

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

TRIMAC TRANSPORTATION INC.

AI # 26272

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

* Settlement Tracking No.
* SA-AE-22-0038
*
* Enforcement Tracking Nos.
* AE-CN-13-00123
* AE-CN-13-00123A
*
*
*
*

SETTLEMENT

The following Settlement is hereby agreed to between Trimac Transportation Inc., formerly known as Trimac Transportation South 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 tank truck cleaning facility located in Geismar, Ascension Parish, Louisiana (“the Facility”).

II

On April 29, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-13-00123 (Exhibit 1).

On July 6, 2015, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-13-00123A (Exhibit 2).

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of THIRTY-FIVE THOUSAND AND NO/100 DOLLARS (\$35,000.00), of which Two Thousand Eight and 44/100 Dollars (\$2,008.44) 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 permit record(s), the Consolidated Compliance Order & Notice of Potential, Amended Consolidated Compliance Order & Notice of Potential 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 Ascension 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.

TRIMAC TRANSPORTATION INC.

BY: _____
(Signature)

(Printed)

TITLE: _____

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

NOTARY PUBLIC (ID # _____)

(stamped or printed)

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

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

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

NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved:  _____
Celena J. Cage, Assistant Secretary



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

April 29, 2013

CERTIFIED MAIL (7004 2510 0005 5767 3468)
RETURN RECEIPT REQUESTED

TRIMAC TRANSPORTATION SOUTH INC.
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Blvd., Ste. 400B
Baton Rouge, LA 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-13-00123
AGENCY INTEREST NO. 26272**


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 **TRIMAC TRANSPORTATION SOUTH, INC. (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 Kenzie Bozeman at (225) 219-3748.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/KEB/keb
Alt ID No. 0180-00188
Attachment



c: Trimac Transportation South, Inc.
Tom Connard
VP, U.S. Chemical Division
15600 JFK Boulevard
Houston, TX 77032

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

IN THE MATTER OF	*	
	*	
TRIMAC TRANSPORTATION SOUTH INC.	*	ENFORCEMENT TRACKING NO.
ASCENSION PARISH	*	
ALT ID NO. 0180-00188	*	AE-CN-13-00123
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	26272
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 **TRIMAC TRANSPORTATION SOUTH 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 Geismar Terminal (facility), a tank truck cleaning facility located at 35072 Louisiana Highway 30 in Geismar, Ascension Parish, Louisiana. The facility currently operates under Air Permit No. 0180-00188-03 issued on March 2, 2011.

II.

On or about February 14, 2013, a file review of the Respondent's facility was conducted 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 file review:

- A. On or about June 24, 2004, the Department received a permit application from the Respondent dated June 22, 2004. According to the application, the Respondent proposed to add the following emission sources to the facility's emissions inventory:

Emission Source ID	Description
EQT0007	4-1 Wastewater Treatment System
EQT0008	4-2 MEA Storage Tank 1
EQT0009	4-3 MEA Storage Tank 2
EQT0010	4-3 MEA Storage Tank 3

In a letter dated February 6, 2013, the Respondent stated that the above emissions sources were constructed as part of the original facility, and were installed on September 6, 1994. Each event of the Respondent's failure to submit a timely and complete permit application prior to construction, reconstruction, or modification is a violation of LAC 33:III.501.C.1 and La. R.S. 30:2057(A)(2).

- B. The Respondent operated the following unpermitted emission sources:

Emission Source ID	Description
EQT0007	4-1 Wastewater Treatment System
EQT0008	4-2 MEA Storage Tank 1
EQT0009	4-3 MEA Storage Tank 2
EQT0010	4-3 MEA Storage Tank 3

In a letter dated February 6, 2013, the Respondent stated that operation of each of the above emission sources commenced at the facility on February 1, 1995. On or about November 2, 2009, the Department issued Air Permit No. 0180-00188-02, which included the above emission sources. Each event of the Respondent's failure to obtain approval from the Department prior to operation of each of the unpermitted emission sources is a violation of LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- C. In a letter dated February 6, 2013, the Respondent reported the following emissions exceedances during the 2007 and 2008 calendar years:

2007		
TAP	Permit Limit (tons)	Estimated Emissions (tons)
Butyl Alcohol	0.05	0.0684
Hexane	0.12	0.2735
Methanol	0.24	1.0356
Methyl Methacrylate	0.04	0.1544
Styrene Monomer	0.02	0.0260
Toluene Diisocyanate	0.002	0.0060
Xylene	0.01	0.2499

2008		
TAP	Permit Limit (tons)	Estimated Emissions (tons)
Allyl Chloride	0.79	1.0861
Butyl Alcohol	0.05	0.0961
Formaldehyde Solution	0.001	0.0098
Hexane	0.12	0.1367
Hydrochloric Acid	0.12	0.6919
Methanol	0.24	0.9585
Methyl Methacrylate	0.04	0.1764
Toluene Diisocyanate	0.002	0.0040
Xylene	0.01	0.1842

Each event of a permit exceedance of each pollutant is a violation of Air Permit No. 0180-00188-01, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- D. The facility exceeded the maximum operating rate of 500 trucks per month for Emission Point No. 94-1 (Tank Truck Wash Rack) during the period encompassing January 1, 2008, through November 2, 2009. In a letter dated February 6, 2013, the Respondent reported the following exceedances:

Month	Total Trucks Cleaned
January 2008	654
February 2008	625
March 2008	710

Month	Total Trucks Cleaned
April 2008	713
May 2008	693
June 2008	631
July 2008	700
August 2008	681
September 2008	587
October 2008	731
March 2009	525
April 2009	511
May 2009	566
June 2009	501
July 2009	525
August 2009	688
October 2009	552

Each event of the Respondent's failure to maintain truck cleaning operations at or below the maximum permitted operation rate for Emission Point No. 94-1 is a violation of Air Permit No. 0180-00188-01, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- E. The facility exceeded the permitted limit of 120 tank trucks per week for internal cleaning of tank trucks during the period encompassing January 1, 2008, through November 2, 2009. In a letter dated February 6, 2013, the Respondent reported the following exceedances:

Week	Total Trucks Cleaned
1/6/2008 - 1/12/2008	132
1/13/2008 - 1/19/2008	162
1/20/2008 - 1/26/2008	156
1/27/2008 - 2/2/2008	166
2/3/2008 - 2/9/2008	138
2/10/2008 - 2/16/2008	149
2/17/2008 - 2/23/2008	163
2/24/2008 - 3/1/2008	151
3/2/2008 - 3/8/2008	145
3/9/2008 - 3/15/2008	156
3/16/2008 - 3/22/2008	158
3/23/2008 - 3/29/2008	190
3/30/2008 - 4/5/2008	156
4/6/2008 - 4/12/2008	186
4/13/2008 - 4/19/2008	159

Week	Total Trucks Cleaned
4/20/2008 - 4/26/2008	161
4/27/2008 - 5/3/2008	159
5/4/2008 - 5/10/2008	154
5/11/2008 - 5/17/2008	147
5/18/2008 - 5/24/2008	160
5/25/2008 - 5/31/2008	162
6/1/2008 - 6/7/2008	147
6/8/2008 - 6/14/2008	157
6/15/2008 - 6/21/2008	155
6/22/2008 - 6/28/2008	138
6/29/2008 - 7/5/2008	143
7/6/2008 - 7/12/2008	142
7/13/2008 - 7/19/2008	177
7/20/2008 - 7/26/2008	154
7/27/2008 - 8/2/2008	167
8/3/2008 - 8/9/2008	143
8/10/2008 - 8/16/2008	155
8/17/2008 - 8/23/2008	173
8/24/2008 - 8/30/2008	151
9/14/2008 - 9/20/2008	182
9/21/2008 - 9/27/2008	234
9/28/2008 - 10/4/2008	193
10/5/2008 - 10/11/2008	191
10/12/2008 - 10/18/2008	164
10/19/2008 - 10/25/2008	164
1/25/2009 - 1/31/2009	128
2/8/2009 - 2/14/2009	126
2/15/2009 - 2/21/2009	124
3/8/2009 - 3/14/2009	128
4/12/2009 - 4/18/2009	126
4/19/2009 - 4/25/2009	121
4/26/2009 - 5/2/2009	131
5/10/2009 - 5/16/2009	142
5/17/2009 - 5/23/2009	146
5/31/2009 - 6/6/2009	125
6/7/2009 - 6/13/2009	147
7/12/2009 - 7/18/2009	127
7/26/2009 - 8/1/2009	121
8/2/2009 - 8/8/2009	154
8/9/2009 - 8/15/2009	151

Week	Total Trucks Cleaned
8/16/2009 - 8/22/2009	163
8/23/2009 - 8/29/2009	165
8/30/2009 - 9/5/2009	150
9/6/2009 - 9/12/2009	135
10/18/2009 - 10/24/2009	138
10/25/2009 - 10/31/2009	134

Each event of the Respondent's failure to maintain internal truck cleaning operations at or below the permitted limit is a violation of Specific Condition No. 4 of Air Permit No. 0180-00188-01, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- F. According to Specific Condition No. 8 of Air Permit No. 0180-00188-01, the Respondent shall limit cleaning operations of tank trucks containing toxic air pollutants (TAP) to only the chemical compounds listed in Attachment 1 of Air Permit No. 0180-00188-01 (attachment) or obtain a permit variance and/or permit modification prior to cleaning tank trucks containing TAPs not listed in the attachment during the period encompassing January 1, 2008, to November 2, 2009. In a letter dated February 6, 2013, the Respondent reported that tanker trucks were cleaned in 2008 and 2009 which contained the following unauthorized TAPs:

2008 TAPs
Acrylic Acid
Chloroform
Diethylene Glycol
Diethanoloamine
Dimethyl Sulfate
Dioxane (1, 4-)
Ethylbenzene
Glycol Ethers
Hydrogen Sulfide
Methyl Tert Butyl Ether (MTBE)
Methylene Chloride
Nitric Acid
Tetrachloroethylene
Propylene Oxide
Sulfuric Acid

2009 TAPs
Acrylic Acid
Chloroform
Diethylene Glycol
Dichlorobenzene
Diethanolamine
Epichlorhydrin
Glycol Ethers
Methylene Chloride
Nitric Acid
Propylene Oxide
Sulfuric Acid
Tetrachloroethylene

Each event of the Respondent's failure to limit cleaning operations of tank trucks in accordance with Specific Condition No. 8 of Air Permit No. 0180-00188-01 is a violation of Specific Condition No. 8 of Air Permit No. 0180-00188-01, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- G. In a letter dated February 6, 2013, the Respondent reported the following unpermitted emissions during the 2008 and 2009 calendar year:

2008		
TAP	Estimated Annual Total Emissions	
	Pounds (lbs)	Tons
Acrylic Acid	19.25	0.0096
Chloroform	234.56	0.1173
Diethylene Glycol	163.31	0.0817
Diethanolamine	0.06	0.0000
Dimethyl Sulfate	1.18	0.0006
Dioxan (1, 4-)	18.75	0.0094
Ethylbenzene	5.62	0.0028
Glycol Ethers	11.30	0.0056
Hydrogen Sulfide	13.93	0.0070
Methyl Tert Butyl Ether (MTBE)	102.86	0.0514
Methylene Chloride	332.97	0.1665
Nitric Acid	0.88	0.0004
Tetrachloroethylene	53.05	0.0265
Propylene Oxide	1787.34	0.8937

2008		
TAP	Estimated Annual Total Emissions	
	Pounds (lbs)	Tons
Sulfuric Acid	0.12	0.0001

2009		
TAP	Estimated Annual Total Emissions	
	Pounds (lbs)	Tons
Acrylic Acid	19.25	0.0096
Chloroform	117.56	0.0588
Diethylene Glycol	113.26	0.0566
Dichlorobenzene	3.48	0.0017
Diethanolamine	0.10	0.0000
Epichlorhydrin	46.02	0.0230
Glycol Ethers	5.45	0.0027
Methylene Chloride	1498.36	0.7492
Nitric Acid	1.77	0.0009
Propylene Oxide	1042.62	0.5213
Sulfuric Acid	0.31	0.0002
Tetrachloroethylene	265.50	0.1328

Each event of emissions of each unpermitted pollutant is a violation of LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- H. The facility exceeded the permitted limit of 122 tank trucks per week for internal cleaning of tank trucks during the period encompassing November 2, 2009, through March 2, 2011. In a letter dated February 6, 2013, the Respondent reported the following exceedances:

2009	
Week	Total Trucks Cleaned
11/1/2009 - 11/7/2009	148
11/8/2009 - 11/14/2009	159
11/15/2009 - 11/21/2009	132
11/29/2009 - 12/5/2009	132

2010	
Week	Total Trucks Cleaned
1/10/2010 - 1/16/2010	141
1/17/2010 - 1/23/2010	168
1/24/2010 - 1/30/2010	185
1/31/2010 - 2/6/2010	151

2010	
Week	Total Trucks Cleaned
2/7/2010 - 2/13/2010	159
2/14/2010 - 2/20/2010	157
2/21/2010 - 2/27/2010	178
2/28/2010 - 3/6/2010	188
3/7/2010 - 3/13/2010	167
3/14/2010 - 3/20/2010	167
3/21/2010 - 3/27/2010	164
3/28/2010 - 4/3/2010	176
4/4/2010 - 4/10/2010	152
4/11/2010 - 4/17/2010	140
4/18/2010 - 4/24/2010	162
4/25/2010 - 5/1/2010	146
5/2/2010 - 5/8/2010	164
5/9/2010 - 5/15/2010	162
5/16/2010 - 5/22/2010	193
5/30/2010 - 6/5/2010	168
6/6/2010 - 6/12/2010	125
6/13/2010 - 6/19/2010	170
6/20/2010 - 6/26/2010	163
6/27/2010 - 7/3/2010	156
7/4/2010 - 7/10/2010	152
7/11/2010 - 7/17/2010	143
7/18/2010 - 7/24/2010	158
7/25/2010 - 7/31/2010	175
8/1/2010 - 8/7/2010	158
8/8/2010 - 8/14/2010	154
8/22/2010 - 8/28/2010	129
9/5/2010 - 9/11/2010	144
9/12/2010 - 9/18/2010	151
9/19/2010 - 9/25/2010	144
10/3/2010 - 10/9/2010	170
10/31/2010 - 11/6/2010	135
11/7/2010 - 11/13/2010	130
11/14/2010 - 11/20/2010	128
12/5/2010 - 12/11/2010	140

2011	
Week	Total Trucks Cleaned
1/9/2011 - 1/15/2011	263
1/16/2011 - 1/22/2011	233
1/23/2011 - 1/29/2011	251
1/30/2011 - 2/5/2011	242
2/6/2011 - 2/12/2011	234
2/13/2011 - 2/19/2011	229
2/20/2011 - 2/26/2011	231
2/27/2011 - 3/5/2011	246

Each event of the Respondent's failure to maintain internal truck cleaning operations at or below the permitted limit is a violation of Specific Requirement No. 1 of Air Permit No. 0180-00188-02, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- I. In a letter dated February 6, 2013, the Respondent reported the following emissions exceedances during the period encompassing November 2, 2009, to March 2, 2011:

VOC (Permit Limit: 32.79 tpy)	
12 Consecutive Month Period	Estimated Emissions (tons)
December 2008 - November 2009	38.67
January 2009 - Decemeber 2009	38.29
February 2009 - January 2010	38.04
March 2009 - February 2010	37.79
April 2009 - March 2010	37.54
May 2009 - April 2010	37.29
June 2009 - May 2010	37.04
July 2009 - June 2010	36.79
August 2009 - July 2010	36.54
September 2009 - August 2010	36.29
October 2009 - September 2010	36.04

VOC (Permit Limit: 32.79 tpy)	
12 Consecutive Month Period	Estimated Emissions (tons)
November 2009 - October 2010	35.79
December 2009 - November 2010	35.54
January 2010 - December 2010	35.29
February 2010 - January 2011	35.15
March 2010 - February 2011	35.01
April 2010 - March 2011	34.87

TAP (Permit Limit: 7.045 tpy)	
12 Consecutive Month Period	Estimated Emissions (tons)
September 2009 - August 2010	7.19
October 2009 - September 2010	7.38
November 2009 - October 2010	7.56
December 2009 - November 2010	7.75
January 2010 - December 2010	7.94
February 2010 - January 2011	7.96
March 2010 - February 2011	7.99
April 2010 - March 2011	8.02

Each event of a permit exceedance of each pollutant is a violation of Air Permit No. 0180-00188-02, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- J. On or about January 25, 2011, the Department received a permit modification application dated January 24, 2011. According to the application, the Respondent proposed to add 10-1 Drum Loading (Emission Source ID EQT0011) to the facility's emissions inventory. In a letter dated February 6, 2013, the Respondent stated that drum loading operations commenced on February 1, 1995. On March 2, 2011, the Department issued Air Permit No. 0180-00188-03, which included 10-1 Drum Loading in the facility's emissions inventory. The Respondent's failure to obtain approval from the Department prior to reconstruction, modification, or operation is a violation of LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- K. The Respondent exceeded the 0.96 tons per year permit limit for Volatile Organic Compounds (VOC) during the 2012 calendar year. In a letter dated February 6, 2013, the Respondent reported that the facility emitted 27.7 tons of VOC during the 2012 calendar year. This is a violation of Air Permit No. 0180-00188-03, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- L. The Respondent exceeded the 0.96 tons per year permit limit for Toxic Air Pollutants (TAP) during the 2011 and 2012 calendar years. In a letter dated February 6, 2013, the Respondent reported the following annual TAP emissions:

Year	Estimated Emissions (tons)
2011	10.8
2012	9.3

Each event of an exceedance of a permit limit is a violation of Air Permit No. 0180-00188-03, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

III.

In a letter dated December 6, 2012, the Respondent requested authorization to operate the facility under interim air emissions limits.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Air Quality Regulations and Air Permit No. 0180-00188-03.

II.

To protect air quality, the Respondent is required to comply with the following:

- A. If the Respondent chooses to emit any air contaminant in the State of Louisiana from its Geismar Facility (Agency Interest No. 26272), the following interim limitation shall apply:

Pollutant	Emissions (tpy)
Volatile Organic Compounds (VOC)	81.968
Toxic Air Pollutants (TAP)	12.401
Acrylic Acid	0.026
Allyl Chloride	2.008
Ammonia	<0.01
Aniline	<0.01
Butyl Alcohol	0.149
Carbon Tetrachloride	0.223
Chlorobenzene	<0.01
Chloroform	0.165
Di (2-ethylhexyl) Phthalate (DEHP)	<0.01
Dichloromethane (Methylene Chloride)	0.030
Dichlorobenzene	<0.01
Diethylene Glycol	0.151
Diethanolamine	<0.01
Dinitrotoluene	<0.01
Epichlorohydrin	0.041
Ethyl Acrylate	0.298
Ethylene Glycol	<0.01
Formaldehyde	0.028
Glycol Ethers	0.025
Hexane	0.161
Hydrochloric Acid	2.001
Methylene Diphenyl Diisocyanate (MDI)	<0.001
Methanol (Methyl Alcohol)	1.748
Methyl Ethyl Ketone (MEK)	0.652

Pollutant	Emissions (tpy)
Methyl Isobutyl Ketone (MIBK)	0.061
Methyl Methacrylate Monomer	0.896
Naphthalene	<0.01
Nitric Acid	<0.01
Propylene Oxide	1.418
Styrene	0.407
Sulfuric Acid	<0.01
Tetrachloroethylene	<0.01
Toluene	0.111
Toluene Diisocyanate	<0.01
Trichloroethane	<0.01
Triethylamine	0.842
Vinyl Acetate	0.687
Xylene	0.272

- B. The interim limitations shall remain in effect until an Air Permit Modification is issued or until the Respondent is otherwise notified by the Department. The Respondent shall at all times properly operate and maintain all facilities and systems of control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of these interim limitations. All other emission limitations, monitoring requirements, and permit conditions of Air Permit No. 0180-00188-03 shall remain in effect and enforceable.
- C. If the Respondent does not choose to emit any air contaminant in the State of Louisiana from its Geismar Facility (Agency Interest No. 26272) the Respondent shall, within thirty (30) days after receipt of the **COMPLIANCE ORDER**, provide written documentation to the Department that no activities exist at the Respondent's facility resulting in any unauthorized discharges to the air.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the total number of trucks cleaned for each week during the 2012 calendar year, and for each week during the period encompassing January 1, 2013, through March 31, 2013. The Respondent shall also submit the annual emissions for each pollutant released during the 2012 calendar year.

IV.

To submit to the Air Permits Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, an appropriate permit modification application if such an application has not yet been submitted to date. In addition, the Respondent shall submit a copy of the application's cover letter to the Enforcement Division.

V.

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: Kenzie Bozeman
Re: Enforcement Tracking No. AE-CN-13-00123
Agency Interest No. 26272

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are

located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. AE-CN-13-00123
Agency Interest No. 26272

III.

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

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

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

VI.

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

in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

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

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Kenzie Bozeman at (225) 219-3748 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

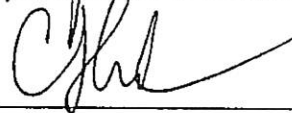
III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

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

Baton Rouge, Louisiana, this 29 day of April, 2013.



Cheryl Sonnier Nolan
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: Kenzie Bozeman



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

July 6, 2015

CERTIFIED MAIL (7004 2510 0006 3853 0307)
RETURN RECEIPT REQUESTED

TRIMAC TRANSPORTATION INC.
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Boulevard, Suite 400B
Baton Rouge, LA 70808

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-13-00123A
AGENCY INTEREST NO. 26272**

Dear Sir:

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

Any questions concerning this action should be directed to Pascal Ojong at (225) 219-4468.

Sincerely,

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

Celena J. Cage
Administrator
Enforcement Division

CJC/PON/pon
Alt ID No. 0180-00188
Attachment



c: Trimac Transportation, Inc.
c/o Tom Connard
VP, U.S. Chemical Division
15600 JFK Boulevard
Houston, TX 77032

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

IN THE MATTER OF

**TRIMAC TRANSPORTATION INC.
ASCENSION PARISH
ALT ID NO. 0180-00188**

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

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **AE-CN-13-00123A**
*
* **AGENCY INTEREST NO.**
*
* **26272**
*

**AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY**

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-13-00123** issued to **TRIMAC TRANSPORTATION INC. (RESPONDENT)** on April 29, 2013, in the above-captioned matter as follows:

I.

The Department hereby amends paragraphs II.C, II.D, II.E, II.G, II.H and II.K and removes paragraph II.I and II.L of the Findings of Fact to read as follows:

“II.

- C. In correspondence dated February 6, 2013, and July 12, 2013, the Respondent reported 7 TAP emissions exceedances during the 2007 and 2008 calendar years:

TAP	Year	Permit limit (tons)	Adjusted emissions (tons)
Hexane	2007	0.12	0.1354
Methanol	2007	0.24	0.4652
Methyl Methacrylate Monomer	2007	0.04	0.0611
Allyl Chloride	2008	0.79	1.2412
Formaldehyde Solution	2008	0.001	0.0112
Methanol	2008	0.24	0.3861
Methyl Methacrylate Monomer	2008	0.04	0.0625

Each event of a permit exceedance of each pollutant is a violation of Air Permit No. 0180-00188-01, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- D. The facility exceeded the maximum operating rate of 500 trucks per month for Emission Point No. 94-1 (Tank Truck Wash Rack) during the period encompassing January 1, 2008, through November 2, 2009. In correspondence dated June 12, 2013, the Respondent reported the following exceedances:

Month	Total Trucks Cleaned
August 2009	515

Each event of the Respondent's failure to maintain truck cleaning operations at or below the maximum permitted operation rate for Emission Point No. 94-1 is a violation of Air Permit No. 0180-00188-01, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- E. The facility exceeded the permitted limit of 120 tank trucks per week for internal cleaning of tank trucks during the period encompassing January 1, 2008, through November 2, 2009. In correspondence dated June 12, 2013, the Respondent reported the following exceedances:

Week	Total Trucks Cleaned
3/23/2008 – 3/29/2008	128
9/21/2008 – 9/27/2008	126
8/2/2009 – 8/8/2009	127
8/23/2009 – 8/29/2009	131

Each event of the Respondent's failure to maintain internal truck cleaning operations at or below the permitted limit is a violation of Specific Condition No. 4 of Air Permit No. 0180-00188-01, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- G. In correspondence dated July 12, 2013, the Respondent reported the following unpermitted emissions during the 2008 and 2009 calendar year:

2008		
TAP	Estimated Annual Total Emissions	
	Pounds (lbs)	Tons
Acrylic Acid	19.25	0.0096
Chloroform	173.22	0.0866
Diethylene Glycol	0.15	0.0001
Diethanolamine	0.01	0.0000
Dimethyl Sulfate	1.18	0.0006
Dioxan (1, 4-)	12.73	0.0064
Ethylbenzene	4.00	0.0020
Glycol Ethers	11.30	0.0056
Hydrogen Sulfide	13.93	0.0070
Methyl Tert Butyl Ether (MTBE)	88.32	0.0442
Methylene Chloride	268.72	0.1344
Nitric Acid	0.88	0.0004
Tetrachloroethylene	36.13	0.0181
Propylene Oxide	1375.77	0.6879
Sulfuric Acid	0.12	0.0001

2009		
TAP	Estimated Annual Total Emissions	
	Pounds (lbs)	Tons
Acrylic Acid	19.25	0.0096
Chloroform	117.56	0.0588
Diethylene Glycol	113.26	0.0566
Dichlorobenzene	3.48	0.0017
Diethanolamine	0.10	0.0000
Epichlorhydrin	29.72	0.0149
Glycol Ethers	5.45	0.0027
Methylene Chloride	1498.36	0.7492
Nitric Acid	1.77	0.0009
Propylene Oxide	1042.62	0.5213
Sulfuric Acid	0.31	0.0002
Tetrachloroethylene	265.50	0.1328

Each event of emissions of each unpermitted pollutant is a violation of LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- H. The facility exceeded the permitted limit of 122 tank trucks per week for internal cleaning of tank trucks during the period encompassing November 2, 2009, through March 2, 2011. In correspondence dated June 12, 2013, the Respondent reported the following exceedances:

2010	
Week	Total Trucks Cleaned
1/10/2010 - 1/16/2010	123
2/21/2010 - 2/27/2010	123

2011	
Week	Total Trucks Cleaned
1/2/2011 - 1/8/2011	179
1/9/2011 - 1/15/2011	165
1/16/2011 - 1/22/2011	161
1/23/2011 - 1/29/2011	161
1/30/2011 - 2/5/2011	155
2/6/2011 - 2/12/2011	149
2/13/2011 - 2/19/2011	147
2/20/2011 - 2/26/2011	165
2/27/2011 - 3/5/2011	167

Each event of the Respondent's failure to maintain internal truck cleaning operations at or below the permitted limit is a violation of Specific Requirement No. 1 of Air Permit No. 0180-00188-02, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- K. The Respondent exceeded the 5.37 tons per year permit limit for Volatile Organic Compounds (VOC) during the 2012 calendar year. In correspondence dated July 12, 2013, the Respondent reported that the facility emitted 21.6523 tons of VOC during the 2012 calendar year. This is a violation of Air Permit No. 0180-00188-03, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

II.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-13-00123** and **AGENCY INTEREST NO. 26272** as if reiterated herein.

III.

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

Baton Rouge, Louisiana, this 6 day of July, 2015.



D. Chance McNeely
Assistant Secretary
Office of Environmental Compliance

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

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