)	4.28.2013 (3 hours 12 minutes)	1.9	>=2.0
4.	2013 Scrubber Out of Range Report (March 13, 2014) & 2013 Revised Title V First Semiannual Report (March 12, 2014)	1280- 00141-V2	EQT 0041 (AMI-SCI)	5.6.2013 (15 minutes)	1.2	>=2.0
5.	2013 Scrubber Out of Range Report (March 13, 2014) & 2013 Revised Title V First Semiannual Report (March 12, 2014)	1280- 00141-V3	EQT 0041 (AMI-SCI)	6.19.2013 (2 hours 27 minutes)	1.1	>=2.0
6.	2013 Scrubber Out of Range Report (March 13, 2014) & 2013 Title V Second Semiannual Report (March 12, 2014)	1280- 00141-V3	EQT 0041 (AMI-SCI)	7.2.2013 (6 hours 19 minutes)	1.4	>=2.0

	REPORT (date)	PERMIT NUMBER	EQUIPMENT	INCIDENT DATE (duration)	FLOW (gallons per minute)	REQUIREMENT (gallons per minute)
7.	2013 Scrubber Out of Range Report (March 13, 2014) & 2013 Title V Second Semiannual Report (March 12, 2014)	1280- 00141-V3	EQT 0041 (AM1-SC1)	8.8.2013 (2 hours 18 minutes)	0.2	>=2.0
8.	2013 Scrubber Out of Range Report (March 13, 2014) & 2013 Title V Second Semiannual Report (March 12, 2014)	1280- 00141-V3	EQT 0046 (AM1-SC2)	12.4.2013 (5 hours 20 minutes)	1.8	>=2.0
9.	2013 Scrubber Out of Range Report (March 13, 2014)	1280- 00141-V3	EQT 0046 (AM1-SC2)	12.5.2013 (4 hours 45 minutes)	1.8	>=2.0
10.	2013 Scrubber Out of Range Report (March 13, 2014)	1280- 00141-V3	EQT 0046 (AM1-SC2)	12.23.2013 (3 hours)	0.4	>=2.0
11.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AM1-SC3)	2.2.2014 (6 hours)	1.7+ *	>=2.0
12.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AM1-SC3)	2.3.2014 (3 hours)	1.6+ *	>=2.0
13.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AM1-SC3)	2.4.2014 (3 hours)	1.6+*	>=2.0
14.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AM1-SC3)	2.6.2014 (3 hours)	1.6+*	>=2.0
15.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AM1-SC3)	2.6.2014 (3 hours)	1.4+*	>=2.0
16.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AM1-SC3)	2.7.2014 (3 hours)	1.7+*	>=2.0
17.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AM1-SC3)	2.7.2014 (3 hours)	1.5+*	>=2.0
18.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AM1-AC3)	2.7.2014 (6 hours)	1.5+*	>=2.0

	REPORT (date)	PERMIT NUMBER	EQUIPMENT	INCIDENT DATE (duration)	FLOW (gallons per minute)	REQUIREMENT (gallons per minute)
19.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AMI-SC3)	2.8.2014 (3 hours)	1.8+*	>=2.0
20.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AMI-SC3)	2.8.2014 (3 hours)	1.7+*	>=2.0
21.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AMI-SC3)	2.12.2014 (3 hours)	1.4+*	>=2.0
22.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AMI-SC3)	2.15.2014 (3 hours)	1.5+*	>=2.0
23.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AMI-SC3)	2.16.2014 (3 hours)	1.7+*	>=2.0
24.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AMI-SC3)	2.18.2014 (3 hours)	1.5+*	>=2.0
25.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AMI-SC3)	2.19.2014 (6 hours)	1.7+*	>=2.0
26.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AMI-SC3)	2.23.2014 (3 hours)	1.6+*	>=2.0
27.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AMI-SC3)	2.23.2014 (3 hours)	1.2+*	>=2.0
28.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AMI-SC3)	2.23.2014 (6 hours)	1.9+*	>=2.0
29.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AMI-SC3)	2.24.2014 (3 hours)	1.9+*	>=2.0
30.	2014 Scrubber Out of Range Report (February 4, 2015)	1280-00141- V3	EQT 0046 (AMI-SC3)	2.25.2014 (3 hours)	1.4+*	>=2.0

* indicates water flow could not be read by one scrubber flow meter. EQT 0046 has two nozzles and two flow meters providing water to the scrubber, which combine to meet >=2.0 gallons per minute.

The failure to maintain the scrubbant flow rate at >=2.0 gallons per minute is a violation of Specific Requirement No. 9 of Title V Permit Nos. 1280-00141-V2 and 1280-00141-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). According to the 2013 First Revised Title V Semiannual Report dated March 12, 2014 and the 2013 Second Title V Semiannual Report dated March 12, 2014, the Respondent reported that system modifications were a corrective action for the scrubber flow deviations.

B. During the June 18, 2014 inspection, areas of concern were noted in the 2014 Scrubber Out of Range Report dated February 4, 2015 and the 2014 Title V Semiannual First Semiannual report dated September 18, 2014. Specifically, the flow rate monitoring device stopped reading and no records could be kept for Acrylamide Plant AML1 and TNA1 Scrubber AM1-SC1, Emission Point No. EQT 0041. Emission Point No. EQT 0041 is a group member of Common Requirements for Scrubbers, CRG 002, which requires recordkeeping by electronic or hard copy once every four (4) hours for the flow rate per Specific Requirement No. 12 of Title V Permit No. 1280-00141-V3. The reports listed the following instances in which the flow meter stopped reading flow due to a scrubber flow meter malfunction.

	REPORT (date)	PERMIT NUMBER	EQUIPMENT	INCIDENT DATE (duration)	FLOW (gallons per minute)	REQUIREMENT (gallons per minute)
1.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AM1-SC1)	1.4.2014 (3 hours)	*	>=2.0
2.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AM1-SC1)	1.10.2014 (3 hours)	*	>=2.0
3.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AM1-SC1)	1.19.2014 (3 hours)	*	>=2.0
4.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AM1-SC1)	1.22.2014 (3 hours)	*	>=2.0
5.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AM1-SC1)	1.23.2014 (3 hours)	*	>=2.0
6.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AM1-SC1)	1.28.2014 (3 hours)	*	>=2.0
7.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AM1-SC1)	2.1.2014 (3 hours)	*	>=2.0

	REPORT (date)	PERMIT NUMBER	EQUIPMENT	INCIDENT DATE (duration)	FLOW (gallons per minute)	REQUIREMENT (gallons per minute)
8.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AM1-SCI)	2.4.2014 (3 hours)	*	>=2.0
9.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AM1-SCI)	2.6.2014 (3 hours)	*	>=2.0
10.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AM1-SCI)	2.9.2014 (6 hours)	*	>=2.0
11.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AM1-SCI)	2.10.2014 (6 hours)	*	>=2.0
12.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AM1-SCI)	2.11.2014 (3 hours)	*	>=2.0
13.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AM1-SCI)	2.12.2014 (6 hours)	*	>=2.0
14.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AM1-SCI)	2.12.2014 (3 hours)	*	>=2.0
15.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AM1-SCI)	2.15.2014 (3 hours)	*	>=2.0
16.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AM1-SCI)	2.19.2014 (3 hours)	*	>=2.0
17.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AM1-SCI)	2.21.2014 (3 hours)	*	>=2.0

	REPORT (date)	PERMIT NUMBER	EQUIPMENT	INCIDENT DATE (duration)	FLOW (gallons per minute)	REQUIREMENT (gallons per minute)
18.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AMI-SC1)	2.26.2014 (3 hours)	*	>=2.0
19.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AMI-SC1)	3.1.2014 (3 hours)	*	>=2.0
20.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AMI-SC1)	3.2.2014 (6 hours)	*	>=2.0
21.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AMI-SC1)	3.5.2014 (3 hours)	*	>=2.0
22.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AMI-SC1)	3.7.2014 (3 hours)	*	>=2.0
23.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AMI-SC1)	3.12.2014 (9 hours)	*	>=2.0
24.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AMI-SC1)	3.15.2014 (3 hours)	*	>=2.0
25.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AMI-SC1)	3.16.2014 (3 hours)	*	>=2.0
26.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AMI-SC1)	3.29.2014 (3 hours)	*	>=2.0
27.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AMI-SC1)	3.30.2014 (3 hours)	*	>=2.0

	REPORT (date)	PERMIT NUMBER	EQUIPMENT	INCIDENT DATE (duration)	FLOW (gallons per minute)	REQUIREMENT (gallons per minute)
28.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AMI-SC1)	4.3.2014 (3 hours)	*	≥ 2.0
29.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AMI-SC1)	4.4.2014 (3 hours)	*	≥ 2.0
30.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AMI-SC1)	4.11.2014 (6 hours)	*	≥ 2.0
31.	2014 Scrubber Out of Range Report (February 4, 2015)	1280- 00141-V3	EQT 0041 (AMI-SC1)	4.23.2014 (6 hours)	*	≥ 2.0

* indicates water flow could not be read by scrubber flow meter.

The failure to record the flow rate by electronic or hard copy once every four (4) hours is a violation of Specific Requirement No. 12 of Title V Permit No. 1280-00141-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). According to the 2014 Title V First Semiannual Report dated September 18, 2014, the Respondent reported that the flow meter stopped reading water flow for EQT 0041 due to increased production and water demand in other areas of the unit. Therefore, small air pockets were produced in the water stream and the vortex meter would stop reading water flow for a period of time. The Respondent reported design and piping changes for EQT 0041.

III.

Specific Requirement No. 279 of Title V Permit No. 1280-00141-V0 and LAC 33: III.5911.A, required the Respondent to register each stationary source that has a covered process as defined by 40 CFR 68.3. The Respondent submitted the Chemical Accident Prevention Program Registration Form dated December 7, 2011 to the Department. According to information provided in this form, the Respondent has been subject to Program Level Three (3) since October 26, 2011. On or about February 26, 2013 through February 28, 2013, the Department performed inspections of the Respondent's facility to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the inspections:

- A. According to the field interview form (FIF) for the February 26, 2013 through February 28, 2013 inspections, the written procedures were not established or implemented for maintaining instruments. 40 CFR 68.73(b) requires written procedures to be established and implemented to maintain the on-going integrity of process equipment.
- B. According to the FIF for the February 26, 2013 through February 28, 2013 inspections, the commissioning checks, tests on instruments, and emergency shutdown devices (ESDs) were not documented and records were not maintained for five (5) years. 40 CFR 68.200 requires records to be maintained for five (5) years.

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.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the date and method of implementation for the written procedures to maintain the on-going integrity of the process equipment as required by 40 CFR 68.73(b) and described in Paragraph III.A. of the **FINDINGS OF FACT** portion of this **COMPLIANCE ORDER**.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, an explanation of the record retention process and documentation of records kept for five (5) years regarding commissioning checks, test on instruments, and emergency shutdown devices as required by 40 CFR 68.200 and described in Paragraph III.B. of the **FINDINGS OF FACT** portion of this **COMPLIANCE ORDER**.

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: Stacy Martinez
Re: Enforcement Tracking No. AE-CN-14-01082
Agency Interest No. 166443

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-14-01082
Agency Interest No. 166443

III.

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

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right

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

V.

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

VI.

Civil penalties of not more than 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 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 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.


Baton Rouge, Louisiana, this 21st 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: Stacy Martinez

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		
Enforcement Tracking No.	AE-CN-14-01082	Contact Name	Stacy Martinez	
Agency Interest (AI) No.	166443	Contact Phone No.	225-219-3378	
Alternate ID No.	1280-00141			
Respondent:	Flopam, Inc.	Facility Name:	Flopam Facility	
	c/o National Registered Agents, Inc.	Physical Location:	Louisiana Highway 405	
	Agent for Service of Process			
	3867 Plaza Tower Drive	City, State, Zip:	Plaquemine, LA 70764	
	Baton Rouge, LA 70816	Parish:	Iberville	
STATEMENT OF COMPLIANCE				
STATEMENT OF COMPLIANCE		Date Completed	Copy Attached?	
A written report was submitted in accordance with Paragraph IV 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, III 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)				
<i>(check the applicable option)</i>				
_____	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.Subpart 1.Chapter 7.			
_____	In order to resolve any claim for civil penalties for the violations in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-14-01082), 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 COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-14-01082), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • 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 COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-14-01082) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.			

CERTIFICATION STATEMENT		
<p><i>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.</i></p>		
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:		
<p>Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Stacy Martinez</p>		

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

APR 11 2022



CERTIFIED MAIL (7021 0950 0001 9072 9123)
RETURN RECEIPT REQUESTED

FLOPAM INC.
c/o National Registered Agents, Inc.
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: ADMINISTRATIVE ORDER ON CONSENT
ENFORCEMENT TRACKING NO. AE-AOC-21-00816
AGENCY INTEREST NO. 166443**

Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, *et seq.*), the attached **ADMINISTRATIVE ORDER ON CONSENT** is hereby served on **FLOPAM INC. (RESPONDENT)**.

Any questions concerning this action should be directed to Gabrielle Green at (225) 219-3468 or Gabrielle.Green2@la.gov.

Sincerely,

A handwritten signature in black ink that reads "Angela Marse".

Angela Marse
Administrator
Enforcement Division

AM/GJG/gjg
Alt ID No. 1280-00141
Attachment

c: Flopam Inc.
c/o Timothy Kane, EHS Manager
P.O. Box 1367
Plaquemine, LA 70764



**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

**FLOPAM INC.
IBERVILLE PARISH
ALT ID NO. 1280-00141**

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

*

*

*

*

*

*

*

*

*

*

*

ENFORCEMENT TRACKING NO.

AE-AOC-21-00816

AGENCY INTEREST NO.

166443

ADMINISTRATIVE ORDER ON CONSENT

The following **ADMINISTRATIVE ORDER ON CONSENT** is issued this day to **FLOPAM INC. (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. 30:2011(D)(6) and (D)(14). The Respondent consents to the requirements set forth below.

FINDINGS OF FACT

I.

The Respondent owns and/or operates a manufacturing complex, located at 26790 Louisiana Highway 405 in Plaquemine, Iberville Parish, Louisiana. The facility currently operates under Title V Air Permit No. 1280-00141-V13 issued on May 5, 2021, and Prevention of Significant Deterioration (PSD) Permit No. PSD-LA-747(M-8) issued on May 13, 2021. The facility is subject to 40 CFR 68 Risk Management Program (RMP) program level three (3) requirements.

II.

On September 11, 2018 through September 13, 2018, the Department performed an inspection of the Respondent's facility to determine the degree of compliance with the Act and Air Quality Regulations. The inspection revealed violations of the RMP regulations, including the Respondent's failure to establish and implement written procedures to maintain the ongoing integrity of process equipment as required by 40 CFR 68.73(b), which language has been adopted by LAC 33:III.5901.A. At the time of the

Department's inspection, the Respondent was still in the process of developing maintenance procedures for rotating equipment deemed critical in the Process Hazard Analysis (PHA) for the Acrylamido Tertio Butyl Sulfonate (ATBS) process and entering corresponding work orders into their work order system (SAP). The procedures should have been written prior to the startup of the ATBS unit in May 2017. On or about March 12, 2019, the Department issued Warning Letter, Enforcement Tracking No. AE-L-19-00212 to the Respondent for the violations noted during the September 11 through 13, 2018 inspection.

III.

The aforementioned violation is being addressed in Settlement Agreement, Tracking No. SA-AE-21-0083. Additionally, the Respondent ultimately addressed the remaining violations noted in the inspection. These violations were included in Consolidated Compliance Order & Notice of Potential Penalty (CONOPP), Enforcement Tracking No. AE-CN-14-01082. The settlement agreement includes CONOPP, Enforcement Tracking No. AE-CN-14-01082 and Warning Letter, AE-L-19-00212.

IV.

In electronic correspondence dated May 20, 2020, the Respondent reported that the ATBS unit was shut down for the remainder of 2020 and the development of the written procedures for equipment specific to the ATBS process was on-going and would be completed by the first quarter of 2021. According to electronic correspondence dated May 21, 2020, the Respondent was in the process of clearing regulated substances from the equipment in the ATBS operating unit. When the clearing was completed, the equipment within the ATBS operating unit would not contain any regulated compounds; however, regulated chemicals will remain in the storage tanks associated with the ATBS unit throughout the shutdown.

V.

On February 1, 2021, the Respondent submitted a Proposed Compliance Schedule for the ATBS Plant to address certain areas of concern noted during the Department's September 2018 inspection. On or about November 9, 2021, the Respondent submitted a revised compliance schedule to include ATBS Plant Trials and updated prospective due dates.

ADMINISTRATIVE ORDER

Based on the foregoing, the Department hereby orders, and the Respondent hereby agrees that:

I.

The Respondent shall comply with the timeline set forth below:

Milestone	Prospective Due Date
ATBS Plant PHA Re-Analysis Completion	March 16, 2021*
ATBS Plant PHA Recommendation Completion: Pre-Startup	Before startup of the ATBS Plant
ATBS Plant PHA Recommendation Completion: Post-Startup	Fourth Quarter 2022
ATBS Plant Maintenance Procedures Established: Equipment List Update	August 12, 2021*
ATBS Plant Maintenance Procedures Established: New Equipment	April 20, 2022
ATBS Plant Maintenance Procedures Implementation: Upload	April 30, 2022
ATBS Plant Maintenance Procedure Implementation: Training	April 30, 2022
ATBS Plant Trials	May – October 2022
ATBS Plant Startup	Fourth Quarter 2022

*Indicates that the milestone has been completed

II.

To submit to the Enforcement Division, at least seven (7) days prior to the milestone listed in Paragraph I of the **ADMINISTRATIVE ORDER** portion of this **ADMINISTRATIVE ORDER ON CONSENT**, notification of any anticipated failure to meet a Prospective Due Date, along with an explanation of the reason(s) for such anticipated failure and a new Prospective Due Date. Revised prospective Due Dates may be approved at the discretion of the Department in writing.

III.

The submit to the Enforcement Division monthly progress reports until each milestone listed in Paragraph I of the **ADMINISTRATIVE ORDER** portion of this **ADMINISTRATIVE ORDER ON CONSENT** is completed. The progress reports shall be postmarked by the thirtieth of each month detailing the actions taken by the Respondent during the preceding month.

IV.

To the extent required by law, further proceedings relating to this **ADMINISTRATIVE ORDER** will be governed by the Administrative Procedure Act, La. R.S. 49.950, *et seq.*

V.

This **ADMINISTRATIVE ORDER ON CONSENT** may be executed in counterparts, each of which may be executed by one or more of the signatory parties hereto. Signature pages may be detached

from the counterparts and attached to one or more copies of this Agreement to form multiple legally effective documents. Facsimile signatures shall be sufficient in lieu of original signatures.

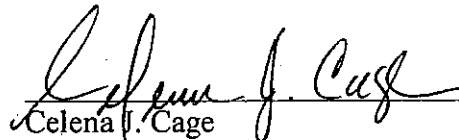
VI.

For each action or event 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, nothing herein shall be construed to preclude the right to seek such penalties and compliance.

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

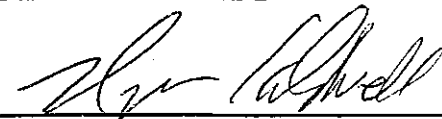
This **ADMINISTRATIVE ORDER ON CONSENT** shall be final and effective upon signature by an authorized representative of the Department and signature by the authorized representative of the Respondent.

Baton Rouge, Louisiana, this 1th day of April, 2022.



Celena J. Cage
Assistant Secretary
Office of Environmental Compliance

NAME OF FACILITY

By: _____

Date: 4/26/22

Name: Ivan Caldwell

Title: Site Director