

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

BASF CORPORATION

AI # 2049, 30073

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

* **Settlement Tracking No.**

* **SA-AE-24-0040**

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* **Enforcement Tracking Nos.**

* **AE-CN-19-00722**

* **AE-CN-19-00722A**

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* **Docket No. 2022-6502-DEQ**

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SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between BASF 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 facilities located in Geismar, Ascension Parish, Louisiana (“the Facilities”).

II

On June 16, 2021, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-19-00722 (Exhibit 1).

On June 13, 2023, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-19-00722A (Exhibit 2).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty and

Amended Consolidated Compliance Order & Notice of Potential Penalty, Respondent made timely requests for hearings.

IV

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

V

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 FOUR HUNDRED SIXTY AND NO/100 DOLLARS (\$35,460.00), of which Five Thousand Two Hundred One and 63/100 Dollars (\$5,201.63) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement 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).

VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty, Amended Consolidated Compliance Order & Notice of Potential Penalty and this Settlement Agreement 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.

VII

This Settlement 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 Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VIII

This Settlement Agreement 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 Agreement, the Department considered the factors for issuing civil penalties set forth in La. R.S. 30:2025(E) of the Act.

IX

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.

X

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 Agreement 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 Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XI

Payment is to be made within thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement Agreement is voidable at the option of the Department. The Respondent shall provide its tax identification number when submitting payment. 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 attached hereto.

XII

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement Agreement.

XIII

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.

BASF 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
Aurelia S. Giacometto, Secretary

BY: _____
Jerrie "Jerry" Lang, 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: 

Jerrie "Jerry" Lang, Assistant Secretary



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 16, 2021

CERTIFIED MAIL (7016 2140 0000 5132 9984)
RETURN RECEIPT REQUESTED

BASF CORPORATION
c/o C T CORPORATION SYSTEM
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, Louisiana 70816

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-19-00722
AGENCY INTEREST NOS. 2049, 30073**

Dear Sir/Madam:

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

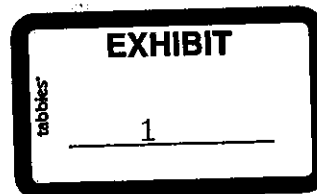
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Courtney Tolbert at 225-219-3347.

Sincerely,

Celenia J. Cage
Administrator
Enforcement Division

CJC/CJT/cjt
Alt ID Nos. 0180-00013, 0180-00069
Attachment



c: **BASF Corporation- Geismar Site**
Daniel Wolf
Post Office Box 457
Geismar, Louisiana 70734-0457

c: **BASF Corporation- North Geismar Site**
Jervey Cheveallier
Post Office Box 670
Geismar, Louisiana 70734-0670

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

IN THE MATTER OF

**BASF CORPORATION
ASCENSION PARISH
ALT ID NOS. 0180-00013, 0180-00069**

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

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* **ENFORCEMENT TRACKING NO.**
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* **AE-CN-19-00722**
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* **AGENCY INTEREST NO.**
* **2049, 30073**
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**CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **BASF 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 facilities in the below table:

2049	BASF Corporation- Geismar Site (Geismar Site)	8404 River Road Louisiana Highway 75	Ascension
30073	BASF Corporation- North Geismar Site (North Geismar Site)	36637 B Louisiana Highway 30	Ascension

II.

The facilities operate or have operated under the authority of the following Title V Air Permits:

1	2049	Acetylene	2526-V5	12/11/2014
2			2526-V6	10/16/2015
3			2526-V7	12/12/2016
4			2526-V8	1/11/2017
5			2526-V9	2/20/2019
6		Specialty Amines	2028-V6	7/23/2013
7			2028-V7	2/26/2015
8			2028-V8	10/5/2015
9			2028-V9	10/31/2017
10			2028-V10	11/13/2019
11		2028-V10 AA	6/4/2020	
12		Aniline 1 and 2	2558-V2	5/9/2012
13			2558-V3	5/18/2016
14			2558-V3 AA	12/7/2016
15			2558-V4	9/21/2018
16			2558-V4 AA	11/1/2018
17			2558-V5	1/24/2020
18		Diols/Intermediates	2353-V4	6/30/2014
19			2353-V5	8/8/2018
20			2353-V6	8/29/2019
21			2353-V7	11/22/2019
22		EO/EG	2459-V6	8/29/2014
23			2459-V7	8/21/2015
24			2459-V8	5/2/2019
25		Formic Acid	3098-V0	10/16/2012
26			3098-V1	3/27/2015
27			3098-V2	6/15/2018
28		Glyoxal (Rescission 4/28/2015)	2094-V2	1/5/2012

29	2049	MDI-1	2334-V2	10/8/2013
30			2334-V3	3/20/2018
31			2334-V4	1/30/2020
32		MDI-2	2559-V5	3/11/2013
33			2559-V6	1/9/2015
34			2559-V7	10/24/2018
35			2559-V8	2/10/2020
36		PYR/NVP/PVP/PVP-I	2039-V2	1/23/2014
37			2039-V3	3/28/2018
38			2039-V4	5/15/2019
39		Polyol/CCU	2427-V3	11/15/2012
40			2427-V4	8/15/2019
41			2427-V5	8/7/2020
42		Surfactants	2582-V5	3/29/2012
43			2582-V6	3/22/2016
44		TDI	2643-V3	4/23/2013
45			2643-V4	7/8/2016
46			2643-V5	11/30/2018
47		Utilities	2265-V6	8/29/2014
48			2265-V7	4/23/2015
49	Utilities Boilers 3 & 6	2564-V5	10/29/2012	
50		2564-V6	9/21/2018	
51	30073	DNT Plant	0180-00069-V0	5/8/2013
52			0180-00069-V1	10/4/2018
53			0180-00069-V2	8/18/2020
54		Geismar Systems Hub	3106-V0	10/14/2013
55			3106-V1	6/29/2018
56			3106-V2	5/15/2019

III.

On or about February 13, 2017, and July 14, 2017, the Department performed inspections of the Respondent's facility, Geismar Site, Agency Interest Number 2049, to determine the Respondent's degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. While the Department's investigation is not yet complete, the following violations found in paragraphs III.A-H of

the Findings of Fact portion of this enforcement action were noted during the course of the inspections and subsequent file review conducted on April 16, 2021.

- A. The Respondent reported in the 2017 First Half Semiannual Monitoring Report dated September 28, 2017, excess inventory of ethyl chloride was delivered to the site. As a corrective action, the minimum/maximum ethyl chloride inventory levels were added to the operator rounds with action steps. This is a violation of Specific Requirement No. 347 of Title V Permit No. 2459-V7, 40 CFR 68.65.a, and La. R.S. 30:2057(A)(2).
- B. The Respondent reported in the 2016 Second Semiannual Monitoring Report dated March 31, 2017, a control valve on the natural gas enrichment line to the flare malfunctioned open allowing excess natural gas to be sent to the flare (EQT 0369). Excess Particulate matter, Nitrogen oxides, Carbon monoxide, Formaldehyde, and n-hexane were the pollutants released. The incident lasted from August 28, 2016 through December 15, 2016. This is a violation of Specific Requirement No. 34 of Title V Permit No. 2028-V8, 40 CFR 63.2470(a), LAC 33:III.905, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- C. The Respondent failed to submit information every sixty (60) days about the status of the ongoing investigation of the below unauthorized discharges incidents (T199100 and T197866) until the investigations have been completed and the results of investigations have been submitted.

	INCIDENT NO. (DATE)	PERMIT NO.	DESCRIPTION
A.	T197866 (7/20/2020)	2559-V8	According to the release notification reports dated July 27, 2020, the Respondent reported that the incident investigation was on-going for the release that occurred on July 20, 2020. Email correspondence dated April 30, 2021, contains the required information to complete the investigation.
B.	T199100 (10/1/2020)	2559-V8	According to the release notification reports dated October 8, 2020, the Respondent reported that the incident investigation was on-going for the release that occurred on October 1, 2020. Email correspondence dated February 19, 2021, contains the required information to complete the investigation.

The failure to submit information every sixty (60) days about the status of the ongoing investigation of the unauthorized discharge until the investigation has been completed and the results of investigation have been submitted is a violation of LAC 33:I.3925.A.3 and La. R.S. 30:2057(A)(2).

D. The Respondent reported the following unauthorized releases:

1.	Unauthorized Discharge Notification for T 173763 (11/1/2016)	2265-V7	10/26/2016 (54 minutes)	Carbon monoxide (CO) State RQ 5,000 pounds (lbs)	6,500 lbs	A control valve controlling acetylene off gas flow to the steam boilers failed. The release was preventable. According to Respondent's release notification, dated November 1, 2016, the faulty valve was repaired. New logic within the control system will be added to close a second valve in the event that acetylene off gas flow is venting.	LAC 33:III.905.A
2.	Unauthorized Discharge Notification for T 178879 (7/20/2017)	2028-V8	7/14/2017 (10 minutes)	Ethylene oxide RQ 10 lbs	55 lbs	The release occurred from a process pump containing ethylene oxide. The release was preventable. According to an email from the Respondent, dated September 26, 2017, the pump involved in the incident is isolated and out of service until all corrective measures are implemented.	LAC 33:III.905.A
3.	Unauthorized Discharge Notification for T 199100 (10/1/2020)	2559-V8	10/1/2020 (3.5 minutes)	Chlorine RQ 10 lbs	554 lbs	A release occurred from a valve on a chlorine line. Maintenance was in the process of addressing the minor leak on the valve and complete failure of the valve occurred. Operations isolated the chlorine line and closed the valve. A root cause analysis of the release was performed and determined the release was preventable. When the valve failed, three (3) plant personnel were exposed to Chlorine gas. Two (2) were working on the valve and (1) was downwind of the valve during the release. All three (3) people were taken to the hospital for evaluation and treatment. Two (2) people were released the same day as exposed, one (1) person stayed in the hospital for three (3) days and then released in good condition.	LAC 33:III.905.A

4.	Unauthorized Discharge Notification for T 201528 (3/10/2021)		3/10/2021 (22 minutes)	Monomethylamine (MMA) RQ 100 lbs	330 lbs	A release occurred from a monomethylamine railcar. A small leak was noted on one of the fittings on the liquid unload hose line. The operator depressurized the hose and opened a bleeder valve to verify the hose had no pressure. Once the bleeder valve was opened, MMA was released to the atmosphere. The root cause was determined to be human error and the incident was preventable. As a corrective action, the Respondent counseled facility personnel on the details of the incident to prevent recurrence.	LAC 33:III.905.A
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Each unauthorized release of emissions is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.905.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

E. The Respondent reported the following violations of permitted operating parameters:

1.	2016 Second Semiannual Monitoring Report (3/31/2017)	2334-V2	MDI-1 Flare (EQT 0375)	9/12/2016-9/13/2016 (19 hours)	Heat content >300 British Thermal Unit per standard cubic foot (BTU/scf). Determine the net heating value of the gas being combusted using the equation specified in 40 CFR 63.11(b)(6)(ii).	The MDI-1 unit tripped off-line due to loss of power. The vent to the flare was nitrogen. Due to no concentration of organics or combustibles, the vent BTU/scf was <300 BTU/scf. According to the Respondent, a calculation of the flare vent stream will be displayed on the control board with an alarm to indicate when the BTU/scf is dropping; therefore, supplemental natural gas will need to be added.	Specific Requirement 38 and 40 CFR 63.11(b)(6)(ii)
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2.	2017 Title V Second Semiannual Monitoring Report (3/28/18)	2265-V7	Fire Water Engine 2B (CRG 0031)	10/9/2017-12/31/2017 (intermittent 4 hours)	Operate below 50 hours per year.	The non-resettable hour meter on the emergency diesel engine is recorded weekly. The reading recorded on October 9, 2017, indicated that the engine had exceeded the permitted hours. There was a total of four (4) hours above the permitted hours for the remainder of the reporting year (until 12/31/2017). As a corrective action, the Respondent stated the order of the fire water diesel engine start-ups will be reassigned every six (6) months, with the lowest hour engine being placed first in the sequence, and the highest hour engine placed last. All will be reassigned based on hours run.	Specific Requirement 50 and 40 CFR 60.4211(f)
3.	2019 Title V First Semiannual Monitoring Report (9/30/19)	2427-V3	POLYOL Plant Fugitives (FUG 0015/PLY04)	6/12/2019	Pressure relief devices in gas/vapor service: After each pressure release, return to a condition indicated by an instrument reading of less than 500ppm above background, as soon as practicable, but no later than five (5) calendar days after each pressure release, except as provided in 40 CFR 63.171.	According to email correspondence dated, April 30, 2021, Pressure Safety Valve (PSV) monitoring was not conducted within five (5) days after a release by the site LDAR contractor to confirm the pressure relief valve device reading once the valve was repaired and returned to service. As a corrective action, an incident investigation was conducted, revealing conflicting information from the annual LDAR training conducted on site. Clarifications were made and re-training was conducted with operations and production personnel to ensure monitoring is conducted within five (5) days after a release of a pressure valve device.	Specific Requirement 109 and 40 CFR 63.171
4.				6/18/2019		Specific Requirement 110 and 40 CFR 63.171	

5.			AME 03/ Specialty Amines Off- gas Muffle Combustor (EQT 0368)			According to email correspondence dated, April 30, 2021, less than adequate communication resulted in the process conditions that caused the flare to smoke. A vessel experienced higher than normal temperature and pressure following a refrigeration cutover project. Once the project was complete, cooling water was not immediately lined up due to inadequate communication between the project team and operations. As a corrective action, engineering controls were added to the process area.	Specific Requirement 40 and 74 and LAC 33:III.1101.B LAC 33:III.1311.C
6.	2020 Title V First Semiannual Monitoring Report (9/30/2020)	2028-V10	AMB 04/ Specialty Amines Flare (EQT 0369)	6/19/2020 (7 minutes)	Opacity less than or equal to 20 percent; except emissions may have an average opacity in excess of 20 percent for not more than one six (6) minute period in any 60 consecutive minutes.		
7.	2020 Title V First Semiannual Monitoring Report (9/30/2020)	2427-V4	PLY06/ POLYOL Plant Loading Rack (EQT 0292)	2019	Comply with the Part 70 General Conditions as set forth in LAC 33:III.535 and the Louisiana General Conditions as set forth in LAC 33:III.537.	While the Respondent prepared the 2019 ERIC report, it was discovered that propylene oxide and toluene emissions for PLY06 POLYOL plant loading rack, were underestimated due to previous permit calculation and speciation errors. Additionally, toluene was not previously included as a constituent for two (2) product storage tanks. As a corrective action, the Respondent prepared and submitted a minor permit modification application with revised PLY06 permit calculations (emission limits) to the Department on or about July 29, 2020. On or about August 7, 2020, the Department approved and issued Minor Source Air permit modification No. 2427-V5.	Specific Requirement 242 and LAC 33:III.535 and LAC 33:III.537

Each failure to operate according to permitted requirements is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

F. The Respondent reported the following violations of monitoring requirements:

1.	2016 Title V First Semiannual Monitoring Report (9/30/2016)	2028-V8	Specialty Amines Flare (BQT 0369)	4/18/2016 (5.33 hours)	Presence of a flame monitored by optical and thermocouple monitors.	Power supply was interrupted to the flare flame control panel. According to the Respondent, the power supply was restored to the panel, a root cause determination was made and corrective actions have been implemented.	Specific Requirement 53 and 40 CFR 63.987(c)
2.	2017 Title V First Semiannual Monitoring Report (9/28/2017)	2334-V2	MDI-1 Flare (BQT 0375)	4/2/2017 (1.3 hours)	Operate with a flame present at all times.	High winds. The Respondent relit the flare.	Specific Requirement 36, LAC 33:III.5122, and 40 CFR 63.11(b)(5)
3.		2558-V3	Aniline I Plant Flare (BQT 0810)	5/5/2017 (0.62 hours)	Operate with a flame present at all times.	High winds and nitrogen purging. The Respondent relit the flare.	Specific Requirement 226, LAC 33:III.5122, and 40 CFR 63.11(b)(5)
4.		2427-V3	PLY01-Polyol Plant Flare (BQT 0235)	5/16/2017 (0.17 hours)	Where a flare is used, the following monitoring equipment is required: thermocouples used for detecting the presence of a pilot flame.	Natural gas valve tripped closed due to maintenance work in the area. According to the Respondent, the natural gas valve was car sealed opened and added to the operation's checklist.	Specific Requirement 28 and 40 CFR 63.1429(a)(2)
5.				5/20/2017 (2.75 hours)	Where a flare is used, the following monitoring equipment is required: thermocouples used for detecting the presence of a pilot flame.	Polyol Plant lost power due to a ground fault trip on an Motor Control Center (MCC) in the plant. According to the Respondent, a project will be initiated to connect the MCC to the Uninterruptible Power Supply (UPS) to provide back-up battery power.	Specific Requirement 28 and 40 CFR 63.1429(a)(2)
6.		2018 Title V First Semiannual Monitoring Report (9/28/2018)	2559-V6	MDI-2 Flare (EQT 0458)	6/5/2018 (0.48 hours)	Presence of a flame monitored by a flame-eye continuously.	High winds. The Respondent relit the flare. Project initiated to install weather proof pilot.
7.	2018 Title V Second Semiannual Monitoring Report (3/27/2019)	2028-V9	Specialty Amines Flare (EQT 0369)	4/4/2018 (1.42 hours)	Presence of a flame monitored by optical and thermocouple monitors.	Rain and wind storm blew out the flare flame. The Respondent increased the natural gas flow to the flare.	Specific Requirement 53 and 40 CFR 63.987(c)
8.		2558-V4	Aniline I Plant Flare (BQT 0810)	11/29/2018 (8.57 hours)	Presence of a flame monitored by flame monitor continuously. Use a flame-eye to detect the presence of a flame.	Plugged orifice on natural gas line when inserting the system with nitrogen. The Respondent unplugged the orifice and relit the flare.	Specific Requirement 221 and 40 CFR 63.11(b)(5)

9.		2334-V3	MDI-1 Flare (BQT 0373)	8/19/2018 (0.27 hours)	Presence of a flame monitored by flame monitor continuously. Use a flame-eye to detect the presence of a flame.	Cause of deviation was high winds. The Respondent relit the flare and a project was initiated to install a weather proof pilot.	Specific Requirement 37 and 40 CFR 63.11(b)(5)
10.	2018 Title V Second Semiannual Monitoring Report (3/27/2019)	2334-V3	MDI-1 Flare (BQT 0373)	9/8/2018 (0.89 hours)	Presence of a flame monitored by flame monitor continuously. Use a flame-eye to detect the presence of a flame.	Cause of deviation was high winds. The Respondent relit the flare as needed and a project was initiated to install a weather proof pilot.	Specific Requirement 37 and 40 CFR 63.11(b)(5)
11.		2028-V9	Specialty Amines Flare (BQT 0369)	9/27/2018 (2 minutes)	Presence of a flame monitored by optical and thermocouple monitors.	Rain and wind storm blew out the flare flame. The Respondent increased the natural gas flow to the flare.	Specific Requirement 53 and 40 CFR 63.987(c)
12.	2018 Title V Second Semiannual Monitoring Report (3/27/2019)	2028-V9	Specialty Amines Flare (BQT 0369)	10/1/2018 (5 minutes)	Presence of a flame monitored by optical and thermocouple monitors.	Rain and wind storm blew out the flare flame. The Respondent increased the natural gas flow to the flare.	Specific Requirement 53 and 40 CFR 63.987(c)
13.	2019 Title V First Semiannual Monitoring Report (9/30/2019)	2334-V3	MDI-1 Flare (BQT 0373)	5/14/2019 (3 minutes)	Presence of a flame monitored by flame monitor continuously. Use a flame-eye to detect the presence of a flame.	Cause of deviation was excess nitrogen snuffing out the flare flame. The Respondent relit the flare.	Specific Requirement 37 and 40 CFR 63.11(b)(5)
14.		2028-V9	Specialty Amines Flare (BQT 0369)	1/24/2019 (24 minutes)	Presence of a flame monitored by optical and thermocouple monitors.	Cause of deviation was excess steam flow snuffing out the flare flame. The Respondent relit the flare.	Specific Requirement 53 and 40 CFR 63.987(c)
15.				6/19/2020 (7 minutes)	Presence of a flame monitored by optical and thermocouple monitors.	Rain storm blew out the flare flame. The Respondent increased the natural gas flow to the flare during storm events.	Specific Requirement 62 and 40 CFR 63.987(c)
16.	2020 Title V First Semiannual Monitoring Report (9/30/2020)	2028-V10	AME 02/ Specialty Amines Waste Fuel Boiler (BQT 0367)	2/27/2020-3/23/2020 (603.5 hours)	The permittee shall comply with all applicable monitoring requirements of 40 CFR 63.1209, Subpart EEE. Specifically, using continuous monitoring systems (CMS) to document compliance with the applicable operating parameter limits under this section.	According to email correspondence dated, April 30, 2021, the waste flow operating parameter was not monitored because the flow meter input/output card was inadvertently discarded. This resulted in inadequate recording and documentation of the hourly rolling average of waste feed flow. As a corrective action, Environmental critical instrument readings were added to the logbook.	Specific Requirement 20 and 40 CFR 63.1209 Subpart EEE

Each failure to monitor as required is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

G. The Respondent reported the following emission exceedances:

1.	2016 Second Semiannual Monitoring Report (3/31/2017)	2564-V5	Utilities Boiler No. 6 (EQT 0162)	7/16/2016 (0.03 hours)	Carbon monoxide	***	While troubleshooting adjacent boiler, air flow controller was mistakenly opened from 26 percent to 51 percent causing a decrease in temperature and a spike in CO. According to the Respondent, emphasized with instrument technicians to verify proper equipment is being operated during troubleshooting activities. Installed improved equipment identification information at controls.	Specific Requirement 36 and 40 CFR 63.1217(a)
2.	2017 First Semiannual Monitoring Report (9/28/2017)	2265-V7	Cogeneration Unit No. 1 (EQT 0317)	1/7/2017 (9.55 hours)	NO _x	***	Loss of steam injection due to severe freezing conditions. The Respondent upgraded the heat tracing on the steam injection flow meter, developed a new Standard Operating Procedure (SOP) for loss of steam injection and conducted training on the procedure.	Specific Requirement 155 and 40 CFR 60.334(j)(3)
3.	2017 First Semiannual Monitoring Report (9/28/2017)	2564-V5	No. 6 Boiler (EQT 0162)	10/9/2017 (0.08 hours)	Carbon monoxide	***	Waste fuel manually purged into boiler for maintenance prep, causing a short duration spike in the Carbon monoxide concentration. The Respondent, developed a written procedure for purging liquid waste fuel headers prior to planned maintenance activities.	Specific Requirement 36 and 40 CFR 63.1217(a)
4.	2018 First Semiannual Monitoring Report (9/28/2018)	2265-V7	Cogeneration Unit No. 1 (EQT 0317)	5/12/2018 (1.2 hours)	NO _x	***	Loss of high pressure steam injection into Cogeneration one (1) unit. Loss of steam caused by two boilers tripping. The Respondent, site steam shedding procedures were evaluated and modified to ensure that all operations units reduce steam demand during low steam pressure events. Reduced steam demand will maintain header pressure, allowing steam injection to continue uninterrupted.	Specific Requirement 146 and 40 CFR 60.332(a)(2)

*** Provide the Quantity Reported.

Each emission exceedance is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

H. The Respondent reported the following deviations from fugitive emission requirements:

1.	2016 Title V First Semiannual Monitoring Report (9/30/2016)	2353-V4	BD Plant Fugitive Emissions (FUG 0005)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Lines were not properly capped after use. According to the Respondent, annual refresher training is conducted to prevent recurrence.	21	Specific Requirement 369 and 40 CFR 60.482-6
2.	2016 Title V First Semiannual Monitoring Report (9/30/2016)	2643-V3	TDI Plant Fugitives (FUG 0018)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Line was not properly capped after use. According to the Respondent, annual refresher training is conducted to prevent recurrence.	1	Specific Requirement 198 and 40 CFR 63.167
3.	2016 Title V First Semiannual Monitoring Report (9/30/2016)	2559-V6	MDI-2 Plant Fugitives (FUG 0022)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Three (3) vent line bleeds and one (1) pump bleed were found to have missing caps after plant maintenance. According to the Respondent, annual refresher training is conducted to prevent recurrence.	3	Specific Requirement 102 and 40 CFR 63.167
4.	2016 Title V First Semiannual Monitoring Report (9/30/2016)	2427-V3	Polyol Plant Fugitives (FUG 0015)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Plug was not reinstalled in bleeder after preparation of the pipeline for maintenance. According to the Respondent, annual refresher training is conducted to prevent recurrence.	1	Specific Requirement 113 and 40 CFR 63.167
5.	2016 Title V Second Semiannual Monitoring Report (3/31/2017)	2459-V7	EO/EG/Gas Additive Fugitives (FUG 0004)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Second valve on sample line was not properly closed after use. According to the Respondent, implementation of a new enhanced line inspection/verification program.	1	Specific Requirement 164 and 40 CFR 60.486-2
6.	2016 Title V Second Semiannual Monitoring Report (3/31/2017)	2558-V3 AA	Common Requirements Group (CRG 0035)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Missing caps discovered following plant maintenance activities. According to the Respondent, implementation of a new enhanced line inspection/verification program.	1	Specific Requirement 17 and 40 CFR 63.167

7.	2016 Title V Second Semiannual Monitoring Report (3/31/2017)	2353-V4	BD Plant Fugitive (FUG 0005)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use. According to the Respondent, implementation of a new enhanced line inspection/verification program.	2	Specific Requirement 369 and 40 CFR 60.482-6
8.	2017 Title V First Semiannual Monitoring Report (9/28/17)	2526-V8	Acetylene Plant Fugitives (FUG 0013)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use. According to the Respondent, implementation of a new enhanced line inspection/verification program.	9	Specific Requirement 85 and 40 CFR 60.482-6
9.	2017 Title V First Semiannual Monitoring Report (9/28/17)	3098-V1	Fugitive Emissions (FUG 0028)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Line was not properly capped after use. According to the Respondent, implementation of a new enhanced line inspection/verification program.	4	Specific Requirement 170 and 40 CFR 60.167
10.	2017 Title V First Semiannual Monitoring Report (9/28/17)	2353-V4	BD Plant Fugitive Emissions (FUG 0005)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Line was not properly capped after use. According to the Respondent, implementation of a new enhanced line inspection/verification program.	24	Specific Requirement 369 and 40 CFR 60.482-6
11.	2017 Title V First Semiannual Monitoring Report (9/28/17)	2353-V4	PolyTHF Plant Fugitive Emissions (FUG 0006)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Line was not properly capped after use. According to the Respondent, implementation of a new enhanced line inspection/verification program.	1	Specific Requirement 507 and 40 CFR 60.482-6
12.	2017 Title V First Semiannual Monitoring Report (9/28/17)	2558-V3	Common Requirements Group (CRG 0035)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	A hose connected to a drain header was not isolated on one (1) end. According to the Respondent, implementation of a new enhanced line inspection/verification program.	1	Specific Requirement 17 and 40 CFR 63.167
13.	2017 Title V First Semiannual Monitoring Report (9/28/17)	2643-V4	TDI Plant Fugitives (FUG 0018)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Line was not properly capped after use. According to the Respondent, implementation of a new enhanced line inspection/verification program.	4	Specific Requirement 202 and 40 CFR 63.167

14.	2017 Title V First Semiannual Monitoring Report (9/28/17)	2559-V6	TDI Plant Fugitives (FUG 0022)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	A sample line was found to have a missing cap. According to the Respondent, implementation of a new enhanced line inspection/verification program.	1	Specific Requirement 102 and 40 CFR 63.167
15.	2017 Title V First Semiannual Monitoring Report (9/28/17)	2334-V2	MDI-1 Plant Fugitives (FUG 0021)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Two (2) Strahman valves were found to have missing caps. According to the Respondent, implementation of a new enhanced line inspection/verification program.	2	Specific Requirement 162 and 40 CFR 63.167
16.	2017 Title V First Semiannual Monitoring Report (9/28/17)	2459-V7	EO/EG/Gas Additive Fugitives (FUG 0004)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use. According to the Respondent, implementation of a new enhanced line inspection/verification program.	1	Specific Requirement 164 and 40 CFR 60.486-2
17.	2017 Title V Second Semiannual Monitoring Report (3/28/2018)	2526-V8	Acetylene Plant Fugitives (FUG 0013)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use. According to the Respondent, implementation of a new enhanced line inspection/verification program.	5	Specific Requirement 85 and 40 CFR 60.482-6
18.	2017 Title V Second Semiannual Monitoring Report (3/28/2018)	3098-V1	Fugitive Emissions (FUG 0028)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Line was not properly capped after use. According to the Respondent, implementation of a new enhanced line inspection/verification program.	1	Specific Requirement 170 and 40 CFR 60.167
19.	2017 Title V Second Semiannual Monitoring Report (3/28/2018)	2353-V4	BD Plant Fugitive Emissions (FUG 0005)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use. According to the Respondent, implementation of a new enhanced line inspection/verification program.	43	Specific Requirement 369 and 40 CFR 60.482-6
20.	2017 Title V Second Semiannual Monitoring Report (3/28/2018)	2353-V4	PolyTHF Plant Fugitive Emissions (FUG 0006)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use. According to the Respondent, implementation of a new enhanced line inspection/verification program.	1	Specific Requirement 507 and 40 CFR 60.482-6

21.	2017 Title V Second Semiannual Monitoring Report (3/28/2018)	2459-V7	EO/BO/Gas Additive Fugitives (FUG 0004)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use. According to the Respondent, implementation of a new enhanced line inspection/verification program.	1	Specific Requirement 164 and 40 CFR 60.486-2
22.	2018 Title V First Semiannual Monitoring Report (9/28/2018)	2353-V4	BD Plant Fugitive Emissions (FUG 0003)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use. According to the Respondent, communicated findings and requirements for enhanced line inspection/verification program.	2	Specific Requirement 369 and 40 CFR 60.482-6
23.	2018 Title V First Semiannual Monitoring Report (9/28/2018)	2353-V4	Poly THF Plant Fugitive Emissions (FUG 0006)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use.	2	Specific Requirement 507 and 40 CFR 60.482-6
24.	2018 Title V First Semiannual Monitoring Report (9/28/2018)	2334-V2/V3	MDI-1 Plant Fugitives (FUG 0021)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Line was not capped after use. The Respondent capped the line and communicated findings and requirements regarding open-ended lines.	1	Specific Requirement 162 (2334-V2) and 40 CFR 63.167
25.	2018 Title V Second Semiannual Monitoring Report (3/27/2019)	2353-V5	Poly THF Plant Fugitive Emissions (FUG 0006)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Sample point was not properly capped after use. The Respondent communicated findings and conducted re-training on management of open-ended lines and walk-the line requirements.	1	Specific Requirement 684 and 40 CFR 60.482-6
26.	2019 Title V First Semiannual Monitoring Report (9/30/2019)	2353-V5	BD Plant Fugitive Emissions (FUG 0003)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Bleed valve found uncapped in a remote location. The Respondent capped the bleed valve and added bleed valves to Piping and Instrument Drawings (PIDs).	1	Specific Requirement 541 and 40 CFR 60.482-6

27.	2019 Title V First Semiannual Monitoring Report (9/30/2019)	2459-V8	EO/EG/Gas Additive Fugitives (FUG 0004)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not capped after use. The Respondent capped the line and communicated findings and requirements regarding open-ended lines.	1	Specific Requirement 260 and 40 CFR 63.167
28.	2019 Title V Second Semiannual Monitoring Report (3/27/2020)	2526-V9	Acetylene Plant Fugitives (FUG 0013)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Steam fitting was installed on bleed valve instead of a cap. The Respondent communicated the findings and implemented a Management of Open-Ended Lines Procedure and use of Recommissioning Checklists.	1	Specific Requirement 81 and 40 CFR 60.482-6
29.	2019 Title V Second Semiannual Monitoring Report (3/27/2020)	2334-V3	MDI-1 Plant Fugitives (FUG 0021)	8/20/2019 (***)	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Operations did not cap bleeder after use. The Respondent installed cap on bleeder. Additionally, the Respondent stated, shift supervisors discussed the incident with operators to ensure bleeders are capped after use.	1	Specific Requirement 203 and 40 CFR 63.167
30.	2020 Title V First Semiannual Monitoring Report (9/30/2020)	2353-V7	BD Plant Fugitive Emissions (FUG 0005)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	PI10 bleeder was not capped/plugged after use. The Respondent communicated the findings and implemented a Management of Open-Ended Lines Procedure and use of Recommissioning Checklists.	2	Specific Requirement 477 and 40 CFR 60.482-6
31.	2020 Title V First Semiannual Monitoring Report (9/30/2020)	2459-V8	EO/EG/Gas Additive Fugitives (FUG 0004)	3/8/2020-3/9/2020 (***)	Compressors: When a leak is detected, make a first attempt at repair no later than five (5) calendar days after each leak is detected and complete repairs no later than fifteen (15) calendar days after it is detected, except as provided in 40 CFR 60.482-9. Subpart VV.	The compressor was not removed from service until day sixteen (16) after a leak was discovered. The Respondent a refresher LDAR training to Operations.	N/A	Specific Requirement 208 and 40 CFR 60.482-3(g)

32.	2020 Title V First Semiannual Monitoring Report (9/30/2020)	2427-V4	Polyol Plant Fugitives (FUG 0015)	6/25/2020 (***)	Open- ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Operations did not cap bleeder after use. The Respondent installed the cap on the bleeder. Additionally, the Respondent stated, the shift supervisor discussed the incident with operations to ensure bleeders are capped after use.	1	Specific Requirement 84 and 40 CFR 63.167
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***Provide Incident Date and Duration of Deviation.

Each failure to meet fugitive emission requirements is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1), 30:2057(A)(2).

IV.

On or about April 29, 2016, May 3, 2016, and January 24, 2018, the Department performed inspections of the Respondent's facility, North Geismar Site, Agency Interest Number 30073 to determine the Respondent's degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. While the Department's investigation is not yet complete, the following violations found in Paragraphs IV. A-E of the Findings of Fact portion of this enforcement action were noted during the course of the inspections and subsequent file review conducted on April 16, 2021.

A. The Respondent reported the following emission exceedances:

1.	2016 Second Semiannual Monitoring Report (3/30/2017)	0180-00069-V0	PCW Emergency Diesel Pump (EQT 0120)	9/22/2016-9/26/2016 (95 hours)	Carbon monoxide 0.24 tons per year	Carbon monoxide 0.22 tons	Additional hours of operation beyond hours used in annual permit limit calculations caused the exceedances. According to the response dated January 1, 2019, the Respondent provided training and a reference guide covering the basis for permit calculations to the DNT unit staff in September 2017.	Specific Requirement 121 and LAC 33:III.501.C.4
					Nitrogen oxides 1.11 tons per year	Nitrogen oxides 1.04 tons		
					Particulate Matter (PM 10) 0.08 tons per year	Particulate Matter (PM10) 0.07 tons		
					Particulate Matter (PM2.5) 0.08 tons per year	Particulate Matter (PM2.5) 0.07 tons		
					Sulfur dioxide 0.07 tons per year	Sulfur dioxide 0.07 tons		
VOC 0.09 tons per year	Volatile Organic Compounds 0.08 tons							

Each emission exceedance is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

B. The Respondent reported the following deviations from fugitive emission requirements:

1.	2016 Title V Second Semiannual Monitoring Report (3/31/2017)	0180-00069-V0	Fugitive Emission (FUG 0007)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Cap was not reinstalled on bleed valve after use. According to the response dated January 17, 2019, the Respondent capped the open-ended line immediately upon recognition. Leak detection and repair regulation refresher training was conducted and implemented a tag and track procedure for open-ended line sources when left open.	5	Specific Requirement 37 and 40 CFR 63.167
2.	2017 Title V Second Semiannual Monitoring Report (3/28/2018)	0180-00069-V0	Fugitive Emission (CRG 0007)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Caps were not reinstalled on bleed valve after use. The Respondent implemented an open process tag and track process.	3	Specific Requirement 37 and 40 CFR 63.167
3.	2019 Title V First Semiannual Monitoring Report (9/30/2019)	0180-00069-V1	Fugitive Emission (CRG 0007)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Sample point was not capped after removal of a second valve used for double isolation. The Respondent capped the line and communicated findings and requirements regarding open-ended lines.	1	Specific Requirement 37 and 40 CFR 63.167

***Provide Incident Date and Duration of Deviation.

Each failure to meet fugitive emission requirements is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

C. The Respondent submitted a Notification of Change Form (NOC-1) to the Department via cover letter dated June 15, 2018, was postmarked June 14, 2018, and listed the effective date of change as November 29, 2016. According to the NOC-1, the Respondent underwent a facility name change from BASF Corporation DNT Plant to BASF Corporation North Geismar Site. The air permits were transferred on July 23, 2018. The failure to submit the NOC-1 and associated

documentation to the Department within forty-five (45) days after a name change of a permitted facility is a violation of LAC 33:I.1907.B and La. R.S. 30:2057(A)(2).

- D. The Respondent failed to submit the Annual Criteria & Toxic Air Pollutant Emissions Inventory and Certification Statement for 2018 by the April 30, 2019 deadline, in violation of LAC 33:III.919.F.1.d and La. R.S. 30:2057(A)(2). The Respondent submitted the report on May 1, 2019.
- E. The Respondent reported in the 2020 First Semiannual Monitoring Report dated September 30, 2020, the failure to complete the Leak Detection and Repair (LDAR) monitoring within five (5) calendar days after a leak has occurred. Specifically, on or about April 19, 2020, the LDAR Leak Notification form, an internal document that is used to notify the LDAR Contractor responsible for conducting Method 21 monitoring that a leak had occurred and required follow up monitoring, was not submitted completely. As a corrective action, the Respondent conducted a re-training on LDAR notifications, added LDAR tracking to the daily Tier 2 communications board, and created "LDAR Notification Needed and Submitted" question on the shift supervisor's daily electronic log. The failure to complete LDAR monitoring within five (5) calendar days after a leak has occurred is in violation of Specific Requirements 33 and 34 of Title V permit No. 0180-00069-V1, 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 Act, the Air Quality Regulations, and all applicable permits.

II.

To submit within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report for (UNF 0010) as described in Paragraph III.A of the **FINDINGS OF FACT** portion of this

COMPLIANCE ORDER that includes the timeframe of the excess inventory at the Geismar Site, was this event temporary, steps taken to correct inventory levels, and the updated safety data sheet.

III.

To submit within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report for (EQT 0162) and (EQT 0317) as described in Paragraph III.G.1-4 of the **FINDINGS OF FACT** portion of this **COMPLIANCE ORDER** that includes the cause of the emission exceedance, type and amount of emissions, permit limit(s), and amount above permit limit(s), if applicable, for each reported deviation.

IV.

To submit within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes the incident date and duration of the open-ended lines discovered for January 1, 2016 through December 31, 2020 as applicable, for the violations cited in Paragraph III.H.1-32 of the **FINDINGS OF FACT** portion of this **COMPLIANCE ORDER**.

V.

To submit within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report for (FUG 0006), (FUG 0007), and (CRG 0007) as described in Paragraph IV.B.1-3 of the **FINDINGS OF FACT** portion of this **COMPLIANCE ORDER** that includes the specific number of open-ended lines discovered from July 1, 2016, through December 31, 2020, if applicable.

VI.

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: Courtney Tolbert
Re: Enforcement Tracking No. AE-CN-19-00722
Agency Interest No. 2049, 30073

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-19-00722
Agency Interest No. 2049

III.

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

IV.

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

V.

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

the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

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

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

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

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Courtney Tolbert at 225-219-3347 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL**

PENALTY. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.


IV.

The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

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

Baton Rouge, Louisiana, this 16th day of June, 2021.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

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

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Courtney Tolbert



**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
ENFORCEMENT DIVISION**
**CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
REQUEST TO CLOSE**

Enforcement Tracking No.	AE-CN-19-00722	Contact Name	Courtney Tolbert
Agency Interest (AI) No.	2049	Contact Phone No.	225-219-3347
Alternate ID No.	0180-00013 and 0180-00069		
Respondent:	BASF CORPORATION	Facility Name:	See Attachment I
	c/o C T Corporation System	Physical Location:	See Attachment I
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	See Attachment I
	Baton Rouge, Louisiana 70816	Parish:	See Attachment I

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
All written reports were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs II-VII 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)

- The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart 1.Chapter 7.
- In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-19-00722), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
- In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-19-00722), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.
 - Monetary component = \$ _____
 - Beneficial Environmental Project (BEP) component (optional) = \$ _____
 - **DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM.** the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
- The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-19-00722) 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: Courtney Tolbert		

Attachment I

2049	BASF Corporation- Geismar Site (Geismar Site)	8404 River Road Louisiana Highway 75	Ascension
30073	BASF Corporation- North Geismar Site (North Geismar Site)	36637 B Louisiana Highway 30	Ascension

WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

NATURE AND GRAVITY OF THE VIOLATION			
	MAJOR	MODERATE	MINOR
MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
MINOR	\$3,000 to \$1,500	\$1,500 to \$500	\$500 to \$100

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions.

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.



Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times [\text{Penalty Event Maximum} - \text{Penalty Event Minimum}])$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement. Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

Settlement Offers	searchable in <u>EDMS</u> using the following filters Media: Air Quality, Function: Enforcement, Description: Settlement
Settlement Agreements	<u>Enforcement Division's website</u> specific examples can be provided upon request
Penalty Determination Method	<u>LAC 33:1 Chapter 7</u>
Beneficial Environmental Projects	<u>LAC 33:1 Chapter 25</u>
	<u>FAQs</u>
Judicial Interest.....	<u>provided by the Louisiana State Bar Association</u>



JOHN BEL EDWARDS
GOVERNOR



ROGER W. GINGLES
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

JUN 13 2023

CERTIFIED MAIL (7021 1970 0000 3974 0297)
RETURN RECEIPT REQUESTED

BASF CORPORATION
c/o C T CORPORATION SYSTEM
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, Louisiana 70816

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-19-00722A
AGENCY INTEREST NOS. 2049 & 30073**

Dear Sir/Madam:

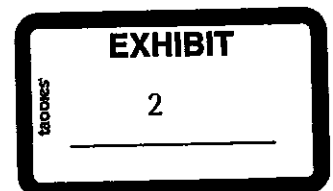
Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **BASF CORPORATION (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Courtney Tolbert at 225-219-3347 or Courtney.Tolbert@la.gov.

Sincerely,

Angela Marse
Administrator
Enforcement Division

AM/CJT/cjt
Alt ID No. 0180-00013 & 0180-00069
Attachment



c: **BASF Corporation- Geismar Site**
c/o Daniel Wolf
Post Office Box 457
Geismar, Louisiana 70734-0457

c: **BASF Corporation- North Geismar Site**
c/o Jervy Cheveallier
Post Office Box 670
Geismar, Louisiana 70734-0670

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

IN THE MATTER OF	*	
	*	
BASF CORPORATION	*	ENFORCEMENT TRACKING NO.
ASCENSION PARISH	*	
ALT ID NOS. 0180-00013, 0180-00069	*	AE-CN-19-00722A
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	2049 & 30073
La. R.S. 30:2001, ET SEQ.	*	

**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-19-00722** issued to **BASF CORPORATION (RESPONDENT)** on June 16, 2021, in the above-captioned matter as follows:

I.

The Department hereby amends Findings of Fact paragraphs III.A, B, E, G, H and Findings of Fact paragraphs IV.A-C to read as follows:

“III.

On or about February 13, 2017, and July 14, 2017, the Department performed inspections of the Respondent’s facility, Geismar Site, Agency Interest Number 2049, to determine the Respondent’s degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. While the Department’s investigation is not yet complete, the following violations found in paragraphs III.A-H of the Findings of Fact portion of this enforcement action were noted during the course of the inspections and subsequent file review conducted on April 16, 2021.

- A. The Respondent reported in the 2017 First Half EO/EG Unit Semiannual Monitoring Report dated September 28, 2017, excess inventory of ethyl chloride was delivered to the site. Specifically, the EO/EG Unit normally houses six (6) 1,500 pounds (lbs.) containers of ethyl

chloride, equaling 9,000 lbs. of ethyl chloride. The threshold quantity of ethyl chloride is 10,000 lbs. and a facility containing at or above threshold quantity is required to comply with all applicable regulations in 40 CFR 68. In correspondence dated August 11, 2022, the Respondent stated eight (8) containers had been delivered to the EO/EG Unit, equaling 12,000 lbs., approximately 2,000 lbs. above the threshold quantity for ethyl chloride. The report cited a violation Specific Requirement 347 of Title V Air Permit No. 2459-V7, which requires the Respondent to comply with the provisions of 40 CFR 68. Pursuant to 40 CFR 68.190(b)(4), the owner or operator is required to revise and update the risk management plan (RMP) no later than the date on which a regulated substance is first present above a threshold quantity in a new process. Pursuant to 40 CFR 68.3, a process is defined as any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. Additionally, a covered process is defined as a process that has a regulated substance present in more than a threshold quantity. The Respondent did not submit an updated RMP to the EPA to include ethyl chloride as a covered process. This is a violation of 40 CFR 68.190(b)(4), which language has been incorporated by reference in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). As a corrective action, the minimum/maximum ethyl chloride inventory levels were added to the operator rounds with action steps.

- B. The Respondent reported in the 2016 Second Semiannual Monitoring Report dated March 31, 2017, a control valve on the natural gas enrichment line to the flare malfunctioned in the open position allowing excess natural gas to be sent to the flare (EQT 0369). Excess Particulate matter, Nitrogen oxides, Carbon monoxide, Formaldehyde, and n-hexane were the pollutants released. The incident lasted from August 28, 2016 through December 15, 2016. Each day of operating the flare with excess emissions of each pollutant is a violation of Title V Permit No. 2028-V8, LAC 33:III.501.C.4, LAC 33:III.905, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

C. The Respondent reported the following violations of permitted operating parameters:

1.	2016 Second Semiannual Monitoring Report (3/31/2017)	2334-V2	MDI-1 Flare (EQT 0375)	9/12/2016-9/13/2016 (19 hours)	Heat content >300 British Thermal Unit per standard cubic feet (BTU/scf). Determine the net heating value of the gas being combusted using the equation specified in 40 CFR 63.11(b)(6)(ii).	The MDI-1 unit tripped off-line due to loss of power. The vent to the flare was nitrogen. Due to no concentration of organics or combustibles, the vent BTU/scf was <300 BTU/scf. According to the Respondent, a calculation of the flare vent stream will be displayed on the control board with an alarm to indicate when the BTU/scf is dropping; therefore, supplemental natural gas will need to be added.	Specific Requirement 38 and 40 CFR 63.11(b)(6)(ii)
2.	2017 Title V Second Semiannual Monitoring Report (3/28/18)	2265-V7	Fire Water Engine 2B (CRG 0031)	10/9/2017-12/31/2017 (intermittent 4 hours)	Operate below 50 hours per year.	The non-resettable hour meter on the emergency diesel engine is recorded weekly. The reading recorded on October 9, 2017, indicated that the engine had exceeded the permitted hours. There was a total of four (4) hours above the permitted hours for the remainder of the reporting year (until 12/31/2017). As a corrective action, the Respondent stated the order of the fire water diesel engine start-ups will be reassigned every six (6) months, with the lowest hour engines being placed first in the sequence, and the highest hour engines placed last. All will be reassigned based on hours run.	Specific Requirement 50 and 40 CFR 60.4211(f)
3.	2019 Title V First Semiannual Monitoring Report (9/30/19)	2427-V3	POLYOL Plant Fugitives (FUG 0015/PLY04)	6/12/2019	Pressure relief devices in gas/vapor service: After each pressure release, return to a condition indicated by an instrument reading of less than 500ppm above background, as soon as practicable, but no later than five (5) calendar days after each pressure release, except as provided in 40 CFR 63.171.	According to email correspondence dated, April 30, 2021, Pressure Safety Valve (PSV) monitoring was not conducted within five (5) days after a release by the site LDAR contractor to confirm the pressure relief valve device reading once the valve was repaired and returned to service. As a corrective action, an incident investigation was conducted, revealing conflicting information from the annual LDAR training conducted on site. Clarifications were made and re-training was conducted with operations and production personnel to ensure monitoring is conducted within five (5) days after a release of a pressure valve device.	Specific Requirement 109 and 40 CFR 63.165(b)(1)
4.				6/18/2019			Specific Requirement 110 and 40 CFR 63.165(b)(2)
5.	2020 Title V First Semiannual Monitoring Report (9/30/2020)	2028-V10	AMB 03/ Specialty Amines Off-gas Muffle Combustor (EQT 0368)	6/19/2020 (7 minutes)	Opacity less than or equal to 20 percent; except emissions may have an average opacity in excess of 20 percent for not more than one six (6) minute period in any 60 consecutive minutes.	According to email correspondence dated, April 30, 2021, less than adequate communication resulted in the process conditions that caused the flare to smoke. A vessel experienced higher than normal temperature and pressure following a refrigeration cutover project. Once the project was complete, cooling water was not immediately lined up due to inadequate communication between the project team and operations. As a corrective action, engineering controls were added to the process area.	Specific Requirement 40 and 74 and LAC 33:III.1101.B LAC 33:III.1311.C
6.			AME 04/ Specialty Amines Flare (EQT 0369)				

7.	2020 Title V First Semiannual Monitoring Report (9/30/2020)	2427-V4	PLY06/ POLYOL Plant Loading Rack (EQT 0292)	2019	Actual emissions shall be reported for all sources of emissions at a facility, including but not limited to, emissions from routing operations, General Condition XVII emissions, fugitive emissions, flash gas emissions, emissions from insignificant sources, Insignificant Activities List, emissions occurring during maintenance, start-ups/shutdowns, upsets, and downtime, and emissions in excess of permit emission limitations, regardless of amount.	While the Respondent prepared the 2019 ERIC report, it was discovered that propylene oxide and toluene emissions for PLY06 POLYOL plant loading rack, were underestimated due to previous permit calculation and specification errors. Additionally, toluene was not previously included as a constituent for two (2) product storage tanks. As a corrective action, the Respondent prepared and submitted a minor permit modification application with revised PLY06 permit calculations (emission limits) to the Department on or about July 29, 2020. On or about August 7, 2020, the Department approved and issued Minor Source Air permit modification No. 2427-V5.	LAC 33:III.919.F.1.b
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Each failure to operate according to permitted requirements is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

G. The Respondent reported the following emission exceedances:

1.	2016 Second Semiannual Monitoring Report (3/31/2017)	2564-V5	Utilities Boiler No. 6 (EQT 0162)	7/16/2016 (0.03 hours)	Carbon monoxide (100 ppmv)	112 ppm	While troubleshooting adjacent boiler, air flow controller was mistakenly opened from 26 percent to 51 percent, causing a decrease in temperature and a spike in CO. According to the Respondent, emphasized with instrument technicians to verify proper equipment is being operated during troubleshooting activities. Installed improved equipment identification information at controls.	Specific Requirement 36 and 40 CFR 63.1217(a)
2.	2017 First Semiannual Monitoring Report (9/28/2017)	2265-V7 and PSD-LA-523(M-1)	Cogeneration Unit No. 1 (EQT 0317)	1/7/2017 (9.55 hours)	NO _x (75ppm)	75 ppm	Loss of steam injection due to severe freezing conditions. The Respondent upgraded the heat tracing on the steam injection flow meter, developed a new Standard Operating Procedure (SOP) for loss of steam injection and conducted training on the procedure.	Specific Requirement 171, LAC 33:III.509, and 40 CFR 60.332(a)(2)
3.	2017 First Semiannual Monitoring Report (9/28/2017)	2564-V5	No. 6 Boiler (EQT 0162)	10/9/2017 (0.08 hours)	Carbon monoxide (100 ppmv)	461 ppm	Waste fuel manually purged into boiler for maintenance prep, causing a short duration spike in the Carbon monoxide concentration. The Respondent, developed a written procedure for purging liquid waste fuel headers prior to planned maintenance activities.	Specific Requirement 36 and 40 CFR 63.1217(a)

4.	2018 First Semiannual Monitoring Report (9/28/2018)	2265-V7 and PSD-LA-523(M-1)	Cogeneration Unit No. 1 (BQT 0317)	5/12/2018 (1.2 hours)	NO _x (75 ppm)	75 ppm	Loss of high pressure steam injection into Cogeneration one (1) unit. Loss of steam caused by two boilers tripping. The Respondent, site steam shedding procedures were evaluated and modified to ensure that all operations units reduce steam demand during low steam pressure events. Reduced steam demand will maintain header pressure, allowing steam injection to continue uninterrupted.	Specific Requirement 171, LAC 33:III.509, and 40 CFR 60.332(a)(2)
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Each emission exceedance is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

H. The Respondent reported the following deviations from fugitive emission requirements:

1.	2016 Title V First Semiannual Monitoring Report (9/30/2016)	2353-V4	BD Plant Fugitive Emissions (FUG 0005)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Lines were not properly capped after use. According to the Respondent, annual refresher training is conducted to prevent recurrence.	21	Specific Requirement 369 and 40 CFR 60.482-6
2.	2016 Title V First Semiannual Monitoring Report (9/30/2016)	2643-V3	TDI Plant Fugitives (FUG 0018)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Line was not properly capped after use. According to the Respondent, annual refresher training is conducted to prevent recurrence.	1	Specific Requirement 198 and 40 CFR 63.167
3.	2016 Title V First Semiannual Monitoring Report (9/30/2016)	2559-V6	MDI-2 Plant Fugitives (FUG 0022)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Three (3) vent line bleeds and one (1) pump bleed were found to have missing caps after plant maintenance. According to the Respondent, annual refresher training is conducted to prevent recurrence.	3	Specific Requirement 102 and 40 CFR 63.167
4.	2016 Title V First Semiannual Monitoring Report (9/30/2016)	2427-V3	Polyol Plant Fugitives (FUG 0015)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Plug was not reinstalled in bleeder after preparation of the pipeline for maintenance. According to the Respondent, annual refresher training is conducted to prevent recurrence.	1	Specific Requirement 113 and 40 CFR 63.167
5.	2016 Title V Second Semiannual Monitoring Report (3/31/2017)	2459-V7	EO/EG/Gas Additive Fugitives (FUG 0004)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Second valve on sample line was not properly closed after use. The Respondent implemented a new enhanced line inspection/verification program as a corrective action.	1	Specific Requirement 164 and 40 CFR 60.486-2

6.	2016 Title V Second Semiannual Monitoring Report (3/31/2017)	2558-V3 AA	Common Requirements Group (CRG 0035)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Missing caps discovered following plant maintenance activities. The Respondent implemented a new enhanced line inspection/verification program as a corrective action.	1	Specific Requirement 17 and 40 CFR 63.167
7.	2016 Title V Second Semiannual Monitoring Report (3/31/2017)	2353-V4	BD Plant Fugitive (FUG 0005)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use. The Respondent implemented a new enhanced line inspection/verification program as a corrective action.	2	Specific Requirement 369 and 40 CFR 60.482-6
8.	2017 Title V First Semiannual Monitoring Report (9/28/17)	2526-V8	Acetylene Plant Fugitives (FUG 0013)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use. The Respondent implemented a new enhanced line inspection/verification program as a corrective action.	9	Specific Requirement 85 and 40 CFR 60.482-6
9.	2017 Title V First Semiannual Monitoring Report (9/28/17)	3098-V1	Fugitive Emissions (FUG 0028)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Line was not properly capped after use. The Respondent implemented a new enhanced line inspection/verification program as a corrective action.	4	Specific Requirement 170 and 40 CFR 60.167
10.	2017 Title V First Semiannual Monitoring Report (9/28/17)	2353-V4	BD Plant Fugitive Emissions (FUG 0005)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Line was not properly capped after use. The Respondent implemented a new enhanced line inspection/verification program as a corrective action.	24	Specific Requirement 369 and 40 CFR 60.482-6
11.	2017 Title V First Semiannual Monitoring Report (9/28/17)	2353-V4	PolyTHF Plant Fugitive Emissions (FUG 0006)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Line was not properly capped after use. The Respondent implemented a new enhanced line inspection/verification program as a corrective action.	1	Specific Requirement 507 and 40 CFR 60.482-6
12.	2017 Title V First Semiannual Monitoring Report (9/28/17)	2558-V3	Common Requirements Group (CRG 0035)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	A hose connected to a drain header was not isolated on one (1) end. The Respondent implemented a new enhanced line inspection/verification program as a corrective action.	1	Specific Requirement 17 and 40 CFR 63.167

13.	2017 Title V First Semiannual Monitoring Report (9/28/17)	2643-V4	TDI Plant Fugitives (FUG 0018)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Line was not properly capped after use. The Respondent implemented a new enhanced line inspection/verification program as a corrective action.	4	Specific Requirement 202 and 40 CFR 63.167
14.	2017 Title V First Semiannual Monitoring Report (9/28/17)	2559-V6	TDI Plant Fugitives (FUG 0022)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	A sample line was found to have a missing cap. The Respondent implemented a new enhanced line inspection/verification program as a corrective action.	1	Specific Requirement 102 and 40 CFR 63.167
15.	2017 Title V First Semiannual Monitoring Report (9/28/17)	2334-V2	MDI-1 Plant Fugitives (FUG 0021)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Two (2) Strahman valves were found to have missing caps. The Respondent implemented a new enhanced line inspection/verification program as a corrective action.	2	Specific Requirement 162 and 40 CFR 63.167
16.	2017 Title V First Semiannual Monitoring Report (9/28/17)	2439-V7	EO/EG/Gas Additive Fugitives (FUG 0004)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use. The Respondent implemented a new enhanced line inspection/verification program as a corrective action.	1	Specific Requirement 164 and 40 CFR 60.482-6
17.	2017 Title V Second Semiannual Monitoring Report (3/28/2018)	2526-V8	Acetylene Plant Fugitives (FUG 0013)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use. The Respondent implemented a new enhanced line inspection/verification program as a corrective action.	5	Specific Requirement 85 and 40 CFR 60.482-6
18.	2017 Title V Second Semiannual Monitoring Report (3/28/2018)	3098-V1	Fugitive Emissions (FUG 0028)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Line was not properly capped after use. The Respondent implemented a new enhanced line inspection/verification program as a corrective action.	1	Specific Requirement 170 and 40 CFR 63.167
19.	2017 Title V Second Semiannual Monitoring Report (3/28/2018)	2353-V4	BD Plant Fugitive Emissions (FUG 0005)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use. The Respondent implemented a new enhanced line inspection/verification program as a corrective action.	43	Specific Requirement 369 and 40 CFR 60.482-6
20.	2017 Title V Second Semiannual Monitoring Report (3/28/2018)	2353-V4	PolyTHF Plant Fugitive Emissions (FUG 0006)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use. The Respondent implemented a new enhanced line inspection/verification program as a corrective action.	1	Specific Requirement 507 and 40 CFR 60.482-6

21.	2017 Title V Second Semiannual Monitoring Report (3/28/2018)	2459-V7	EO/EG/Gas Additive Fugitives (FUG 0004)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use. The Respondent implemented a new enhanced line inspection/verification program as a corrective action.	1	Specific Requirement 164 and 40 CFR 60.482-6
22.	2018 Title V First Semiannual Monitoring Report (9/28/2018)	2353-V4	BD Plant Fugitive Emissions (FUG 0005)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use. According to the Respondent, they communicated findings and requirements for enhanced line inspection/verification program.	2	Specific Requirement 369 and 40 CFR 60.482-6
23.	2018 Title V First Semiannual Monitoring Report (9/28/2018)	2353-V4	Poly THF Plant Fugitive Emissions (FUG 0006)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not properly capped after use. The Respondent communicated findings and requirements for enhanced line inspection/verification program.	2	Specific Requirement 507 and 40 CFR 60.482-6
24.	2018 Title V First Semiannual Monitoring Report (9/28/2018)	2334-V2/V3	MDI-1 Plant Fugitives (FUG 0021)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Line was not capped after use. The Respondent capped the line and communicated findings and requirements regarding open-ended lines.	1	Specific Requirement 162 (2334-V2) and 40 CFR 63.167
25.	2018 Title V Second Semiannual Monitoring Report (3/27/2019)	2353-V5	Poly THF Plant Fugitive Emissions (FUG 0006)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Sample point was not properly capped after use. The Respondent communicated findings and conducted re-training on management of open-ended lines and walk-the-line requirements.	1	Specific Requirement 684 and 40 CFR 60.482-6
26.	2019 Title V First Semiannual Monitoring Report (9/30/2019)	2353-V5	BD Plant Fugitive Emissions (FUG 0005)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Bleed valve found uncapped in a remote location. The Respondent capped the bleed valve and added bleed valves to Piping and Instrument Drawings (PIDs).	1	Specific Requirement 541 and 40 CFR 60.482-6
27.	2019 Title V First Semiannual Monitoring Report (9/30/2019)	2459-V8	EO/EG/Gas Additive Fugitives (FUG 0004)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Line was not capped after use. The Respondent capped the line and communicated findings and requirements regarding open-ended lines.	1	Specific Requirement 260 and 40 CFR 63.167

28.	2019 Title V Second Semiannual Monitoring Report (3/27/2020)	2526-V9	Acetylene Plant Fugitives (FUG 0013)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	Street fitting was installed on bleed valve instead of a cap. The Respondent communicated the findings and implemented a Management of Open-Ended Lines Procedure and use of Recommissioning Checklists.	1	Specific Requirement 81 and 40 CFR 60.482-6
29.	2019 Title V Second Semiannual Monitoring Report (3/27/2020)	2334-V3	MDI-1 Plant Fugitives (FUG 0021)	8/20/2019 (***)	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Operations did not cap bleeder after use. The Respondent installed cap on bleeder. Additionally, the Respondent stated, shift supervisors discussed the incident with operators to ensure bleeders are capped after use.	1	Specific Requirement 203 and 40 CFR 63.167
30.	2020 Title V First Semiannual Monitoring Report (9/30/2020)	2353-V7	BD Plant Fugitive Emissions (FUG 0005)	***	Open-ended valves or lines: Equip with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 60.482-1(c). Daily visual checks.	P110 bleeder was not capped/plugged after use. The Respondent communicated the findings and implemented a Management of Open-Ended Lines Procedure and use of Recommissioning Checklists.	2	Specific Requirement 477 and 40 CFR 60.482-6
31.	2020 Title V First Semiannual Monitoring Report (9/30/2020)	2459-V8	EOVEG/Gas Additive Fugitives (FUG 0004)	3/8/2020-3/9/2020 (***)	Compressors: When a leak is detected, make a first attempt at repair no later than five (5) calendar days after each leak is detected and complete repairs no later than fifteen (15) calendar days after it is detected, except as provided in 40 CFR 60.482-9. Subpart VV.	The compressor was not removed from service until day sixteen (16) after a leak was discovered. The Respondent a refresher LDAR training to Operations.	N/A	Specific Requirement 208 and 40 CFR 60.482-3(g)
32.	2020 Title V First Semiannual Monitoring Report (9/30/2020)	2427-V4	Polyol Plant Fugitives (FUG 0015)	6/25/2020 (***)	Open-ended valves or lines: Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Operations did not cap bleeder after use. The Respondent installed the cap on the bleeder. Additionally, the Respondent stated the shift supervisor discussed the incident with operations to ensure bleeders are capped after use.	1	Specific Requirement 84 and 40 CFR 63.167

***Provide Incident Date and Duration of Deviation.

Each failure to meet fugitive emission requirements is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

IV.

On or about April 29, 2016, May 3, 2016, and January 24, 2018, the Department performed inspections of the Respondent's facility, North Geismar Site, Agency Interest Number 30073 to determine the Respondent's degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. While the Department's investigation is not yet complete, the following violations found in Paragraphs IV. A-E of the Findings of Fact portion of this enforcement action were noted during the course of the inspections and subsequent file review conducted on May 22, 2023.

A. The Respondent reported the following emission exceedances:

1.	2016 Second Semiannual Monitoring Report (3/31/2017)	0180- 00069-V0	PCW Emergency Diesel Pump (EQT 0120)	9/22/2016- 9/26/2016 (95 hours)	Carbon monoxide (0.24 tons per year)	Carbon monoxide 0.22 tons	Carbon monoxide 0.46 tons per year	Additional hours of operation beyond hours used in annual permit limit calculations caused the exceedances. According to the response dated January 1, 2019, the Respondent provided training and a reference guide covering the basis for permit calculations to the DNT unit staff in September 2017.
					Nitrogen oxides (1.11 tons per year)	Nitrogen oxides 1.04 tons	Nitrogen oxides 2.16 tons per year	
					Particulate Matter (PM 10) (0.08 tons per year)	Particulate Matter (PM10) 0.07 tons	Particulate Matter (PM 10) 0.15 tons per year	
					Particulate Matter (PM2.5) (0.08 tons per year)	Particulate Matter (PM2.5) 0.07 tons	Particulate Matter (PM2.5) 0.15 tons per year	
					Sulfur dioxide (0.07 tons per year)	Sulfur dioxide 0.07 tons	Sulfur dioxide 0.14 tons per year	
					VOC (0.09 tons per year)	VOC 0.08 tons	VOC 0.17 tons per year	

Each emission exceedance is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

B. The Respondent reported the following deviations from fugitive emission requirements:

1.	2016 Title V Second Semiannual Monitoring Report (3/31/2017)	0180-00069-V0	Fugitive Emissions (CRG 0007)	***	Open-ended valves or lines. Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Cap was not reinstalled on bleed valve after use. According to the response dated January 17, 2019, the Respondent capped the open-ended line immediately upon recognition. Leak detection and repair regulation refresher training was conducted and implemented a tag and track procedure for open-ended line sources when left open.	5	Specific Requirement 37 and 40 CFR 63.167
2.	2017 Title V Second Semiannual Monitoring Report (3/28/2018)	0180-00069-V0	Fugitive Emissions (CRG 0007)	***	Open-ended valves or lines. Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Caps were not reinstalled on bleed valve after use. The Respondent implemented an open process tag and track process.	3	Specific Requirement 37 and 40 CFR 63.167
3.	2019 Title V First Semiannual Monitoring Report (9/30/2019)	0180-00069-V1	Fugitive Emissions (CRG 0007)	***	Open-ended valves or lines. Equip with a cap, blind flange, plug or a second valve. Daily visual checks.	Sample point was not capped after removal of a second valve used for double isolation. The Respondent capped the line and communicated findings and requirements regarding open-ended lines.	1	Specific Requirement 37 and 40 CFR 63.167

***Provide Incident Date and Duration of Deviation.

Each failure to meet fugitive emission requirements is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

C. The Respondent submitted a Notification of Change Form (NOC-1) to the Department via cover letter dated June 15, 2018, postmarked June 14, 2018, which listed the effective date of change as November 29, 2016. According to the NOC-1, the Respondent underwent a facility name change from BASF Corporation DNT Plant to BASF Corporation North Geismar Site. In a letter dated July 23, 2018, the Department notified the Respondent that Title V Air Permit Nos 3106-V0 and 0180-00069-V0 were modified to reflect the facility name change. The failure to submit the NOC-1 and associated documentation to the Department within forty-five (45) days after a name change of a permitted facility is a violation of LAC 33:I.1905.A and La. R.S. 30:2057(A)(2)."

II.

The Department hereby adds Paragraphs V.A-B and VI to the Findings of Fact portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-19-00722 as follows:

"V.

On or about March 23, 2020, and June 8, 2023, the Department performed an inspection and a subsequent file review of the Respondent's facility, Geismar Site, Agency Interest Number 2049, to determine the Respondent's degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. While the Department's investigation is not yet complete, the following violations were noted during the course of the inspection and subsequent file review:

- A. The Respondent failed to diligently maintain an air pollution control device in proper working order, which resulted in a preventable release of anhydrous ammonia above reportable quantity (RQ) from AME02(a), Pressure Vessel TK-1201 (Ammonia) (EQT0662). On or about March 23, 2020, the Department performed an inspection in response to the unauthorized release (Incident No. T196171) of an estimated 157 pounds (lbs.) of anhydrous ammonia, approximately 57 lbs. above the RQ of 100 lbs. According to the follow-up notification dated March 26, 2020, the release occurred at the Specialty Amines Unit, Amines Tank Farm, where Facility supervision observed pure liquid ammonia leaking from a hole in the vent header piping, which immediately vaporized into the atmosphere. The unauthorized release lasted for approximately 70 minutes until the units were shut down and the leak was stopped. In correspondence dated August 5, 2020, the Respondent's representative stated the leak on the vent header was caused by external corrosion on a weld from improper initial application of the weld coating. The Respondent performed the following immediate corrective actions: installed a clamp on the failed line; modified parameters to generate a larger gap between nitrogen pressure and vent pressure setpoints on EQT0662 to minimize the chance of entraining liquid while venting; modified parameters to run at a lower, more stable level in the ammonia tank to increase the vapor space and reduce the pressure increase while filling to minimize the chance of entraining liquid while venting; hired a Coating Protection Engineer; and implemented quality assurance/quality control (QA/QC) practices for pipe coatings following field welds. In correspondence dated October 8, 2021, the Respondent's representative stated the long term corrective action included, the internal inspection of the ammonia tank was moved to the April/May 2021 turnaround. During the turnaround inspection of the ammonia tank, the temporary clamp was removed from the failed line and the piping was replaced and proper coating was applied. The failure to diligently maintain an air pollution control device in proper working order, which resulted in a preventable release of anhydrous ammonia is a violation of LAC 33:III.905.A, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

B. The Respondent failed to submit updates of the status of an ongoing investigation of the unauthorized discharge every 60 days until the investigation has been completed and the results of the investigation have been submitted. Specifically, the initial written notification for the Incident No. T196171 was submitted to the Department on March 26, 2020; however, the cause of the release was still under investigation. The cause for the unauthorized discharge was not submitted to the Department until August 5, 2020, approximately 72 days after the update/results of the investigation were due. The failure to submit updates of the status of an ongoing investigation of the unauthorized discharge every 60 days until the investigation has been completed and the results of the investigation have been submitted is a violation of LAC 33:1.3925.A.3 and La. R.S. 30:2057(A)(2).

VI.

On or about December 12, 2022, and June 8, 2023, the Department performed an inspection and a subsequent file review of the Respondent's facility, North Geismar Site, Agency Interest Number 30073, to determine the Respondent's degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. While the Department's investigation is not yet complete, the following violations were noted during the course of the inspection and subsequent file review:

In the 2022 First Semiannual Monitoring Report dated September 30, 2022, the Respondent reported an excursion from an established minimum temperature parameter set for the Vent Gas Treatment System (EQT 0020). In Notification of Compliance Status dated August 28, 2009, the Respondent included the test results for the EQT 0020 performance test conducted on May 20, 1999. The report stated the average temperature needed for EQT 0020 to comply with the 20 parts per million by volume (ppmv) total hydrocarbons at three percent oxygen was established to be 1516 degrees Fahrenheit. The 2022 First Semiannual Monitoring Report stated that on February 1, 2022, local low and lowlow alarms based on a rolling 24-hour calculation were acknowledged by operations while troubleshooting high stack temperature. Additionally, once the alarms are cleared, they do not re-alarm unless the calculation gets above the set point average and then drops below the set point average again. During the reported event, the average temperature did not return above the minimum temperature set point; therefore, the alarms did not reset. After the alarm was cleared, there was no reminder to address the issue before reaching the minimum 24-hour average. In a Revised Semiannual Periodic Report dated September 30, 2022, the Respondent reported the average re-oxidation furnace minimum temperature daily average for EQT 0020 on February 1,

2022 was 1510 degrees Fahrenheit. The failure to maintain established minimum temperature parameter set for the Vent Gas Treatment System (EQT 0020) is a violation of 40 CFR 63.113(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, Specific Requirements 1, 4, and 109 of Title V Air Permit No. 0180-00069-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). As a corrective action, the Respondent retrained operations on regulated operating parameters, updated the DCS graphics and alarming scheme, and set up an email notification when the instantaneous minimum temperature is reached to allow time to follow up with operations.”

III.

The Department hereby amends paragraph VI of the Order Portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-19-00722 and adds paragraph VII to the Order Portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-19-00722 as follows:

“VI.

To submit within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the date and time of delivery and the date and time of pick-up of the excess inventory of ethyl chloride and the date on which the inventory fell below 10,000 lbs, as referenced in the amended Findings of Fact paragraph III.A. Additionally, provide information on how the facility complied with 40 CFR 68 during the period of time the excess ethyl chloride was onsite.

VII.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**, a written report that includes a detailed description of the circumstances surrounding the cited violations added in this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** and actions taken or to be taken to achieve compliance with the Order Portion of this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**. This report and all other reports or information required to be submitted to the Enforcement Division by this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Courtney Tolbert
Re: Enforcement Tracking No. AE-CN-19-00722A
Agency Interest Nos. 2049 & 30073"

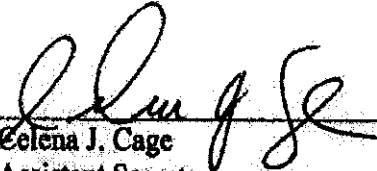
IV.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-19-00722A** and **AGENCY INTEREST NOS. 2049 & 30073** as if reiterated herein.

V.

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

Baton Rouge, Louisiana, this 13th day of June, 2023.



Celena J. Cage
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: Courtney Tolbert

WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

NATURE AND GRAVITY OF THE VIOLATION			
	MAJOR	MODERATE	MINOR
MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
MINOR	\$3,000 to \$1,500	\$1,500 to \$500	\$500 to \$100

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.



Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times [\text{Penalty Event Maximum} - \text{Penalty Event Minimum}])$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement. Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

- Settlement Offers searchable in EDMS using the following filters
Media: Air Quality, Function: Enforcement, Description: Settlement
- Settlement Agreements [Enforcement Division's website](#)
specific examples can be provided upon request
- Penalty Determination Method [LAC 33:1 Chapter 7](#)
- Beneficial Environmental Projects [LAC 33:1 Chapter 25](#)
- [FAQs](#)
- Judicial Interest..... [provided by the Louisiana State Bar Association](#)

