

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

SHINTECH LOUISIANA, LLC

AI # 126578

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

* Settlement Tracking No.
* SA-MM-22-0003
*
* Enforcement Tracking No.
* MM-CN-19-01124
*
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*
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SETTLEMENT

The following Settlement is hereby agreed to between Shintech Louisiana, LLC (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a limited liability company that owns and/or operates a facility located in Plaquemine, Iberville Parish, Louisiana (“the Facility”).

II

On January 30, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-19-01124 (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 EIGHT THOUSAND SIX HUNDRED SIXTY AND NO/100 DOLLARS (\$8,660.00), of which One Thousand Three Hundred Forty-Six and 21/100 Dollars (\$1,346.21) 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.

SHINTECH LOUISIANA, LLC

BY: Wail A. Cedotal, Jr.
(Signature)

Daniel A. Cedotal, Sr.
(Printed)

TITLE: Vice President of Manufacturing

THUS DONE AND SIGNED in duplicate original before me this 19th day of May, 20 22, at West Baton Rouge.

Melissa D. Toups
NOTARY PUBLIC (ID # 056616)

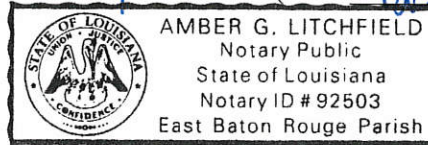
Melissa D. Toups
(stamped or printed)

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

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

THUS DONE AND SIGNED in duplicate original before me this 9th day of August, 20 22, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # 92503)



(stamped or printed)

Approved: Celena J. Cage
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

January 30, 2020

CERTIFIED MAIL (7018 0360 0001 5039 1840)
RETURN RECEIPT REQUESTED

SHINTECH LOUISIANA, LLC
c/o Capitol Corporate Services, Inc.
Agent for Service of Process
8550 United Plaza Building II, Ste. 305
Baton Rouge, LA 70809

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-19-01124
AGENCY INTEREST NO. 126578**

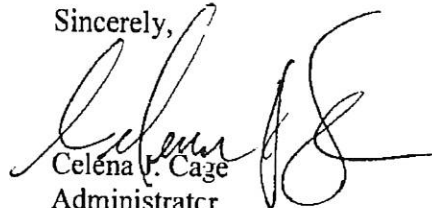
Dear Sir/Madam:

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 **SHINTECH LOUISIANA, LLC (RESPONDENT)** for the violations described therein.

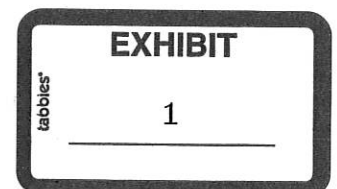
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Adrienne Landry at (225) 219-3805.

Sincerely,


Celena F. Cage
Administrator
Enforcement Division

CJC/ARL/cgc
Alt ID Nos. LAD081419418 and 1280-00118
Attachment



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

IN THE MATTER OF	*	
	*	
SHINTECH LOUISIANA, LLC	*	ENFORCEMENT TRACKING NO.
IBERVILLE PARISH	*	
ALT ID NOS. LAD081419418 AND 1280-00118	*	MM-CN-19-01124
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	126578
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **SHINTECH LOUISIANA, LLC (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates Shintech Louisiana Plaquemine PVC Plant, located at 26270 Highway 405 South in Plaquemine, Iberville Parish, Louisiana. The facility is a large quantity generator of hazardous waste and operates under the EPA Identification Number LAD081419418. The facility is also a permitted hazardous waste treatment, storage, and disposal (TSD) facility. The Respondent operates under hazardous waste permit LAD031419418-OP-1-MO-1, which became effective on September 5, 2013. The Respondent submitted a timely hazardous waste permit renewal application to the Department on or about January 18, 2019; therefore, Hazardous Waste Operating Permit LAD081419418-OP-1-MO-1 will remain in effect until the Department issues a final decision. The Respondent also operates under hazardous waste permits LAD081419418-OP-2-MO-1, which became effective on September 5, 2013, and expires on October 30, 2020; LAD081419418-OP-3, which

became effective on September 10, 2013, and expires on September 10, 2023; and LAD081419418-OP-4, which became effective on September 19, 2018, and expires on September 19, 2028. Additionally, the Respondent currently operates under Title V Air Permit No. 3063-V5, issued on January 30, 2017. A Title V Permit Renewal application for Title V Air Permit No. 3063-V5 was submitted on March 23, 2018.

II.

On or about June 4, 2019, June 5, 2019, June 26, 2019, and June 27, 2019, the Department conducted inspections at the above referenced facility to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspections and during a subsequent file review performed on or about December 19, 2019:

- A. The Respondent failed to collect releases and accumulate liquids within secondary containment until the collected material is removed, in violation of LAC 33:V.1907.B.2, LAC 33:V.309.A, and Permit Condition V.A.3.a of Hazardous Waste Operating Permits LAD081419418-OP-2-MO-1 and LAD081419418-OP-3. Specifically, the secondary containment system for permitted hazardous waste tanks 2MTK-501, and 3MTK-501 had drain valves in the open position. The valves were closed by a representative of the Respondent during the course of the inspection.
- B. The Respondent failed to follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment, in violation of LAC 33:V.1509.B.1, LAC 33:V.309.A, and Permit Condition III.E of Hazardous Waste Operating Permit LAD081419418-OP-2-MO-1. Specifically, the Respondent failed to follow the written instructions on the SPP VCM 2 HAPF Hazardous Waste Daily Inspection sheet, which states secondary containment valves must remain in the closed position unless attended by an operator. The open secondary containment valves, as described in Findings of Fact paragraph II.A, were observed to be in the open positions and an operator was not present.
- C. The Respondent failed to keep hazardous waste containers closed during storage, except when necessary to add or remove hazardous waste, as specified in LAC 33:V.2107.A, in violation of LAC 33:V.1109.E.1.a.i. Specifically, located directly

adjacent to the less than ninety (90) day storage area was one (1) open fifty-five (55) gallon drum which was half full of unpunctured waste aerosol cans (U080, D003).

- D. The Respondent failed to keep hazardous waste containers closed during storage, except when necessary to add or remove hazardous waste, as specified in LAC 33:V.2107.A, in violation of LAC 33:V.1109.E.4. Specifically, a bucket located in the 2MTK-501 Pump Area, approximately two (2) gallons in size and containing hazardous waste (D001, K019, K020), was observed to be open.
- E. The Respondent failed to clearly label or mark each container of hazardous waste with an accumulation start date and the words "Hazardous Waste," in violation of LAC 33:V.1109.E.1.c & d. Specifically, the Department observed the following:
 - i. a two (2) gallon bucket storing hazardous waste (D001, K019, K020), located in the 2MTK-501 Pump Area, did not have an accumulation start date nor was it labeled with the words "Hazardous Waste." During the course of the inspection, the contents of the bucket were transferred to hazardous waste storage tank 2MTK-501,
 - ii. located directly adjacent to the less than ninety (90) day storage area, the following was observed:
 - a. one (1) fifty-five (55) gallon drum storing hazardous was not marked with an accumulation start date,
 - b. two (2) fifty-five (55) gallon drums storing hazardous waste were not marked with accumulation start dates or labeled with the words "Hazardous Waste,"
 - c. one (1) open fifty-five (55) gallon drum, which was half full of unpunctured waste aerosol cans (U080, D003), was not marked with an accumulation start date or labeled with the words "Hazardous Waste,"
 - d. a large plastic outside drum storage housing contained four (4) spent aerosol cans (U080, D003) and two (2) five (5) gallon buckets storing hazardous waste (D001), which were not marked with accumulation start dates or labeled with the words "Hazardous Waste,"

- e. two (2) metal five (5) gallon containers storing hazardous waste (F003, F005, F001, D005, D006, D007, D008, D035), were not marked with accumulation start dates or labeled with the words "Hazardous Waste,"
- f. one (1) five (5) gallon bucket storing hazardous waste (D001), which was not marked with an accumulation start date or labeled with the words "Hazardous Waste,"

According to a representative of the Respondent, all of the containers described in Findings of Fact paragraph II.E were storing hazardous waste at the time of the inspections.

- F. The Respondent failed to transfer hazardous waste from a leaking container or container not in good condition to a container that is in good condition or manage the waste in some other way that complies with Chapter 21 of the Hazardous Waste Regulations, as specified in LAC 33:V.2103, in violation of LAC 33:V.1109.E.1.a.i. Specifically, located in the 2MTK-501 Pump Area, a two (2) gallon plastic bucket, as described in Findings of Fact paragraph II.D, holding hazardous waste was observed to be cracked. A representative of the Respondent transferred the contents of the bucket into permitted hazardous waste tank 2MTK-501. Additionally, located in the Gas Thermal Oxidizer Area, the Department observed a fifty-five (55) gallon drum labeled "Hazardous Waste," to be severely corroded.
- G. The Respondent failed to label containers of hazardous waste with the words "Hazardous Waste," in violation of LAC 33:V.309.A, LAC 33:V.1109.E.1.d, and Permit Condition V.B.18 of Hazardous Waste Operating Permit LAD081419418-OP-2-MO-1. Specifically, located in container storage area two (CSA-2), one (1) ninety-five (95) gallon overpack drum was not labeled with the words "Hazardous Waste." According to a representative of the Respondent, the overpack drum contained hazardous waste (D001, D018, D028, D043). According to an email from a representative of the Respondent, dated August 30, 2019, the overpack drum was shipped off-site for disposal on or about July 25, 2019.
- H. The Respondent failed to label or clearly mark universal waste lamps or a container in which the lamps are contained with any one of the following phrases: "Universal

Waste – Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s),” in violation of LAC 33:V.3823.A.6. Specifically, one (1) round cardboard container of universal waste lamps, located in the Warehouse, was not labeled.

- I. The Respondent failed to label or mark clearly universal waste antifreeze with one of the following phrases: “Universal Waste—Antifreeze,” or “Waste Antifreeze,” or “Used Antifreeze,” in violation of LAC 33:V.3823.A.8. Specifically, located directly adjacent to the less than ninety (90) day storage area, was a large plastic outside storage drum housing containing two (2) one (1) gallon containers, which were storing waste antifreeze according to a representative of the Respondent. Neither of these one (1) gallon containers were labeled as waste antifreeze.
- J. The Respondent failed to clearly mark or label an aboveground container used to store used oil with the words “Used Oil,” in violation of LAC 33:V.4013.D.1. Specifically, the Respondent failed to label one (1) fifty-five (55) gallon drum containing used oil, located directly adjacent to the less than ninety (90) day storage.
- K. The Respondent failed to document corrective action taken and/or needed to address deficiencies noted in the facility’s inspection records, as required by Section 3.0 of the facility’s General Inspection Plan, in violation of LAC 33:V.309.A and Permit Condition V.A.6 of Hazardous Waste Operating Permits LAD081419418-OP-1-MO-1 and LAD081419418-OP-2-MO-1. Specifically, a review of the facility’s Ninety (90) Day Container Storage Area Weekly Inspection Records revealed deficiencies were noted during the weekly inspections for April 8, 2016, February 3, 2018, April 28, 2018, and December 9, 2018; however, corrective actions were not documented. Additionally, a review of the facility’s SPP VCM 2 HAPF Hazardous Waste Daily Inspection Records revealed deficiencies noted during the daily inspections for June 23, 2018, July 2, 2018, October 21, 2018, October 28, 2018, November 5, 2018, and November 6, 2018; however, corrective actions were not documented. In a response dated December 20, 2019, the Respondent stated VCM-1 and VCM-2 operations have been instructed on proper completion of waste area inspection records, including documenting corrective actions.
- L. The Respondent failed to record daily inspections, in violation of LAC 33:V.309.A and Permit Condition V.A.6 of Hazardous Waste Operating Permit LAD081419418-

OP-2-MO-1. Specifically, the SPP VCM 2 HAPF Hazardous Waste Daily Inspection records show the facility failed to document all components of the daily inspection for the following dates: June 23, 2018, October 21, 2018, and November 5, 2018.

- M. The Respondent failed to equip a valve, fugitive emission tag number 81376-1165, on the hazardous waste piping associated with tank 2MTK-501(EQT0166) with a cap, blind flange, plug, or a second valve. The inspection report contains photographs that show the valve with an open hose connector attached to it. The inspector noted that the Respondent replaced the hose connector with a blind flange to close the open-ended valve. This is a violation of 40 CFR 63.167(a), which language is incorporated by reference in LAC 33:III.5122, Specific Requirement 528 of Title V Air Permit No. 3063-V5, LAC 33:III.501.C.4, 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 and Hazardous Waste Regulations.

II.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to ensure the written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment, in accordance with LAC 33:V.1509.B.1 and Permit Condition III.E of Hazardous Waste Operating Permit LAD081419418-OP-2-MO-1.

III.

To close, immediately upon receipt of this **COMPLIANCE ORDER**, all containers used to store hazardous waste except when necessary to add or remove waste in accordance with LAC 33:V.2107.A.

IV.

To label or mark clearly, immediately upon receipt of this **COMPLIANCE ORDER**, all hazardous waste containers with an accumulation start date and with the words "Hazardous Waste," in accordance with LAC 33:V.1109.E.1.c & d.

V.

To transfer, immediately upon receipt of this **COMPLIANCE ORDER**, hazardous waste from damaged containers to containers in good condition, and institute procedures which ensure that hazardous waste in leaking or deteriorated containers are transferred to containers in good condition, in accordance with LAC 33:V.2103.A.

VI.

To label or mark clearly, within fifteen (15) days upon receipt of this **COMPLIANCE ORDER**, all universal waste lamps or containers in which the lamps are contained with any one (1) of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)," in accordance with LAC 33:V.3823.A.6.

VII.

To label or mark clearly, within fifteen (15) days upon receipt of this **COMPLIANCE ORDER**, all universal waste antifreeze containers with any one (1) of the following phrases: "Universal Waste—Antifreeze," or "Waste Antifreeze," or "Used Antifreeze," in accordance with LAC 33:V.3823.A.8.

VIII.

To clearly mark or label, immediately upon receipt of this **COMPLIANCE ORDER**, all containers, including but not limited to the aboveground storage containers and fifty-five (55) gallon drums, used to store used oil with the words "Used Oil."

IX.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to ensure all components of inspection records are properly documented, including but not limited to corrective actions, as required by Section 3.0 of the facility's General Inspection Plan, in accordance with Permit Condition V.A.6 of Hazardous Waste Operating Permit LAD081419418-OP-2-MO-1.

X.

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: Adrienne Landry
Re: Enforcement Tracking No. MM-CN-19-01124
Agency Interest No. 126578

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. MM-CN-19-01124
Agency Interest No. 126578

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 Adrienne Landry at (225) 219-3805 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.

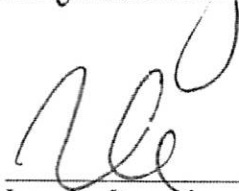
IV.

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 30th day of January, 2020.



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: Adrienne Landry



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER &
 POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY
 BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE

Enforcement Tracking No.	MM-CN-19-01124	Contact Name	Adrienne Landry
Agency Interest (AI) No.	126578	Contact Phone No.	225-219-3805
Alternate ID No.	LAD081419418; 1280-00118		
Respondent:	SHINTECH LOUISIANA, LLC	Facility Name:	Shintech Louisiana – Plaquemine Plant
	c/o Capitol Corporate Services, Inc.	Physical Location:	26270 Highway 405 South
	Agent for Service of Process		
	8550 United Plaza Building II, Ste. 305 Baton Rouge, LA 70809	City, State, Zip:	Plaquemine, LA 70764
		Parish:	Iberville

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph X of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<input type="checkbox"/>	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.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY MM-CN-19-01124, the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY MM-CN-19-01124, 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.
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY MM-CN-19-01124 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.

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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: Adrienne Landry		