

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

UNION CARBIDE CORPORATION

AI # 2083

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

\* Settlement Tracking No.  
\* SA-AE-22-0047  
\*  
\* Enforcement Tracking Nos.  
\* AE-CN-13-00524  
\* AE-CN-18-00756  
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\*  
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SETTLEMENT

The following Settlement is hereby agreed to between Union Carbide Corporation (“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 chemical manufacturing facility located in Taft, St. Charles Parish, Louisiana (“the Facility”).

II

On September 5, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-13-00524 (Exhibit 1).

On December 13, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-18-00756 (Exhibit 2).

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

1. In correspondence dated June 12, 2014, the Respondent submitted a revised 2013 Second Semiannual Monitoring Report for the Acrylics I plant, Title V Air Permit No. 513-V3. The revised report disclosed 31 (an increase from the initially reported 24) components (unidentified) were not monitored during the Fourth Quarter of 2013 because they had been incorrectly designated as removed. Each failure to monitor each component quarterly is a violation of Title V Air Permit No. 513-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
2. In correspondence dated June 12, 2014, the Respondent submitted a revised 2013 Second Semiannual Monitoring Report for the Acrylics II plant, Title V Air Permit No. 2254-V3. The revised report disclosed 31 (an increase from the initially reported 26) components (unidentified) were not monitored during the Fourth Quarter of 2013 because they had been incorrectly designated as removed. Each failure to quarterly monitor each component is a violation SRs 212 - 239, as applicable of Title V Air Permit No. 2254-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent reported the components were re-designated and monitored. None were leaking.

### 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 ONE HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$175,000.00), of which Five Thousand Seven Hundred Thirty-Six and 88/100 Dollars (\$5,736.88) 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 Orders & Notices 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 St. Charles 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.

**UNION CARBIDE CORPORATION**

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed)

TITLE: \_\_\_\_\_

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

\_\_\_\_\_  
NOTARY PUBLIC (ID # \_\_\_\_\_)

\_\_\_\_\_  
(stamped or printed)

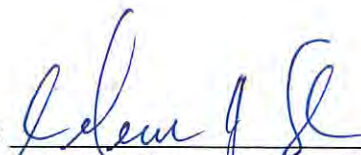
**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Chuck Carr Brown, Ph.D., Secretary

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**

September 5, 2013

CERTIFIED MAIL (7004 2510 0005 5763 7736)  
RETURN RECEIPT REQUESTED

**UNION CARBIDE CORPORATION**  
c/o C T Corporation System  
Agent for Service of Process  
5615 Corporate Boulevard, Suite 400B  
Baton Rouge, Louisiana 70808

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-CN-13-00524  
AGENCY INTEREST NO. 2083**


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 **UNION CARBIDE CORPORATION (RESPONDENT)** for the violations described therein.

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

Any questions concerning this action should be directed to Richard Ober, Jr. at (225) 219-3704.

Sincerely,

  
Celena J. Cage  
Administrator  
Enforcement Division

CJC/RO/ro  
Alt ID No. 2520-00001  
Attachment



c: Ms. Jean M. Algate  
Responsible Care Leader  
Union Carbide Corporation  
Post Office Box 50  
355 Highway 3142  
Hahnville, Louisiana 70057

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

<b>IN THE MATTER OF</b>	*	
	*	
<b>UNION CARBIDE CORPORATION</b>	*	<b>ENFORCEMENT TRACKING NO.</b>
<b>ST. CHARLES PARISH</b>	*	
<b>ALT ID NO. 2520-00001</b>	*	<b>AE-CN-13-00524</b>
	*	
	*	<b>AGENCY INTEREST NO.</b>
<b>PROCEEDINGS UNDER THE LOUISIANA</b>	*	
<b>ENVIRONMENTAL QUALITY ACT,</b>	*	<b>2083</b>
<b>La. R.S. 30:2001, ET SEQ.</b>	*	

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

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

**FINDINGS OF FACT**

**I.**

The Respondent owns and/or operates the Olefins 1 and 2 Plants. The Olefins 1 and 2 Plants are part of the site known as the St. Charles Operations (the facility), located at 355 Louisiana Highway 3142, Gate 28 in Taft, St. Charles Parish, Louisiana. The Olefins 1 and 2 Plants currently operate under Title V Permit No. 2422-V4 issued on October 15, 2012, and administratively amended on January 25, 2013.

**II.**

On or about April 18, 2013, representatives of the Respondent met with representatives of the Department to discuss an issue with the Steam Superheater (EQT 1047) that had been discovered during a regulatory review of the Steam Superheater (EQT 1047) in late February 2013. During that meeting,



the Respondent agreed to send a letter to the Department describing the issue discussed and a proposed path forward for resolution.

### III.

The Respondent submitted a letter dated June 3, 2013, which provided information on the Steam Superheater 1406 (EQT 1047) issue reported to the Department during the meeting on April 18, 2013. According to the Respondent, the Steam Superheater 1406 (EQT 1047) is a superheater with a design capacity of 154 MMBTU/hr and is subject to the New Source Performance Standards (NSPS), 40 CFR 60 Subpart Db, Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units. The Respondent noted in the letter that in accordance with 40 CFR 60.44b(e), it elected to have a federally enforceable requirement limiting operation of the superheater to an annual capacity factor of 10 percent or less for natural gas. Since the unit met the requirements of 40 CFR 60.48b(i), it was not required to install a continuous emissions monitoring system (CEMS) for measuring NO<sub>x</sub> emissions. Instead the unit was required to record and maintain records of fuel combusted each day and calculate the annual capacity factor individually for natural gas as required by 40 CFR 60.49b(d)(1).

### IV.

The Respondent explained in its June 3, 2013, letter that plant-produced fuel gas is a byproduct stream that typically is a hydrogen rich stream with some methane. According to the letter, when its facility began refining the plant-produced fuel gas, much of the hydrogen was removed and the stream was transformed into a methane rich stream. An email received from the Respondent on August 5, 2013, noted that this change to the plant-produced fuel gas system occurred in 2009. The Respondent believes that this change resulted in it not meeting the annual capacity factor of 10 percent or less of natural gas. By email sent on August 5, 2013, the Respondent noted that it did not exceed the annual capacity factor of 10 percent or less for natural gas (12 month rolling average, calculated each month) until October 2011. In the Respondent's letter dated June 3, 2013, the Respondent explained that when not meeting the annual capacity factor requirement, the source is subject to an emission limit of 0.1 lb. NO<sub>x</sub>/MMBtu in accordance with 40 CFR 60.44b(a)(1)(i) and is required to install a CEMS in accordance with 40 CFR 60.48b(b)(1) or monitor steam generating unit operating conditions and predict NO<sub>x</sub> emission rates in accordance with 40 CFR 60.48b(g)(2). In the letter, the Respondent noted that it did not have an installed CEMS or a system in place to predict and record NO<sub>x</sub> emission rates based on operating conditions. However, the Respondent believed based on historical performance test data, it meets the required 0.1 lb. NO<sub>x</sub>/MMBtu. According to the letter, the Respondent elected to conduct an

additional performance test to validate NO<sub>x</sub> emissions in May 2013. The Respondent noted that the results are expected in the near future.

V.

In the June 3, 2013 letter, the Respondent noted that it would continue to evaluate the circumstances that led to the current situation. The Respondent noted that it was also assessing the different compliance options and the practical implementation schedules.

VI.

The Respondent submitted a letter dated June 27, 2013, to provide additional information on its efforts to come into compliance with all of the applicable requirements of NSPS, 40 CFR 60 Subpart Db. The Respondent noted in this letter that results of the performance test conducted on the Steam Superheater on May 20, 2013, through May 21, 2013, indicated that the Steam Superheater operates at or below 0.049 lb NO<sub>x</sub>/MMBtu. It was also noted in the letter that the Respondent planned to implement a monitoring system to ensure compliance with NO<sub>x</sub> emission limits, by monitoring the steam generating unit operating conditions and predicting NO<sub>x</sub> emission rates as specified in a plan that would be submitted to the Department in accordance with 40 CFR 60.48b(g)(2).

VII.

The Respondent submitted the results of the May 2013 performance test under cover letter dated July 23, 2013. The Respondent submitted the monitoring plan under cover letter dated August 1, 2013, in accordance with 40 CFR 60.48b(g)(2).

VIII.

Based on discussions with the Respondent in the meeting on April 18, 2013, and the Respondent's letters dated June 3, 2013, and June 27, 2013, the following violations were noted:

The Respondent failed to have an installed CEMS or a system in place to predict and record NO<sub>x</sub> emission rates based on operating conditions to demonstrate that it meets the emission limit of 0.1 lb NO<sub>x</sub>/MMBtu, in violation of 40 CFR 60.48b(g)(1) or 40 CFR 60.48b(g)(2), respectively, which language has been adopted as a Louisiana regulation in LAC 33:III.3003 and La. R.S. 30:2057(A)(2). In addition, operating the Steam Superheater with an annual capacity factor of more than ten (10) percent of natural gas is in violation of Specific Requirement 104 of Title V Permit No. 2422-V4, 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 Regulations, including but not limited to, not discharging into the atmosphere from the Steam Superheater 1406 (EQT 1047), any gases that contain NO<sub>x</sub> in excess of 0.1 lb NO<sub>x</sub>/MMBtu as required by 40 CFR 60.44b(a)(1)(i).

### II.

To complete the following tasks within the specified timeframes below:

- A. Within fifteen (15) calendar days after approval of the monitoring plan, order equipment, as needed.
- B. Within thirty (30) calendar days after approval of the monitoring plan, submit to the Air Permits Division, performance test requests as applicable.
- C. Within ninety (90) calendar days after approval of the monitoring plan, implement the monitoring and the applicable reporting and recordkeeping requirements. Submit written notification of the date of completion of this task to the Enforcement Division within thirty (30) calendar days after its completion.
- D. Within thirty (30) calendar days after implementation of the monitoring plan, submit to the Air Permits Division, the appropriate air permit application.
- E. Within sixty (60) calendar days after implementation of the monitoring plan, commence conducting a performance test, if required. The performance test protocol must be approved by the Department in advance of the test. Previous performance tests may be utilized to meet this requirement, if appropriate. The Respondent shall operate within the constraints established in the most recent performance test.

### III.

To submit quarterly reports to the Enforcement Division within thirty (30) days following the end of each calendar quarter commencing with the effective date of this **COMPLIANCE ORDER** until all of the tasks in this **COMPLIANCE ORDER** have been completed. At a minimum, the quarterly report shall document the status of each of the tasks.

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

Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
Attn: **Richard Ober, Jr.**  
Re: **Enforcement Tracking No. AE-CN-13-00524**  
**Agency Interest No. 2083**

**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-13-00524**  
**Agency Interest No. 2083**

III.

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

IV.

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

V.

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

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

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

**NOTICE OF POTENTIAL PENALTY**

I.

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

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Richard Ober, Jr. at (225) 219-3704 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 05 day of September, 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: Richard Ober, Jr.

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE  
ENFORCEMENT DIVISION**

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

POST OFFICE BOX 4312  
BATON ROUGE, LOUISIANA 70821-4312



Enforcement Tracking No.	AE-CN-18-00756	Certified Mail No.	7014 0510 0002 3595 4196
Agency Interest (AI) No.	2083	Contact Name	Mark E. Brown
Alternate ID No.	0520-00001	Contact Phone No.	(225) 219-3782
Respondent:	Union Carbide Corporation	Facility Name:	St. Charles Operations
	c/o C T Corporation System	Physical Location:	355 Louisiana Highway 3142
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Taft, LA 70057
Baton Rouge, LA 70816	Parish:	St. Charles	

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B). Addendum 1 lists the facilities and Title V Air Permits.

**FINDINGS OF FACT**

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

i.	The Respondent owns and/or operates a chemical manufacturing facility located at 355 Louisiana Highway 3142 in Taft, St. Charles Parish, Louisiana. The facility currently operates under fourteen air quality permits. On or about November 21, 2018, the Louisiana Department of Environmental Quality (the Department) performed a file review 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 file review.	
	<b>Date of Violation</b>	<b>Description of Violation</b>
ii.	File Review 12/12/18	In correspondence dated March 28, 2014, the Respondent submitted the 2013 Second Semiannual Monitoring Report for the Acrylics I plant, Title V Air Permit No. 513-V3. The report disclosed 24 components (unidentified) were not monitored during the Fourth Quarter of 2013 because they had been incorrectly designated as removed. Each failure to monitor each component quarterly is a violation of Title V Air Permit No. 513-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent reported the components were re-designated and monitored. None were leaking.
iii.	File Review 12/12/18	In correspondence dated March 28, 2014, the Respondent submitted the 2013 Second Semiannual Monitoring Report for the Acrylics II plant, Title V Air Permit No. 2254-V3. The report disclosed 26 components (unidentified) were not monitored during the Fourth Quarter of 2013 because they had been incorrectly designated as removed. Each failure to quarterly monitor each component is a violation SRs 212 - 239, as applicable of Title V Air Permit No. 513-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent reported the components were re-designated and monitored. None were leaking.
iv.	File Review 12/12/18	In correspondence dated March 28, 2014, the Respondent submitted the 2013 Second Semiannual Monitoring Report for the Acrylics II plant, Title V Air Permit No. 2422-V4/V4AA. The report disclosed the annual emission limits and five-year maximum rolling average of Flare (Group 167) startup/shutdown emissions were exceeded. The exceedance of the permit limits is a violation of SR 34 of Title V Air Permit No. 2422-V4/V4AA, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
v.	File Review 12/12/18	In correspondence dated March 28, 2014, the Respondent submitted the 2013 Second Semiannual Monitoring Report for the Specialty Products Unit, Title V Air Permit No. 1912-V3. The report disclosed 25 components (unidentified) were not monitored during the fourth quarter of 2013 because they had been incorrectly designated as removed. Each failure to monitor each component quarterly is a violation of Title V Air Permit No. 1912-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent reported the components were re-designated and monitored. None were leaking.





VI.	<b>File Review 12/12/18</b>	In correspondence dated September 29, 2016, the Respondent submitted the 2016 First Semiannual Monitoring Report for the Acrylics I plant, Title V Air Permit No. 513-V3. The report disclosed that on January 25, 2016, isopropyl ether (VOC with vapor pressure greater than 1.5 pounds per square inch absolute (psia)) was routed to an emergency storage tank (EQT 793) as the result of a compressor failure elsewhere. EQT 793 was not permitted to store isopropyl ether, and was not equipped with a submerged fill pipe; therefore, unpermitted emissions of isopropyl ether occurred. The failure to provide adequate equipment to prevent unpermitted emission to the atmosphere is a violation of LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The report stated that the air permit would be modified to show EQT 793 may store high psia VOC materials, and that EQT 793 has been modified to bottom filling. Title V Air Permit 513-V4, issued October 4, 2018, does not incorporate the psia modification for EQT 793.
VII.	<b>File Review 12/12/18</b>	In correspondence dated September 29, 2016, the Respondent submitted the 2016 First Semiannual Monitoring Report for the LP3 & LP6 Plants, Title V Air Permit No. 2214-V4. The report disclosed that in June 2016, a Risk Management Program (RMP) audit and certification was conducted after the three year period had passed. The failure to conduct the audit on a three year schedule is a violation of 40 CFR 68.79(a), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent reported that work processes have been updated to ensure that the deadline will not be exceeded in the future.
VIII.	<b>File Review 12/12/18</b>	In correspondence dated September 29, 2016, the Respondent submitted the 2016 First Semiannual Monitoring Report for the LP3 & LP6 Plants, Title V Air Permit No. 2214-V4. The report disclosed that Method 21 monitoring was not conducted for this reporting period on a fugitive component in the LP6 plant. The failure to conduct the monitoring is a violation of 40 CFR 60.482-10(f)(1)(i), which language has been adopted as a Louisiana regulation in LAC 33:III.3003.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(2). The Respondent reported that the component had been scheduled for monitoring.
IX.	<b>File Review 12/12/18</b>	In correspondence dated September 29, 2016, the Respondent submitted the 2016 First Semiannual Monitoring Report for the LP3 & LP6 Plants, Title V Air Permit No. 2214-V4. The report disclosed that a regulated valve in fugitive service in the LP6 plant was not included in the Leak Detection and Repair (LDAR) program. The failure to meet applicable LDAR requirements is a violation of 40 CFR 60.482-7, which language has been adopted as a Louisiana regulation in LAC 33:III.3003.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported the valve was monitored and not leaking. The valve was also added to the LDAR program list.
X.	<b>File Review 12/12/18</b>	In correspondence dated September 29, 2016, the Respondent submitted the 2016 First Semiannual Monitoring Report for the LP3 & LP6 Plants, Title V Air Permit No. 2214-V4. The report disclosed that one (1) pump in regulated service in the LP6 plant was not included in the weekly visual inspection program. Each failure to inspect the pump is a violation of 40 CFR 60.482-2(2), which language has been adopted as a Louisiana regulation in LAC 33:III.3003.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(2). The Respondent reported the pump has been added to the program list.
XI.	<b>File Review 12/12/18</b>	In correspondence dated September 29, 2016, the Respondent submitted the 2016 First Semiannual Monitoring Report for the Energy System Plant, Title V Air Permit No. 2343-V3. The report disclosed that the carbon monoxide (CO) emission rate for the No. 3 Steam Plant West Package Boiler (EQT 0339) exceeded the maximum hourly permit limit for one (1) hour on January 5, 2016. This exceedance is a violation of Title V Permit No. 2343-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported that the annual CO limit was not exceeded.
XII.	<b>File Review 12/12/18</b>	In correspondence dated September 29, 2016, the Respondent submitted the 2016 First Semiannual Monitoring Report for the Olefins 1 & 2 Plants, Title V Air Permit No. 2422-V7. The report disclosed that Superheater 1406 (EQT 1047) operated outside the permitted oxygen range for nine (9) hours during January through June. Each failure to operate within the oxygen range is a violation of Specific Requirement (SR) 98 of Title V Permit 2422-V7, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported that stack testing in October 2015 demonstrated that the oxygen levels during this period would not have resulted in NO <sub>x</sub> emission exceedances during this period.
XIII.	<b>File Review 12/12/18</b>	In correspondence dated September 29, 2016, the Respondent submitted the 2016 First Semiannual Monitoring Report for the Olefins 1 & 2 Plants, Title V Air Permit No. 2422-V7. The report disclosed that Furnaces at Olefins I and Olefins II, (EQT 1047) operated outside of the permitted firing range for two (2) hours during January through June 2016. Each failure to operate within the firing range is a violation of SR 98 of Title V Permit 2422-V7, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported there were no excess emissions during these hours.

XIV.	File Review 12/12/18	In correspondence dated September 29, 2016, the Respondent submitted the 2016 First Semiannual Monitoring Report for the Olefins 1 & 2 Plants, Title V Air Permit No. 2422-V7. The report disclosed that furnaces at Olefins 1 and 2 and the Olefins 2 East & West Superheaters (EQT 1031 & EQT 1032) operated outside of the permitted oxygen ranges for 62 hours during January through June 2016. Each hour of operation outside of the permitted oxygen ranges is a violation of SR 6, of Title V Permit 2422-V7, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported revision of operating procedures and alarm setpoint procedures to prevent reoccurrence.
XV.	File Review 12/12/18	In correspondence dated September 29, 2016, the Respondent submitted the 2016 First Semiannual Monitoring Report for the Olefins 1 & 2 Plants, Title V Air Permit No. 2422-V7. The report disclosed that records demonstrating completion of monthly visual inspections of seal and closure mechanisms on closed vent systems at the Olefins 1 & 2 Flares were not maintained. Each failure to maintain records is a violation of 40 CFR 63.998(d)(1)(ii)(B), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent reported work procedures have been updated to ensure that copies of completed inspections are maintained.
XVI.	File Review 12/12/18	In correspondence dated September 29, 2016, the Respondent submitted the 2016 First Semiannual Monitoring Report for the Olefins 1 & 2 Plants, Title V Air Permit No. 2422-V7. The report disclosed that records demonstrating completion of weekly visual inspections of pumps in light liquid service were not maintained for six (6) out of 100 checks during the period. Each failure to maintain records is violation of 40 CFR 63.1038(c)(2)(i), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, SR 218 of Title V Permit No. 2247-V7, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent reported work procedures have been updated to ensure that copies of completed inspections are maintained.
XVII.	File Review 12/12/18	In correspondence dated September 29, 2016, the Respondent submitted the 2016 First Semiannual Monitoring Report for the Site Logistics Plant, Title V Air Permit No. 2656-V5. The report disclosed that during the First Quarter of 2016, fugitive components of the butyl acrylate tank, (EQT 189) and the ethyl acrylate tank (EQT 1129) were not monitored as required. Each failure to monitor the tanks is a violation of SR 549 of Title V Permit 2656-V5, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(2). The Respondent reported that the components were added to the monitoring list, were monitored; no leaks were found.
XVIII.	File Review 12/12/18	In correspondence dated September 29, 2016, the Respondent submitted the 2016 First Semiannual Monitoring Report for the Site Logistics Plant, Title V Air Permit No. 2656-V5. The report disclosed that the Enclosed Flare (EIQ 668) electronic data indicated instances of the flare temperature being below the required 1,400 °F. Each failure to maintain the required temperature is a violation of SR 382 of Title V Permit 2656-V5, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported the continuous monitoring system has been modified to assure compliance with the 1,400 °F limit.
XIX.	File Review 12/12/18	In correspondence dated September 29, 2016, the Respondent submitted the 2016 First Semiannual Monitoring Report for the Site Logistics Plant, Title V Air Permit No. 2656-V5. The report disclosed that the Overland Scrubber (EQT 225) flow data was not recorded on January 1, 2016. The failure to record the scrubber flow is a violation of SR 389 of Title V Permit 2656-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent reported refresher training was provided.
XX.	File Review 12/12/18	In correspondence dated September 29, 2016, the Respondent submitted the 2016 First Semiannual Monitoring Report for the Site Logistics Plant, Title V Air Permit No. 2656-V5. The Report disclosed that, on January 12, 2016, the Acrylate Enclosed Flare (EQT 231) tripped due to high flow. There was no procedure in place to address this malfunction. The failure to use control devices to properly minimize emissions is a violation of 40 CFR 63.2346(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, SR 405 of Title V Air Permit No. 2656-V5, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported that the proper responses to this event were added to the facility Startup/Shutdown/Malfunction (SSSM) plan.
XXI.	File Review 12/12/18	In correspondence dated September 29, 2016, the Respondent submitted the 2016 First Semiannual Monitoring Report for the Site Logistics Plant, Title V Air Permit No. 2656-V5. The report disclosed that a flow monitoring record for the Overland Scrubber (EQT 225) for the week of April 27, 2016 could not be located. The failure to maintain records of the scrubber flow is a violation of SR 389 of Title V Permit No. 2656-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent reported Refresher training was provided.

XXII.	File Review 12/12/18	In correspondence dated September 29, 2016, the Respondent submitted the 2016 First Semiannual Monitoring Report for the Site Logistics Plant, Title V Air Permit No. 2656-V5. The report also disclosed that, on May 17, 2016, a power outage caused loss of water flow to the Overland Scrubber (EQT 225). Truck loading personnel continued loading trucks without the scrubber in operation, which operation is required when loading trucks. The failure to confirm there was water flow to the scrubber during loading operations is a violation of SR 387 and SR 391 of Title V Permit No. 2656-V5, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported an alarm has been installed to indicate if there is no water flow during loading operations.
XXIII.	File Review 12/12/18	In correspondence dated March 29, 2017, the Respondent submitted the 2016 Second Semiannual Monitoring Report for the Higher Glycols Plant, Title V Air Permit No. 1909-V2. The report disclosed that for the year 2016, the annual tons per year of acetaldehyde were exceeded for the E-2329B Vent (RLP 086). The failure to comply with the emission limit is a violation of Title V Air Permit No. 1909-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported a permit modification would be submitted. An application was submitted April 12, 2017.
XXIV.	File Review 12/12/18	In correspondence dated March 29, 2017, the Respondent submitted the 2016 Second Semiannual Monitoring Report for the TB1 & TB2 Plants, Title V Air Permit No. 2257-V5. The report also disclosed that the annual particulate matter emission limitation was exceeded for the TB Evaporative Cooling (EQT 694). The failure to meet the emission limit is a violation of Title V Air Permit No. 2257-V5, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The emission limitation is based on historical average conductivity. The conductivity for 2016 was higher than historical. The Respondent reported additional controls have been implemented to reduce and maintain conductivity. The Respondent reported that an application would be submitted to modify the permit to reconcile the emissions. Title V Air Permit No. 2257-V7 was issued July 27, 2017, increasing particulate matter emissions limit from 0.94 to 1.39 tpy.
XXV.	File Review 12/12/18	In correspondence dated March 29, 2017, the Respondent submitted the 2016 Second Semiannual Monitoring Report for the Energy System Plant, Title V Air Permit No. 2343-V3. The report disclosed that the annual tpy permit emission limit of butanol was exceeded from the GTG/HRSG Stack-East (EQT 335) and GTG/HRSG Stack-West (EQT 336). The failure to meet the emission limit is a violation of Title V Air Permit No. 2343-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported an application would be submitted to modify the permit to incorporate the higher emissions. Title V Air Permit No. 2343-V4 issued November 15, 2017, increased the butanol emission limit for each stack from 0.01 tpy to 0.03 tpy.
XXVI.	File Review 12/12/18	In correspondence dated March 29, 2017, the Respondent submitted the 2016 Second Semiannual Monitoring Report for the Olefins I and II Plant, Title V Air Permit No. 2422-V7. The report disclosed that furnaces at Olefins I and II, and the Olefins II East Superheater operated outside of permitted oxygen ranges for 15 hours during this reporting period. The failures to maintain the oxygen ranges are violations of SR 3, and SR 6, respectively, of Title V Air Permit No. 2422-V7, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported that operating procedures and alarms have been revised to prevent reoccurrence.
XXVII.	File Review 12/12/18	In correspondence dated March 29, 2017, the Respondent submitted the 2016 Second Semiannual Monitoring Report for the Olefins I and II Plant, Title V Air Permit No. 2422-V7. The report also disclosed that records demonstrating completion of monthly inspections of seals and closure mechanisms at the Olefins I and II flares were not maintained. Each failure to maintain records of inspections is a violation of 40 CFR 63.998(d)(1)(ii)(B), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent reported that work processes have been revised in ensure maintenance of records.
XXVIII.	File Review 12/12/18	In correspondence dated March 29, 2017, the Respondent submitted the 2016 Second Semiannual Monitoring Report for the Olefins I and II Plant, Title V Air Permit No. 2422-V7. The report also disclosed that records demonstrating completion of weekly inspections of pumps in light liquid service were not maintained for two (2) out of 96 inspections during this reporting period. Each failure to maintain a record is a violation of 40 CFR 63.1038(c)(2)(i), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent reported work processes have been revised to ensure maintenance of records.

XXIX	File Review 12/12/18	In correspondence dated March 29, 2017, the Respondent submitted the 2016 Second Semiannual Monitoring Report for the Methyl Glycol Ethers Plant, Title V Air Permit No. 2814-V2. The report disclosed that annual emissions of Glycol Ethers from the Column MK4-C102 Vent (RLP 091) exceeded the limit by 0.03 tons. The Respondent reported an application was submitted to modify the permit to incorporate the higher emission. Title V Air Permit No. 2814-V2, issued May 8, 2013 lists a permit limit of 0.05 tpy. Title V Air Permit No. 2814-V3, issued July 17, 2017 lists a permit limit of 0.24 tpy.
XXX.	File Review 12/12/18	In correspondence dated September 27, 2017, the Respondent submitted the 2017 First Semiannual Monitoring Report for the Oxide 1 Plant, Title V Air Permit No. 476-V4. The report disclosed that the Oxide Plant Startup and Shutdown Emission Alt Scenario CAP Report, due on March 31, 2017, was submitted on June 29, 2017. The late submittal of the report is a violation of SR 216 of Title V Air Permit No. 476-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
XXXI.	File Review 12/12/18	In correspondence dated September 27, 2017, the Respondent submitted the 2017 First Semiannual Monitoring Report for the Olefins I and II Plants, Title V Air Permit No. 2422-V7. The report disclosed that Furnace 13 (EQT 1044) operated outside of the permitted oxygen range for three (3) hours during the period. The failure to operate within the permitted oxygen range is a violation of SR 12 of Title V Air Permit No. 2422-V7, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported operating procedures and alarm setpoint were revised to prevent reoccurrence.
XXXII.	File Review 12/12/18	In correspondence dated September 27, 2017, the Respondent submitted the 2017 First Semiannual Monitoring Report for the Site Logistics Plant, Title V Air Permit No. 2656-V5. The report disclosed that on February 14, 2017, nine (9) Amines cars were loaded with the Overland Scrubber (EQT 225) not in service. The failure to have the scrubber in service while loading railcars is a violation SR 388 of Title V Air Permit No. 2656-V5, LAC 33:III.905.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported loading operations ceased and loading operators were retrained.
XXXIII.	File Review 12/12/18	In correspondence dated March 27, 2018, the Respondent submitted the 2017 Second Semiannual Monitoring Report for the Olefins I & II Plants, Title V Air Permit No. 2422-V7. The report disclosed that the furnaces Olefins I & II, and the Olefins II East Superheater operated outside of the permitted oxygen range for 18 hours during the period of July to December 2017. The failure to operate within the permitted range is a violation of SR 6 of Title V Air Permit No. 2422-V7, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported furnace and Superheater operating parameters were adjusted to bring the equipment within the permitted oxygen ranges.
XXXIV.	File Review 12/12/18	In correspondence dated March 27, 2018, the Respondent submitted the 2017 Second Semiannual Monitoring Report for the Olefins I & II Plants, Title V Air Permit No. 2422-V7. The report disclosed Olefins I Flare EQT 1020 and Olefins II Flare EQT 1041 smoked for 142 minutes during unplanned and planned unit outages. Flare smoking in excess of five (5) minutes is a violation of 40 CFR 60.18(c)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported nitrogen flow to the flare was decreased and the heat content of the stream to the flare was increased, bringing the heat content above 300 BTU.
XXXV.	File Review 12/12/18	In correspondence dated March 27, 2018, the Respondent submitted the 2017 Second Semiannual Monitoring Report for the Olefins I & II Plants, Title V Air Permit No. 2422-V7. The report disclosed Superheater (EQT 1047) operated outside the permitted firing range for five (5) hours during the period July through December 2017. Each failure to operate within the firing range is a violation of SR 98 of Title V Permit 2422-V7, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported there were no excess emissions during these hours.
XXXVI,	File Review 12/12/18	In correspondence dated March 27, 2018, the Respondent submitted the 2017 Second Semiannual Monitoring Report for the EPARK Plant, Title V Air Permit No. 2446-V4. The report disclosed that a survey of existing fugitive emission components revealed that 36 components in light liquid service were not monitored as required. Each failure to monitor each component is a violation of 40 CFR 63.162, which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(2). The Respondent reported the monitoring of those components was subsequently performed and no leaks were found.
XXXVII	File Review 12/12/18	In correspondence dated March 27, 2018, the Respondent submitted the 2017 Second Semiannual Monitoring Report for the Site Logistics Plant, Title V Air Permit No. 2656-V5. The report disclosed that a survey of existing fugitive emission components revealed that seven (7) pumps in light liquid service were not monitored as required. Each failure to monitor each component is a violation of 40 CFR 63.163(b)(3), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(2). The Respondent reported monitoring was subsequently performed and no leaks were found.

XXXVIII.	<b>File Review 12/12/18</b>	In correspondence dated September 27, 2018, the Respondent submitted the 2018 First Semiannual Monitoring Report for the Acrylics II Plant, Title V Air Permit No. 2254-V3. The report disclosed that, on June 28, 2018, fugitive monitoring was not performed following repair of a pump in VOC service. The failure to perform monitoring as required is a violation of 40 CFR 63.163(b)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, SR 165 of Title V Air Permit No. 2254-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(2). The Respondent reported monitoring was subsequently performed and no leaks were found.
XXXIX.	<b>File Review 12/12/18</b>	In correspondence dated September 27, 2018, the Respondent submitted the 2018 First Semiannual Monitoring Report for the Olefins I & II Plants, Title V Air Permit No. 2422-V7. The report disclosed that the furnaces Olefins I & II operated outside of the permitted oxygen range for 112 hours during January through June 2018. Each failure to operate within the permitted range is a violation of SR 3 of Title V Air Permit No. 2422-V7, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported furnace operating parameters were adjusted to bring the equipment within the permitted oxygen ranges, and additional training was provided.
XXXX.	<b>File Review 12/12/18</b>	In correspondence dated September 27, 2018, the Respondent submitted the 2018 First Semiannual Monitoring Report for the Olefins I & II Plants, Title V Air Permit No. 2422-V7. The report disclosed that 21 valves, 29 connectors and two (2) relief devices were not included in the LDAR program. Each failure to monitor each valve is a violation of 40 CFR 63.1025 which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each failure to monitor each connector is a violation of 40 CFR 63.1027 which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Each failure to monitor each relief device is a violation of 40 CFR 63.1030 which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent reported monitoring was performed.

**ORDER**

Based on the foregoing, the Respondent is **hereby ordered to comply with the requirements that are indicated below:**

I.	To take, immediately upon receipt of this <b>COMPLIANCE ORDER</b> , any and all steps necessary to meet and maintain compliance with the Air Quality Regulations and all applicable permits. This shall include, <b>but not be limited to;</b> correcting <u>all</u> of the violations described in the "Findings of Fact" portion.
II.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> , 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 <b>COMPLIANCE ORDER</b> . This report and all other reports or information required to be submitted to the Enforcement Division by this <b>COMPLIANCE ORDER</b> shall be submitted to the Department at the address specified in this document.
III.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> : 1) the estimated volume of isopropyl ether emitted to the atmosphere, 2) the date that bottom filling was initiated for EQT 793, 3) the date that an application will be submitted to modify Title V Air Permit No. 513-V4 to incorporate the new materials stored in EQT 793, as described in Paragraph VI of the Findings of Fact of this <b>COMPLIANCE ORDER</b> .
IV.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> : The period of time the regulated valve in fugitive service was in service while not monitored as described in Paragraph IX of the Findings of Fact of this <b>COMPLIANCE ORDER</b> .
V.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> : The amount of the exceedance of CO maximum hourly emission rate as described in Paragraph XI of the Findings of Fact of this <b>COMPLIANCE ORDER</b> .
VI.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> : A list of the dates and duration of periods of operation outside of the permitted oxygen range and the actual oxygen levels as described in Paragraphs XII, XIV, XXVI, XXXII, XXXIII, and XXXIX of the Findings of Fact of this <b>COMPLIANCE ORDER</b> .
VII.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> : A list of the dates and duration of periods of operation outside of the permitted firing range and the actual firing range as described in Paragraph XIII of the Findings of Fact of this <b>COMPLIANCE ORDER</b> .
VIII.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> : A statement detailing the beginning and ending dates the components were monitored, as described in Paragraph XVII of the Findings of Fact of this <b>COMPLIANCE ORDER</b> .

IX.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> : A list of the dates and duration of periods of operation of the Enclosed Flare below 1,400 °F, as described in Paragraph XVIII of the Findings of Fact of this <b>COMPLIANCE ORDER</b> .
X.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> : The actual annual tons of acetaldehyde emitted from E-2329B Vent (RLP 086) as described in Paragraph XXIII of the Findings of Fact of this <b>COMPLIANCE ORDER</b> .
XI.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> : The permit limit and actual emissions of PM as described in Paragraph XX of the Findings of Fact of this <b>COMPLIANCE ORDER</b> .
XII.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> : A description of the composition and volume of emissions to the atmosphere and duration of the event when amines cars were loaded with EQT 225 not operating, as described in Paragraph XXVIII of the Findings of Fact of this <b>COMPLIANCE ORDER</b> . Include the time and duration of the loading event with EQT 225 not in service as described in Paragraph XXIXI of the Findings of Fact of this <b>COMPLIANCE ORDER</b> .
XIII.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> : The number of each of the 36 components, pumps, valves, connectors not monitored as described in Paragraph XXXVI of the Findings of Fact of this <b>COMPLIANCE ORDER</b> .
XIV.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> : The periods of time that each of 7 pumps was not monitored as described in Paragraph XXXVII of the Findings of Fact of this <b>COMPLIANCE ORDER</b> .
XV.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> : A statement verifying that the components monitored were added to the facility LDAR program as described in Paragraph XXXX of the Findings of Fact of this <b>COMPLIANCE ORDER</b> .

#### RIGHT TO APPEAL

I.	The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this <b>COMPLIANCE ORDER</b> . This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> .
II.	The request for an adjudicatory hearing shall specify the provisions of the <b>COMPLIANCE ORDER</b> 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 address specified in this document.
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 <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.
IV.	This <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> becoming a permanent part of its compliance history.
VI.	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 <b>COMPLIANCE ORDER</b> 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 Mark E. Brown at (225) 219-3782 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.
- III. The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.
- IV. 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.

**CONTACTS AND SUBMITTAL OF INFORMATION**

<b>Enforcement Division:</b>	<b>Hearing Requests:</b>
Louisiana Department of Environmental Quality Office of Environmental Compliance Air Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Mark E. Brown	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-18-00756 Agency Interest No. 2083
<b>Permit Division (if necessary):</b>	<b>Physical Address (if hand delivered):</b>
Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Air Permits Division	Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

**HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

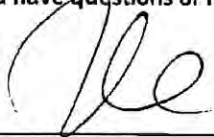
- To appeal the **COMPLIANCE ORDER** portion, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **COMPLIANCE ORDER**.
- To request closure of this **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**, the Respondent must demonstrate compliance with the "Order" portion of this **COMPLIANCE ORDER** by completing the attached "**CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL REQUEST TO CLOSE**" form and returning it to the address specified.
- To expedite closure of the **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 Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7.

<b>CONTACTS AND SUBMITTAL OF INFORMATION</b>	
<b>Enforcement Division:</b> Louisiana Department of Environmental Quality Office of Environmental Compliance Air Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Mark E. Brown	<b>Hearing Requests:</b> 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-18-00756 Agency Interest No. 2083
<b>Permit Division (if necessary):</b> Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Air Permits Division	<b>Physical Address (if hand delivered):</b> Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

**HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY**

- To appeal the **COMPLIANCE ORDER** portion, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **COMPLIANCE ORDER**.
- To request closure of this **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**, the Respondent must demonstrate compliance with the "Order" portion of this **COMPLIANCE ORDER** by completing the attached "**CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL REQUEST TO CLOSE**" form and returning it to the address specified.
- To expedite closure of the **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 Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7.
- The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
- The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent must include a justification of the offer.
- **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

If you have questions or need more information, you may contact Mark E. Brown at (225) 219-3782, or mark.brown@la.gov



**Lourdes Iturralde**  
Assistant Secretary  
Office of Environmental Compliance

c: Union Carbide Corporation  
Jean Algate  
Responsible Care Leader  
355 Louisiana Highway 3142  
Hahnville, LA 70057

Date: 12-13-18



Attachments

- Request to Close
- Addendum 1



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.	AE-CN-18-00756	Contact Name	Mark E. Brown
Agency Interest (AI) No.	2083	Contact Phone No.	(225) 219-3782
Alternate ID No.	0520-00001		
Respondent:	<b>Union Carbide Corporation</b>	Facility Name:	St. Charles Operations
	c/o C T Corporation System	Physical Location:	355 Louisiana Highway 3142
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Taft, LA 70057
Baton Rouge, LA 70816	Parish:	St. Charles	

**STATEMENT OF COMPLIANCE**

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II 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 Paragraphs III, IV, V, VI, VII, VIII, VIX, X, XI, XII, XIII, XIV, and XV 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 CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY AE-CN-18-00756, 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 CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY AE-CN-18-00756, 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"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• 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.</li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY AE-CN-18-00756, and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

**CERTIFICATION STATEMENT**

*I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.*

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

**MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:**

Louisiana Department of Environmental Quality  
 Office of Environmental Compliance  
 Enforcement Division  
 P.O. Box 4312  
 Baton Rouge, LA 70821  
 Attn: Mark E. Brown

## ADDENDUM 1

TABLE A

<b>Acrylics I</b>		
513-V2	June 15, 2007	June 15, 2012
513-V3	January 25, 2013	January 25, 2018
513-V3AA	March 20, 2013	-
513-V4	October 4, 2018	October 4, 2023
<b>Acrylics II</b>		
2254-V1	September 19, 2011	September 19, 2016
2254-V2	December 14, 2011	September 19, 2016
2254-V3	December 5, 2012	September 19, 2016
<b>Amines</b>		
2421-V2	June 23, 2011	June 23, 2016
2421-V3	May 24, 2013	June 23, 2016
2421-V4	October 3, 2013	June 23, 2016
2421-V5	January 19, 2016	June 23, 2016
<b>Butanol (TB1 &amp; TB2)</b>		
2257-V3	December 28, 2006	December 28, 2011
2257-V4	October 9, 2007	February 28, 2011
2257-V5	January 31, 2013	January 31, 2018
<b>Energy Systems</b>		
2343-V2	February 7, 2011	February 7, 2016
2343-V3	September 27, 2012	September 27, 2017
2343-V4	November 15, 2017	November 15, 2022
<b>EnvOps</b>		
2104-V3	May 29, 2012	September 25, 2014
2104-V4	March 4, 2015	March 4, 2020
2104-V5	January 27, 2017	March 4, 2020
<b>EPARK</b>		
2446-V2	February 8, 2012	February 8, 2017
2446-V3	September 14, 2012	February 8, 2017
2446-V4	February 17, 2016	February 8, 2017
2446-V5	September 4, 2018	September 4, 2023
<b>Higher Glycols</b>		
1909-V1	June 18, 2007	June 18, 2012
1909-V2	October 16, 2012	October 16, 2017
<b>Hydrocarbons (Olefins I &amp; Olefins II)</b>		
2422-V3	September 14, 2012	February 8, 2017
2422-V4	August 8, 2016	September 14, 2015
2422-V5	April 21, 2014	September 14, 2015
2422-V6	May 2, 2014	September 14, 2015
2422-V7	May 22, 2015	September 14, 2015
2422-V8	August 2, 2018	August 2, 2023
<b>Methyl Glycol Ethers</b>		
2814-V1	February 28, 2008	February 28, 2013
2814-V2	May 8, 2013	May 8, 2018
2814-V3	July 7, 2017	May 8, 2018
<b>Oxide I</b>		
476-V3	October 17, 2012	January 26, 2015
476-V4	January 22, 2016	January 22, 2021
476-V5	February 7, 2017	January 22, 2021

<b>Polyethylene – LP3 &amp; LP6</b>		
2214-V1	July 25, 2012	June 25, 2017
2214-V2	June 19, 2013	June 25, 2017
2214-V3	February 27, 2015	June 25, 2017
2214-V4	January 19, 2016	June 25, 2017
<b>Site Logistics</b>		
2656-V3	September 14, 2012	December 22, 2016
2656-V4	December 18, 2012	December 22, 2016
2656-V4AA	May 30, 2013	
2656-V5	September 14, 2015	December 22, 2016
<b>Specialty Products Unit (SPU)</b>		
1912-V3	January 18, 2013	June 25, 2014
1912-V4	June 25, 2014	June 25, 2019
1912-V5	January 14, 2016	June 25, 2019
1912-V6	September 13, 2018	June 25, 2019