

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

EAGLE US 2 LLC

AI # 1255

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

* **Settlement Tracking No.**
* **SA-AE-25-0047**
*
* **Enforcement Tracking No.**
* **AE-CN-17-00225**
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*
* **Docket No. 2021-524-DEQ**
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SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Westlake US 2 LLC f/k/a Eagle US 2 LLC (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

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

II

On October 10, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-17-00225 (Exhibit 1).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing.

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 TWO HUNDRED FIVE THOUSAND AND NO/100 DOLLARS (\$205,000.00), of which Three Thousand Seven Hundred Thirty-Two and 96/100 Dollars (\$3,732.96) 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 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 Calcasieu 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 or by Electronic Funds Transfer (EFT) to the Department of Environmental Quality, in accordance with instructions provided to Respondent by the Financial Services Division. 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.

**WESTLAKE US 2 LLC
F/K/A EAGLE US 2 LLC**

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**
Courtney J. Burdette, 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

October 10, 2019



CERTIFIED MAIL (7014 0510 0002 3595 4301)
RETURN RECEIPT REQUESTED

EAGLE US 2 LLC
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Dr.
Baton Rouge, LA 70816

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-17-00225
AGENCY INTEREST NO. 1255**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **EAGLE US 2 LLC (RESPONDENT)** for the violations described therein.

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

Any questions concerning this action should be directed to Christopher Clement at (225) 219-3748.

Sincerely,

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

CJC/CGC/cgc
Alt ID No. 0520-00004
Attachment

c: Eagle US 2 LLC
c/o Tyler Conlee, ESH&S Professional
P.O. Box 1000
Lake Charles, LA 70602

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

IN THE MATTER OF

**EAGLE US 2 LLC
CALCASIEU PARISH
ALT ID NO. 0520-00004**

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

ENFORCEMENT TRACKING NO.

AE-CN-17-00225

AGENCY INTEREST NO.

1255

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **EAGLE US 2 LLC (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Lake Charles Complex a chemical manufacturing facility (the facility) located at 1300 PPG Dr. (portion of) Westlake in Calcasieu Parish, Louisiana. On or about January 28, 2013, Eagle US 2 LLC became the owner and/or operator of the Lake Charles Chemical Manufacturing Complex previously owned by PPG Industries, Inc., with the exception of the Silicas Plant which is still owned and operated by PPG Industries, Inc. The Respondent's request to transfer all applicable air permits not part of the Silicas Plant to Eagle US 2 LLC was timely submitted, and the permits and environmental liability for compliance were transferred to Eagle US 2 LLC, effective January 28, 2013. The facility operates or has operated under the authority of the following Title V Air Permits:

Unit	Permit	Issue Date	Expiration Date
VC Production Unit	897-V1	10/12/2009	7/7/2010
	897-V2	10/15/2010	10/15/2015
	897-V3	8/17/2011	10/15/2015
	897-V4	12/18/2012	10/15/2015
	897-V5	4/29/2014	10/15/2015

VC Production Unit	897-V6	12/18/2014	10/15/2015
	897-V7	4/29/2016	4/29/2021
Incinerators Unit	2040-V2	5/22/2009	2/21/2010
	2040-V3	8/13/2010	8/13/2015
	2040-V4	1/18/2011	8/13/2015
	2040-V5	10/5/2011	8/13/2014
	2040-V5AA	9/18/2012	8/13/2015
	2040-V5AA	9/26/2013	8/13/2015
	2040-V6	9/3/2015	9/3/2020
	2040-V7	12/21/2016	9/3/2020
Power/Utilities Unit	2040-V8	11/8/2017	9/3/2020
	2106-V2AA	8/14/2009	3/20/2011
	2106-V3	1/27/2010	3/20/2011
	2106-V4	10/14/2011	10/14/2016
	2106-V5	6/14/2013	10/14/2016
	2106-V6	12/14/2015	10/14/2016
Derivative Docks	2106-V7	5/4/2018	5/4/2023
	2206-V0AA	7/28/2009	6/29/2011
	2206-V1	3/20/2012	3/20/2017
Waste Recovery Unit	2206-V2	9/7/2017	9/7/2022
	2216-V1	3/1/2010	3/1/2015
	2216-V1AA	4/28/2010	3/1/2015
	2216-V2	3/12/2012	3/1/2015
	2216-V3	12/18/2012	3/1/2015
	2216-V4	3/6/2015	3/6/2020
Derivatives Shipping Unit	2216-V5	6/11/2018	3/6/2020
	2229-V1AA	7/28/2009	6/29/2011
	2229-V2	5/9/2012	5/9/2017
Mercury Recovery Unit	2229-V3	7/21/2017	7/21/2022
	2231-V1	1/29/2008	3/3/2011
	2231-V2	2/28/2012	2/28/2017
Derivatives Plant Common Sources	2231-V3	1/31/2017	1/31/2022
	2269-V2	7/28/2009	6/29/2011
	2269-V3	2/17/2010	6/29/2011
	2269-V4	2/27/2012	2/27/2017
	2269-V5	4/25/2017	4/25/2022
Per/Tri Unit	2269-V6	9/13/2018	4/25/2022
	2270-V1	10/12/2009	6/29/2011
	2270-V1AA	8/10/2010	6/29/2011
	2270-V2	8/10/2012	8/10/2017
	2270-V3	12/18/2012	8/10/2017

			Date
Per/Tri Unit	2270-V4	4/26/2013	8/10/2017
	2270-V5	5/19/2014	8/10/2017
	2270-V6	10/16/2018	10/16/2023
Greater EDC Unit	2351-V1	8/14/2009	2/21/2010
	2350-V2	4/28/2010	4/28/2015
	2350-V3	12/18/2012	4/28/2015
	2350-V4	4/17/2014	4/28/2014
	2350-V5	7/9/2015	7/9/2020
	2350-V6	7/25/2017	7/9/2020
	2350-V7	6/11/2018	7/9/2020
Complex Support Facilities	2359-V2	11/10/2009	6/29/2011
	2359-V3	3/4/2011	6/29/2011
	2359-V4	5/21/2012	5/21/2017
	2359-V5	9/20/2012	5/21/2017
	2359-V5AA	12/10/2012	5/21/2017
	2359-V5AA	2/12/2014	5/21/2017
	2359-V5AA	8/22/2014	5/21/2017
TE-2 Unit	2695-V1AA	7/28/2009	2/21/2010
	2695-V2	9/28/2010	9/28/2015
	2695-V3	8/17/2011	9/28/2015
	2695-V4	12/18/2012	9/28/2015
	2695-V5	5/22/2014	9/28/2015
	2695-V6	5/5/2016	5/5/2021
	2695-V7	10/25/2016	5/5/2021
	2695-V8	3/28/2017	5/5/2021
	2695V9	7/21/2017	5/5/2021
	2695V10	5/16/2018	5/5/2021
	2695-V11	8/6/2018	5/5/2021
	2695-V12	10/1/2018	5/5/2021
	2695-V13	10/17/2018	5/5/2021
Chlor/Alkali Unit	2798-V1AA	5/1/2009	1/21/2014
	2798-V2	6/14/2013	1/21/2014
	2798-V3	8/22/2014	8/22/2019
	2798-V4	1/12/2015	8/22/2019
Membrane Chlor/Alkali Unit	3021-V1	10/12/2009	3/3/2011
	3021-V2	2/28/2012	2/28/2017
	3021-V3	6/14/2013	2/28/2017
	3021-V4	1/30/2017	1/30/2022
Ethylene Plant	3136-V0	12/14/2015	12/14/2020

II.

On or about June 7, 2016, an inspection of the Respondent's facility was performed to determine the degree of compliance with the Act and Air Quality Regulations.

While the investigation by the Department is not yet complete, the following violation was noted during the course of the inspection:

During the course of the June 7, 2016, inspection, dust emissions were observed coming from a sweeper leaving the facility and crossing a roadway while using the sweeper. The Respondent was not applying any wetting agent to control airborne dust emissions. The Respondent failed to take all reasonable precautions to prevent particulate matter from becoming airborne. This is a violation of LAC 33:III.1305.A, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

III.

On or about May 23, 2017, an inspection of the Respondent's facility was performed to determine the degree of compliance with the Act and Air Quality Regulations.

While the investigation by the Department is not yet complete, the following violation was noted during the course of the inspection:

In the 2015 First Semiannual Monitoring Report dated September 21, 2015, the Respondent reported a faulty level indicator on the east caustic recirculation tank led to an interruption in caustic flow to the neutralizer and the release of chlorine from the Plant C Chlorine Neutralizer (EQT001) on February 18 2015. The Respondent reported the release of 90 lbs of chlorine over a 9-minute period. The amount of chlorine released exceeded the permitted limit of 0.03 max lbs/hr. During the course of the inspection, the inspector discovered that the root cause of the incident was as a result of an operator inadvertently shutting off a chlorine compressor in Plant C. The release is a violation of Title V Permit No. 2798-V4, LAC 33:III.905, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). In correspondence dated July, 10, 2017, the Respondent stated they switched the caustic supply system to the west circulation tank and has installed a dual level transmitters on both neutralizer caustic tanks.

IV.

On or about September 9, 2019, a file review of the Respondent's facility was performed to determine the degree of compliance with the Act and Air Quality Regulations.

While the investigation by the Department is not yet complete, the following violations were noted during the course of the file review:

In the 2015 First Semiannual Monitoring Report dated September 21, 2015, the Respondent reported a spare Nitrogen Oxide (NOx) analyzer for Powerhouse B Cogeneration Unit 5 (EQT067) was in service longer than the allowed 720 hours without being certified as required by 40 CFR 72. The unauthorized operation of NOx analyzer for more than the allowable 720 hours without been certified is a violation of Specific Requirement 7 of Title V Permit No. 2106-V5, Acid Rain RS Cogen Permit 2646-IV2, 40 CFR 75.20(d)(2)(v), LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). Upon discovery of the violation, the uncertified spare analyzer was taken out of service and was replaced with the repaired certified analyzer.

V.

The Respondent reported the following emission exceedances:

	Report (Date)	Permit Number & Monitoring Point	Incident Date (Duration)	Pollutant Released (Permit Limit)	Quantity Reported (Unit)	Reported Cause	Regulatory Or Permit Requirements
A	2014 Second Semiannual Monitoring Report (3/19/2015)	2040-V5 Incinerators 1/2 (EQT261)	11/6/2014 11/17/2014 11/28/2014	Carbon Monoxide 100 ppmv hourly average	Specific quantity was not reported. Reported as exceeded 100 ppmv	The Carbon Monoxide (CO) emission standard was exceeded following switching vents from one incinerator to another after inadequate adjustments to air flow were made. The Respondent stated that the exceedance occurred over a short period (3.3 seconds) when the hazardous waste was not in combustion. The Respondent continued to comply with all monitoring and recordkeeping requirement for CO and did not reintroduced hazardous waste until the CO level was within the permitted operating range. The Respondent stated that, the operator control screen will be modified to alert unit operators to the preferable vent switching technique.	Specific Requirement 9 40 CFR 63.1219(a)(5)(i)
B	2014 Second Semiannual Monitoring Report (3/19/2015)	2040-V5 Incinerators 1/2 (EQT261)	11/16/2014	Vinyl Chloride 1.76 Max lb/hr	2.06 lb/hr	Vinyl Chloride exceeded permitted limit due to liquid waste feed plugging. The Respondent reported that a design change was to be engineered that will reduce the frequency of liquid feed plugging.	LAC 33:III.501.C.4

C	2015 First Semiannual Monitoring Report (9/21/2015)	2216-V3 Cooling Tower Tetra (EQT025)	3/1/2015	Trichloroethylene 0.03 tons per year (tpy)	0.13 tons	The Respondent reported the exceedance of the permitted emission limit for Trichloroethylene from Cooling Tower Tetra due to a condenser leak. To reduce incidents of condenser failures, the Respondent improved a system to assure quality control of condenser fabrication.	LAC 33:III.501.C.4
D	2015 First Semiannual Monitoring Report (9/21/2015)	2040-V5 Incinerators 1/2 (EQT261)	1/9/2015	Carbon Monoxide 100 ppmv hourly average	Specific quantity was not reported. Reported as exceeded 100 ppmv	The Carbon Monoxide (CO) emission standard was exceeded due to incomplete combustion caused by excess natural gas flow after liquids were removed and the incinerator was still in HWC MACT mode. The Respondent stated that the exceedance occurred over a short period and the Respondent continued to comply with all monitoring and recordkeeping requirement for CO and did not reintroduced hazardous waste until the CO level was within the permitted operating range.	Specific Requirement 9 40 CFR 63.1219(a)(5)(i)
E	2015 First Semiannual Monitoring Report (9/21/2015)	2040-V5 Incinerators 1/2 (EQT261)	3/8/2015	Shall comply with applicable provisions of 40 CFR 63 Subpart EEE and requirements specified in Appendix A of the permit. Permit limit = Waste Feed Rate (5,340.0 Max lb/hr)	5,365.94 lb/hr	The liquid waste feed rate was exceeded due to inadequate adjustments to air flow were made. The Waste Feed Cut Off (AWFCO) occurred as designed; however, the permitted liquid feed rate was exceeded. A procedure was developed directing the operators on proper action to be taken when operating parameters approach alarm points.	Specific Requirement 9 40 CFR 63.1219(e)(4) LAC 33:III.501.C.4

F	2015 First Semiannual Monitoring Report (9/21/2015)	2040-V5 Incinerators I/2 (EQT261)	5/15/2015	Carbon Monoxide 100 ppmv hourly average	Specific quantity was not reported. Reported as exceeded 100 ppmv	The Carbon Monoxide (CO) emission standard was exceeded following switching vents from one incinerator to another after inadequate adjustments to air flow were made. The Respondent stated that the exceedance occurred over a short period (3.3 seconds) when the hazardous waste was not in combustion. The Respondent continued to comply with all monitoring and recordkeeping requirement for CO and did not reintroduced hazardous waste until the CO level was within the permitted operating range	Specific Requirement 9 40 CFR 63.1219(a)(5)(i)
G	2015 Second Semiannual Monitoring Report (3/21/2016)	2350-V4 EC/HCl Cooling Tower (EQT496)	7/1/2015 – 12/31/2015	Bromoform 0.44 tpy	0.45 tons	The Cooling Tower was over the permitted limit for Bromoform. The Respondent is investigating the effect of reduced dosage of a supplemental biocide on the emissions of Bromoform.	LAC 33:III.501.C.4
H	2015 Second Semiannual Monitoring Report (3/21/2016)	2269-V4 FUG 0015	7/1/2015 – 12/31/2015	Trichloroethylene 1.42 tpy	1.437 tons	Fugitive emissions for Trichloroethylene exceeded the permitted limit. The Respondent stated that the work practice standard for the repair of leaks was followed. Additional emphasis is being placed on communications between operations and maintenance.	LAC 33:III.501.C.4
I	2015 Second Semiannual Monitoring Report (3/21/2016)	2040-V5 Incinerators I/2 (EQT261)	7/30/2015	Vinyl Chloride 1.76 Max lb/hr	2.0 lb/hr	Vinyl Chloride exceeded permitted limit due to liquid waste feed plugging.	LAC 33:III.501.C.4

J	2016 First Semiannual Monitoring Report (9/19/2016)	2695-V5 Methyl chloroform (9MC)/ 1,1 Dichloride ethane (DCE) Scrubber (EQT434)	3/12/2016	Hydrogen Chloride (HCl) 0.002 Max lb/hr	100 lbs over 12 minutes	The Respondent reported that the 9MC reactor vented to the scrubber due to a pressure increase caused by poor operator technique to control the reactor pressure valve. The Respondent stated that the furnace startup procedure has been modified to emphasize proper operation of the reactor pressure control.	LAC 33:III.501.C.4
K	2016 First Semiannual Monitoring Report (9/19/2016)	2695-V5 TE-2 Cooling Tower (EQT444)	2016	Bromoform 0.66 tpy	0.81 tons	During the review of cooling tower emissions data, it was discovered that the permit limit was exceeded due to use of water treatment chemical containing sodium bromide. A permit modification was submitted on 9/23/2016 and modified Title V Permit No. 2695-V7 was issued 10/25/2016.	LAC 33:III.501.C.4
L	2016 Second Semiannual Monitoring Report (3/20/2017)	2270-V5 Per/Tri Cooling Tower (EQT279)	2016	1,2-Dichloroethan (EDC) 0.022 tpy	0.024 tons	During the review of cooling tower emissions data, it was discovered that the Per/Tri Cooling Tower 2016 emissions exceeded the permit limit. The Respondent stated that there were weekly sample results throughout 2016 that showed higher EDC emissions as compared to the calculation basis. A permit modification application to address the exceedance of the permit limit was submitted on 1/20/2017. The modified Title V Permit No. 2270-V6 was issued 10/16/2018.	LAC 33:III.501.C.4

M	2016 Second Semiannual Monitoring Report (3/20/2017)	2269-V4 FUG 0015	2016	Carbon tetrachloride 0.15 tpy	0.23 tons	The tons per year fugitive emissions for Carbon tetrachloride and Trichloroethylene were exceeded. A permit modification application was submitted on 8/22/2016 and a modified permit was issued on 4/25/2017	LAC 33:III.501.C.4
				Trichloroethylene 1.42 tpy	1.98 tons		
N	2016 Second Semiannual Monitoring Report (3/20/2017)	2040-V6 Incinerators 1/2 (EQT261)	8/1/2016	CO 100 ppmv	Specific quantity was not reported. Reported as exceeded 100 ppmv	CO emission standard was exceeded due to combustion because liquid feed continued to flow to the incinerator after the flow indication showed zero (0). The incident has been reviewed with operators.	Specific Requirement 9 40 CFR 63.1219(a)(5)(i)

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).

VI.

The Respondent reported the following violations from permitted operating parameters:

	Report (Date)	Permit Number	Emission Point	Incident Date (Duration)	Operating Parameter	Reported Cause	Regulatory or Permit Requirements
A	2015 First Semiannual Monitoring Report (9/21/2015)	2040-V5	Incinerators 1/2 (EQT261)	4/24/2015	Shall comply with applicable provisions of 40 CFR 63 Subpart EEE and requirements specified in Appendix A of the permit. Permit limit = 20.00 incw minimum	The permit requirement for differential pressure was not met after liquids were removed from the combustion chamber while still in HWC mode due to inadequate adjustments that were made. A procedure was developed directing the operators on proper action to be taken when operating parameters approach alarm points.	Specific Requirement 9 40 CFR 63.1219

B	2015 First Semiannual Monitoring Report (9/21/2015)	2040-V5	Incinerators 1/2 (EQT261)	5/16/2015	Shall comply with applicable provisions of 40 CFR 63 Subpart EEE and requirements specified in Appendix A of the permit. Permit limit = 2,383 °F minimum	After liquids were taken out of the combustion chamber the permit requirement for minimum temperature was not met while still in HWC mode due to inadequate adjustments that were made. The operator was counseled and instructed on proper operation techniques.	Specific Requirement 9 40 CFR 63.1219
C	2015 Second Semiannual Monitoring Report (3/21/2016)	2040-V5	Incinerators 1/2 (EQT261)	7/27/2015	Shall comply with applicable provisions of 40 CFR 63 Subpart EEE and requirements specified in Appendix A of the permit. Permit limit = 20.00 inwc minimum	The permit requirement for differential pressure was not met due to inadequate adjustments following removal of liquids from the combustion chamber in HWC MACT mode. The operator involved was counseled on proper operation techniques. This event was also reviewed with all other incinerator operators. Differential Pressure during this time = 19.99 inwc	Specific Requirement 9 40 CFR 63.1219
D	2015 Second Semiannual Monitoring Report (3/21/2016)	2040-V5	Incinerators 1/2 (EQT261)	8/16/2015	Shall comply with applicable provisions of 40 CFR 63 Subpart EEE and requirements specified in Appendix A of the permit. Permit limit = 2,383.00 °F minimum	The permit requirement for combustion temperature was not met due to inadequate adjustments following removal of liquids from the combustion chamber in HWC MACT mode. Combustion temperature during this time = 2,382.11 °F. The Respondent has modified the process control system to transition from HWC MACT mode to HON mode when liquid feed leaves the combustion chamber.	Specific Requirement 9 40 CFR 63.1219

E	2015 Second Semiannual Monitoring Report (3/21/2016)	2040-V5	Incinerators 1/2 (EQT261)	12/24/2015 and 12/28/2015	Shall comply with applicable provisions of 40 CFR 63 Subpart EEE and requirements specified in Appendix A of the permit. Permit limit = 20.00 inwc minimum	The permit requirement for differential pressure was not met due to inadequate adjustments following removal of liquids from the combustion chamber in HWC MACT mode. The Respondent has modified the process control system to transition from HWC MACT mode to HON mode when liquid feed leaves the combustion chamber. Differential Pressure during this time = 19.99 inwc	Specific Requirement 9 40 CFR 63.1219
F	2015 Second Semiannual Monitoring Report (3/21/2016)	2040-V5	Incinerators 1/2 (EQT261)	12/24/2015 and 12/28/2015	Shall comply with applicable provisions of 40 CFR 63 Subpart EEE and requirements specified in Appendix A of the permit. Permit limit = 2,383.00 °F minimum	The permit requirement for combustion temperature was not met due to inadequate adjustments following removal of liquids from the combustion chamber in HWC MACT mode. The Respondent has modified the process control system to transition from HWC MACT mode to HON mode when liquid feed leaves the combustion chamber.	Specific Requirement 9 40 CFR 63.1219
G	2016 First Semiannual Monitoring Report (9/19/2016)	2106-V6	RS Cogeneration Unit 5 and 6 (CRG0028) (EQT 032 and EQT 033)	2015-2016	Visually inspect emissions from the unit on a weekly basis.	The Respondent stated that visual inspections were missed seven (7) times in 2015 and eight (8) times in 2016. Operations practice has been modified to include weekly verifications of these inspections by the operations supervisor.	Title V Air Permit 2106-V6 Specific Requirement 14 PSD-LA-637(M-3) Specific Requirement 3

H	2016 First Semiannual Monitoring Report (9/19/2016)	897-V7	North PHH Cooling Tower	2016	Monitor heat exchange system quarterly	<p>The Respondent stated that the first and second quarter of 2016 HON sample were invalid due to incorrect sampling location.</p> <p>The proper sampling location was determined and communicated to appropriate personnel. HON samples for the third quarter of 2016 were analyzed and showed no evidence of a process leak.</p>	Specific Requirement 6 40 CFR 63.104(c)
I	2016 Second Semiannual Monitoring Report (3/20/2017)	2270-V5	Per/Tri Reactor Fluidization Vent Baghouse RLP0021	12/19/2016 - 12/23/2016	Visible emissions monitored by visual inspection daily when baghouse is in operation	<p>Visual inspection for Per/Tri Reactor was not recorded from 12/19/2016-12/23/2016 due to inadequate understanding of the regulatory requirement to complete and document environmental operator round. The Respondent stated that the operators have been counseled on these missed baghouse inspections. The requirement to record visual inspection has been added to the operating procedure.</p>	Specific Requirement 76
J	2016 Second Semiannual Monitoring Report (3/20/2017)	2229-V2	UNF0014 Derivatives Shipping Unit	9/2016	<p>Operate a reliable and accurate vinyl chloride (VC) monitoring system in accordance with 40 CFR 61.65(b)(8)(i)</p> <p>Data availability shall be at least 90% in accordance with LAC 33:III.535.A General Condition V</p>	<p>Eight (8) out of sixty nine (69) facility wide VC monitors located at the VC loading racks were idle for 75 hours in September 2016. No immediate action was taken to address the monitors during that time. The data available was below 90% during this month. The Respondent stated that the analyzers were returned to service upon discovery.</p>	<p>Specific Requirement 34 40 CFR 61.65(b)(8)(i)</p> <p>LAC 33:III.535.A General Condition V</p>

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, and La. R.S. 30:2057(A)(2).

VII.

The Respondent reported the following deviations from fugitive emission requirements:

							Regulatory Or Permit Requirements
A	2015 First Semiannual Monitoring Report (9/21/2015)	2269-V4	FUG 0015	1/25/2015 2/12/2015 6/10/2015	Open-ended lines equipped with blind flange, plug, or a second valve.	Three (3) open ended lines were discovered, one (1) located in the VC unit, which was monitored and corrected on 1/25/2015. One (1) open-ended was discovered in the TE-2 unit, which was monitored and corrected on 2/12/2015. One (1) open-ended line was discovered in Per Tri, which was monitored and corrected on 6/10/2015.	Specific Requirement 65 40 CFR 63.167(a)(1)
B	2015 First Semiannual Monitoring Report (9/21/2015)	2269-V4	FUG 0015	6/8/2015 6/19/2015	Make a first attempt at repair no later than five (5) days after each leak is detected and complete repairs no later than fifteen (15) calendar days after each leak is detected.	During routine operator round, a leak on the CSS vent header was discovered by visual observation. The five (5) day required first attempt repair was not met.	Specific Requirement 84 40 CFR 63.172(h)(1)
C	2014 Second Semiannual Monitoring Report (3/19/2015)	2269-V4	FUG 0015	9/9/2014 10/21/2014 11/20/2014 10/22/2014	Open-ended lines equipped with blind flange, plug, or a second valve.	Six (6) open ended lines were located in the TE-2 unit and repaired on 9/9/2014, 10/21/2014 and 11/20/2014. The open ended lines were monitored and plugged the same day they were found One open ended line was found in the EDC unit and repaired on 10/22/2014	Specific Requirement 65 40 CFR 63.167(a)(1)

D	2015 Second Semiannual Monitoring Report (3/21/2016)	2269-V4	FUG 0015	7/6/2015 9/23/2015	Open-ended lines equipped with blind flange, plug, or a second valve.	Two (2) Open ended lines located in the TE-2 unit were monitored and plugged on 7/6/2015 and 9/23/2015	Specific Requirement 65 40 CFR 63.167(a)(1)
				9/9/2015 10/1/2015		Two (2) Open ended lines located in the EDC unit were monitored and plugged on 9/9/2015 and 10/1/2015	
				12/3/2015		Five (5) open ended lines were found in the VC unit and were monitored and plugged on 12/3/2015.	
E	2016 First Semiannual Monitoring Report (9/19/2016)	2269-V4	FUG 0015	1/5/2016	Open-ended lines equipped with blind flange, plug, or a second valve.	One open ended line was found in the Per/Tri unit and repaired on 1/5/2016	Specific Requirement 65 40 CFR 63.167(a)(1)
				2/29/2016 5/17/2016 5/19/2016		Three (3) Open ended lines located in the EDC unit were monitored and plugged on 2/29/2016, 5/17/2016 and 5/19/2016	
				4/14/2016		Two (2) Open ended lines located in the PHH unit were monitored and plugged on 4/14/2016	
				4/21/2016		One open ended line was found in the WTU unit and repaired on 4/21/2016	
F	2016 First Semiannual Monitoring Report (9/19/2016)	2269-V4	FUG 0015	2014, 2015, and 2016	Pumps in light liquid service monitored by Method 21 monthly to detect leaks.	The Respondent failed to conduct monthly monitoring; the Respondent stated that the components were out of service during scheduled monitoring. The following monitoring's were missed: Four (4) pumps and one (1) agitator in 2016, eight (8) pumps in 2015, Fifty-four (54) pumps and three (3) agitators in 2014	Specific Requirement 38 40 CFR 63.163(b)(1)

G	2016 Second Semiannual Monitoring Report (3/20/2017)	2269-V4	FUG 0015	9/12/2016	Open-ended lines equipped with blind flange, plug, or a second valve.	One (1) open ended line was found in the Per/Tri unit and repaired on 9/12/2016	Specific Requirement 65 40 CFR 63.167(a)(1)
				9/1/2016 9/2/2016 9/14/2016 12/13/2016		Four (4) Open ended lines located in the EDC unit were monitored and plugged on 9/1/16, 9/2/16, 9/14/2016 and 12/13/2016	
				9/27/2016		One (1) open ended line was located in the PHH unit and was monitored and plugged on 9/27/2016	
				9/20/2016 9/27/2016		Two (2) Open ended lines were found in the WTU unit and repaired on 9/20/2016 and 9/27/2016	
				9/13/2016		One (1) open ended line was located in the TE-2 unit and was monitored and plugged on 9/13/2016	
H	2016 Second Semiannual Monitoring Report (3/20/2017)	2269-V4	FUG 0015	2016	Pumps in light liquid service monitored by Method 21 weekly, monthly, quarterly and annually to detect leaks	<p>Multiple components were discovered in the Per/Tri unit that were not identified in the Leak Detection and Repair (LDAR) database. The MOC added the components but did not clearly identify them as LDAR. The inspections on the following components were not conducted in accordance with HON Subpart H:</p> <ul style="list-style-type: none"> • One (1) pumps • Five (5) valves • Thirty seven (37) connectors <p>Upon initial monitoring, none of the components were found to be leaking. The Respondent reported that an improved tracking method has been implemented for LDAR related MOCs and refresher training.</p>	Specific Requirement 36, 38, 39, 66 & 100 40 CFR 63.163(b)(1)

I	2016 Second Semiannual Monitoring Report (3/20/2017)	2269-V4	FUG 0015	2016	Pumps in light liquid service monitored by Method 21 weekly, monthly, quarterly and annually to detect leaks	During an internal review of LDAR components in the Per/Tri unit, it was determined that some components associated with eight (8) tanks were identified as being part of a closed vent system rather than as individual components. This resulted in 236 connectors and fifty-three (53) valves not being monitored by Method 21.	Specific Requirement 66 & 100 40 CFR 63.163(b)(1)
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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 30:2057(A)(2).

VIII.

The Respondent reported the following Risk Management Plan (RMP)/Chemical Accident Prevention Provisions (CAPP) violations:

	Report ID (a)	Permit Number	Requirement	Violation	Specific Requirement and/or Regulation
A	2014 Second Semiannual Monitoring Report (3/19/2015)	2359-V5	Provide refresher training to employees every three years.	The Respondent stated that the facility failed to provide refresher training at least every three (3) years for three (3) employees involved in operating processes.	Specific Requirement 180 40 CFR 68.71(b) LAC 33:III.5901.A
B	2015 Second Semiannual Monitoring Report (3/21/2016)	2359-V5	Complete written process safety information.	The Respondent reported that, during the Risk Management Plan (RMP) three (3) year compliance audit, the facility failed to complete written process safety information for safe upper and lower limits as required by 40 CFR 68.65(c)(iv) and consequences of deviation, relief system design and design basis as required by 40 CFR 68.65(d)(iv).	Specific Requirement 162 40 CFR 68.65(a) 40 CFR 68.65(c)(iv) 40 CFR 68.65(d)(iv) LAC 33:III.5901.A
C	2015 Second Semiannual Monitoring Report (3/21/2016)	2359-V5	Provide training to employee's involved in maintaining the ongoing integrity of the process equipment.	The Respondent reported that, during the RMP three (3) year compliance audit, the mechanical integrity training was overdue and the records of personnel qualification for two (2) employees were unavailable.	Specific Requirement 184 40 CFR 68.73(c) LAC 33:III.5901.A

D	2015 Second Semiannual Monitoring Report (3/21/2016)	2359-V5	Develop and implement written operating procedures for safely conducting activities.	<p>The Respondent reported that, during the RMP three (3) year compliance audit, the operating procedures in Petri, TEII and Shipping were not complete. The operating procedures did not contain all information required in the area of emergency shutdowns. The Respondent stated that operating procedures in A-CI2, C-CI2, Membrane and Shipping did not document safe operating limits and consequences of deviation. In addition, operating procedures in the Ethylene dichloride (EDC) unit liquefaction did not fully document the consequences of deviation.</p>	Specific Requirement 175 40 CFR 68.69(a) LAC 33:III.5901.A
E	2015 Second Semiannual Monitoring Report (3/21/2016)	2359-V5	Establish and implement written procedures to maintain the ongoing integrity of process equipment.	<p>The Respondent reported that, during the RMP three (3) year compliance audit, the mechanical integrity inspections or tests on process equipment were not conducted and were five (5) days late. The Respondent stated that the relief valve QA/QC procedure did not contain detail on the testing required. In addition, the VC unit had eight (8) late proof test and three (3) late SRV inspections.</p>	Specific Requirement 183 40 CFR 68.73(b) LAC 33:III.5901.A
F	2015 Second Semiannual Monitoring Report (3/21/2016)	2359-V5	Correct deficiencies in equipment.	<p>The Respondent reported that, during the RMP three (3) year compliance audit, the deficiencies noted for process equipment were not corrected within the established time frame.</p>	Specific Requirement 187 40 CFR 68.73(e) Specific Requirement 196 40 CFR 68.79(d) LAC 33:III.5901.A
G	2015 Second Semiannual Monitoring Report (3/21/2016)	2359-V5	Assure that equipment are suitable for the process application.	<p>The Respondent reported that, during the RMP three (3) year compliance audit, maintenance material or spare parts located at the facility were not subjected to adequate inventory control in order to determine if they were suitable for the process application.</p>	Specific Requirement 188 40 CFR 68.73(f) LAC 33:III.5901.A

H	2015 Second Semiannual Monitoring Report (3/21/2016)	2359-V5	<p>Conduct an overview of the process training for new employees.</p> <p>Provide refresher training at least every three (3) years and determine the frequency of refresher trainings.</p> <p>Document training records for all operators and emergency operations and shutdown.</p>	<p>The Respondent reported that, during the RMP three (3) year compliance audit, the C-CI2 unit did not document training on an overview of the process and an employee refresher training was expired. The Respondent stated that the EDC and TE-2 unit did not document training for all operators on emergency operations and shutdowns. In addition, the PHH unit did not document that it consults operators on the frequency of refresher training and new employee training since 2013 and has not conducted line break training.</p>	<p>Specific Requirement 179 and 180 40 CFR 68.71(a)(1), 40 CFR 68.71(b) and 40 CFR 68.71(c) LAC 33:III.5901.A</p>
I	2015 Second Semiannual Monitoring Report (3/21/2016)	2359-V5	<p>Update operating procedures and to establish and implement written procedures to manage changes.</p>	<p>The Respondent reported that, during the RMP three (3) year compliance audit, the Management Of Change (MOC) for A-CI2, PHH and TE-2 units were expired without reauthorization. The Respondent stated that changes were made in the PHH and the TE-2 units before the MOC were completed.</p>	<p>Specific Requirement 191 and 192 40 CFR 68.75(a) 40 CFR 68.75(b) LAC 33:III.5901.A</p>
J	2015 Second Semiannual Monitoring Report (3/21/2016)	2359-V5	<p>Update process safety information.</p>	<p>The Respondent reported that, during the RMP three (3) year compliance audit, the MOC forms for C-CI2 and EDC units process safety information were not updated prior to the change and the MOC misidentified the type of change. The Respondent stated that one (1) MOC in the Liquefaction unit was conducted but was inaccurately updated in the P&ID's.</p>	<p>Specific Requirement 190 40 CFR 68.75(d) LAC 33:III.5901.A</p>
K	2016 First Semiannual Monitoring Report (9/19/2016)	2359-V5	<p>Perform PSSR after a change in the process safety information.</p>	<p>The Respondent reported that, during the RMP three (3) year compliance audit, the Pre-Startup Review (PSSR) was not completed when changes in the process safety information were identified.</p>	<p>Specific Requirement 193 40 CFR 68.77 LAC 33:III.5901.A</p>
L	2016 First Semiannual Monitoring Report (9/19/2016)	2359-V5	<p>Conduct refresher training every three (3) years.</p>	<p>The Respondent reported that, an operator in the TE II unit failed to take a refresher training by the January 9, 2016, deadline. The refresher training was completed January 12, 2016.</p>	<p>Specific Requirement 180 40 CFR 68.71(b) LAC 33:III.5901.A</p>

M	2016 First Semiannual Monitoring Report (9/19/2016)	2359-V5	Perform inspections and tests following recognized and generally good engineering practices on process equipment	<p>The Respondent reported the following missed inspections.</p> <ul style="list-style-type: none"> • One (1) Safety Relief Valve (SRV) inspection was missed in the Liquefaction area • Three (3) process component tests in the EDC unit were missed • One (1) proof test in the EDC unit was missed • Twenty one (21) SRV inspections in the EDC unit were missed <p>The Respondent stated that the inspections in the Greater EDC unit were missed in part due to communication errors associated with the software program for inspection notification. Upon discovery the equipment was inspected. The Respondent stated that the inspections were completed five (5) months late.</p>	Specific Requirement 186 40 CFR 68.73(d) LAC 33:III.5901.A
N	2016 Second Semiannual Monitoring Report (3/20/2017)	2359-V5	Update operating procedures and to establish and implement written procedures to manage changes.	The Respondent reported that, three (3) changes in the RMP were made in the Greater EDC unit without properly following the MOC process. The authorization requirements were not completed before the changes were implemented in the field.	Specific Requirement 192 40 CFR 68.75(a) 40 CFR 68.75(b) LAC 33:III.5901.A

O	2016 Second Semiannual Monitoring Report (3/20/2017)	2359-V5	Perform inspections and tests following recognized and generally good engineering practices on process equipment	<p>The Respondent reported the following missed RMP inspections:</p> <ul style="list-style-type: none"> • Fifteen (15) components inspections were missed in the C Chlorine unit • Two (2) proof test in the C Chlorine unit were missed • Three (3) components inspection in the A Chlorine unit were missed • Sixty two (62) components in the EDC unit were missed • Twelve (12) proof tests and one (1) SRV in the EDC unit were missed • Five (5) components inspection in the VC production unit <p>The Respondent stated that the inspections were missed in part due to communication errors associated with the software program for inspection notification. Upon discovery the equipment was inspected. The Respondent stated that the inspections were completed or extended per required approval.</p>	Specific Requirement 186 40 CFR 68.73(b) LAC 33:III.5901.A
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Each failure to comply with RMP/CAPP is a violation of the applicable permit, any associated permit requirement listed above, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

IX.

In the 2016 First Semiannual Monitoring Report dated September 19, 2016, the Respondent reported that, on May 1, 2016, operations used carbon drums and failed to monitor parameters within the time frame specified by the procedure. In the Revised HON Notification of Compliance Status (NOCS) dated April 4, 2011, Appendix C Monitoring Plan for Temporary Carbon Canister Control Systems Design, states that when carbon drums are in use the sample points will be monitored per EPA Method 21; attempt to verify there is not breakthrough within an hour of the time a bed is put in service; and thereafter the operator should monitor the carbon absorption system (CAS) at the same intervals as their regular rounds. The failure to monitor the parameters specified in the NOCS is a violation of Specific Requirement 37 of Title V Permit No. 2350-V5, 40 CFR 63.120(d)(5), which language has been incorporated by reference in LAC 33:III.5122, and La. R.S. 30:2057(A)(2). The Respondent stated that the drums were monitored the following day and did not show any breakthrough.

X.

In the 2016 First Semiannual Monitoring Report dated September 19, 2016, the Respondent reported that, Lift Station 11 (ARE0043) did not meet the control requirements of HON Subpart G Table 35 as required by 40 CFR 63.149(a). The failure to comply with HON Subpart G is a violation of Specific Requirement 2 of Title V Permit No. 2269-V4, 40 CFR 63.149(a), which language has been incorporated by reference in LAC 33:III.5122, and La. R.S. 30:2057(A)(2). In the 2016 First Semiannual Monitoring Report dated September 19, 2016, the Respondent stated that piping changes have been made to ensure that the lift station is not required to comply with HON Subpart G.

XI.

In the 2016 First Semiannual Monitoring Report dated September 19, 2016, the Respondent reported that, on January 26, 2016, action was not taken as required by 40 CFR 63.6(e)(3)(iv) and as specified in the Startup Shutdown Malfunction (SSM) plan after a leak was discovered on the combustion chamber of the No. 3 HAF in the UNF 0002 Incinerators Area. This is a violation of Specific Requirement 37 of Title V Permit No. 2040-V6, 40 CFR 63.6(e)(3)(iv), which language has been incorporated by reference in LAC 33:III.5122, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

XII.

In the 2016 First Semiannual Monitoring Report dated September 19, 2016, the Respondent reported that, the operator annual refresher training was not conducted in 2015. The failure to conduct annual refresher training for control room operators is a violation of 40 CFR 63.1206(c)(6)(vi), which language has been incorporated by reference in LAC 33:III.5122, and La. R.S. 30:2057(A)(2).

XIII.

On or about January 9, 2018, an inspection of the Respondent's facility was performed to determine the degree of compliance with the Act and Air Quality Regulations.

While the investigation by the Department is not yet complete, the following violation was noted during the course of the inspection:

On September 24, 2017, the Respondent reported an unauthorized discharge of chlorine. In the Unauthorized Discharge Notification Report dated September 29, 2017, the Respondent stated that approximately 22.5 pounds of chlorine were released to the atmosphere during routine barge loading when a small hole developed in the chlorine barge piping. The Respondent stated that the release was preventable due to the inspection frequency of the line not being adequate to prevent significant external corrosion from occurring undetected. The Respondent reported the release of 22.5 pounds of chlorine over a 19-minute period. The amount of chlorine released exceeded the permitted limit of 0.03 max lbs/hr. The release is a violation of Title V Permit No. 2798-V4, LAC 33:III.905,

LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent stated that a revised inspection schedule would be implemented.

XIV.

On or about January 24, 2018, an inspection of the Respondent's facility was performed to determine the degree of compliance with the Act and Air Quality Regulations.

While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection:

On January 5, 2018, the Respondent reported an unauthorized discharge of vinyl chloride that had occurred on December 16, 2017. In the Unauthorized Discharge Notification Report dated January 10, 2018, the Respondent stated that during a routine review of process data on January 5, 2018, evidence of a release of vinyl chloride that occurred on December 16, 2017, was discovered. The Respondent stated that a valve was incorrectly aligned during start up preparation for the #3 HAF. The valve misalignment caused condensate to backup into a steam header that supplies atomizing steam to Incinerators #1 and #2 that share a common stack, causing the incinerator temperatures to decrease. In order to avoid excess emissions, operations shutdown Incinerator #2. All vents went to Incinerator #1 which experienced lower than normal combustion efficiency due to the lower temperature of 1,650 °F, resulting in a release of vinyl chloride in excess of the 1.76 max lb/hr permit limit. While operations personnel were attempting to troubleshoot and reestablish acceptable process parameters, the vinyl chloride alarm on the incinerator stack was not recognized as indicating a release. Approximately eight (8) pounds of vinyl chloride greater than the max lb/hr permit limit were released. The Respondent stated that this was a preventable event due to the misalignment of the valve. In an email response to the inspector dated February 13, 2018, the Respondent provided the Standard Operating Procedure (SOP) for startup of the #3 HAF, dated November 16, 2017, and a summary of the incident investigation findings. Additionally, the Respondent identified the valve that was incorrectly aligned as the flash pot drain valve. The incident investigation summary identified the root cause of the incident as "Operator did not put flash pot in service properly" and the solution as "Modify startup procedure for #3 HAF". On February 19, 2018, in a phone conversation with the inspector, the Respondent stated that the standard practice used by operations in conducting operator training, specifically as it relates to a properly executed startup of #3 HAF at the waste treatment unit (WTU), calls for the flash pot drain valve to be aligned in the open position; however, this step was not in the SOP. The release is a violation of Title V Permit No. 2040-V8, LAC 33:III.905, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The Respondent established a due date of April 22, 2018, to modify startup procedure for #3 HAF.

XV.

On or about August 21 - 23, 2018, an inspection of the Respondent's facility was performed to determine the degree of compliance with the Act, Air Quality Regulations, and 40 CFR 68 Chemical Accident Prevention Provisions.

While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection:

	Requirement	Violation	Specific Requirement and/or Regulation
A	Certify annually, that the operating procedures are current and accurate.	Seven (7) out of nine (9) annual operating procedure certifications that were reviewed were either certified late or were overdue to be certified.	Specific Requirement 177 of Title V Air Permit 2359-V5 40 CFR 68.69(c) LAC 33:III.5901.A
B	Perform inspections and test on process equipment.	Testing/inspections on piping circuit 56A-029001 have never been conducted. API 570 Section 6.1 states that "To ensure equipment integrity, all piping and pressure-relieving devices shall be inspected at the intervals/frequencies provided in this section." Additionally, records indicate that twenty-eight (28) pieces of rotating equipment have never received vibration analysis.	Specific Requirement 186 of Title V Air Permit 2359-V5 40 CFR 68.73(d)(1) LAC 33:III.5901.A
C	Ensure that the frequency of inspections are consistent with recognized and generally accepted good engineering practices.	<ul style="list-style-type: none"> - 138 safety relief valves are overdue for testing - 455 piping tasks are overdue - 88 thickness monitoring locations (TMLs) in PSM/RMP service are beyond retirement date - 165 TMLs in PSM/RMP service are overdue for inspection - 6 of 23 pipe clamps in PSM/RMP service are overdue for inspection <p>- The Respondent did not investigate a failed pre-test for PSV 91415, dated 9/15/2017. The pre-test noted that the rupture disk associated with PSV 91415 was cut and that PSV 91415 was stuck shut. Section 6.6.3.3 of API 510 requires, "When a pressure-relieving device is found to be heavily fouled or stuck shut, the inspection and testing intervals shall be reevaluated to determine if the intervals should be shortened..." The facility failed to create an action item to reevaluate the failed test to ensure the frequency of testing and inspecting is correct or needs to be changed.</p>	Specific Requirement 186 of Title V Air Permit 2359-V5 40 CFR 68.73(d)(3) LAC 33:III.5901.A

D	The owner or operator shall maintain records supporting the implementation of this part at the stationary source for five years, unless otherwise provided in subpart D of this part. The Respondent failed to ensure that the replacement of rupture disks was documented consistently.	<ul style="list-style-type: none"> - Rupture disk 50006 was replaced twice in 2017 after it had blown and neither replacement was documented. - Rupture disk 50067 was replaced on July 17, 2017, after it was blown and not documented. - Rupture disk 50009 was only documented as being replaced in March 2017, no specific day was given. 	<p>Specific Requirement 152 of Title V Air Permit 2359-V5</p> <p>40 CFR 68.200</p> <p>LAC 33:III.5901.A</p>
E	Inform employees whose job tasks will be affected by a change in the process prior to start-up of the affected part of the process.	Employees were not informed of Management of Change (MOC) LKC26.EQPPPIPE.041618.5286 prior to start-up of the changed process.	<p>Specific Requirement 189 of Title V Air Permit 2359-V5</p> <p>40 CFR 68.75(c)</p> <p>LAC 33:III.5901.A</p>
F	Promptly determine and document an appropriate response to each of the findings found in the Compliance Audit and document that the deficiencies had been corrected.	There were five (5) findings from the 2015 Compliance Audit, which was finalized on January 28, 2016, that had due dates of February 11, 2017, that had not been completed as of August 22, 2018.	<p>Specific Requirement 195 of Title V Air Permit 2359-V5</p> <p>40 CFR 68.79(d)</p> <p>LAC 33:III.5901.A</p>
G	Investigate each incident which could have reasonably have resulted in a catastrophic release of a regulated substance.	The Respondent has not investigated each incident that could have, but did not result in a catastrophic release. Specifically, the chlorine railcar derailment on September 1, 2017, the vinyl chloride and EDC release on February 24, 2018, and the vinyl chloride release on April 3, 2018, were not investigated.	<p>Specific Requirement 202 of Title V Air Permit 2359-V5</p> <p>40 CFR 68.81(a)</p> <p>LAC 33:III.5901.A</p>
H	Initiate an incident investigation no later than 48 hours following an incident.	<ul style="list-style-type: none"> - The April 28, 2017, chlorine release was not investigated until May 17, 2017. - The August 4, 2016, methyl chloride sampling incident was not investigated until August 11, 2016. - The December 16, 2017, release of vinyl chloride from the incinerator stack was not investigated until January 4, 2018. - The July 13, 2018, EDC release was not investigated until July 16, 2018. 	<p>Specific Requirement 202 of Title V Air Permit 2359-V5</p> <p>40 CFR 68.81(b)</p> <p>LAC 33:III.5901.A</p>
I	Include the factors that contributed to the incident in the incident report.	Factors that led to the release were not included in the report for the chlorine release on December 14, 2017.	<p>Specific Requirement 203 of Title V Air Permit 2359-V5</p> <p>40 CFR 68.81(d)(4)</p> <p>LAC 33:III.5901.A</p>

J	Include recommendations resulting from the investigation in the incident report.	The report dated October 26, 2017, did not contain the investigation results for the chlorine barge piping release on September 24, 2017. Additionally, the incident report dated December 20, 2017, did not contain recommendations nor a root cause analysis for the contractor inhalation incident on December 14, 2017.	Specific Requirement 203 of Title V Air Permit 2359-V5 40 CFR 68.81(d)(5) LAC 33:III.5901.A
K	Document resolutions and corrective actions from incident investigation reports.	Documentation of corrective actions was not generated for the December 9, 2017, EDC product line leak.	Specific Requirement 201 of Title V Air Permit 2359-V5 40 CFR 68.81(e) LAC 33:III.5901.A
L	Review the incident report with all affected personnel.	The incident report was not reviewed with affected employees for the December 7, 2016, chlorine inhalation incident.	Specific Requirement 203 of Title V Air Permit 2359-V5 40 CFR 68.81(f) LAC 33:III.5901.A
M	Implement procedures for the use of emergency response equipment and for its inspection, testing, and maintenance.	Fire Hose 14-26 3", one (1) of five (5) fire hoses that were reviewed, did not receive annual pressure testing in 2016 but was tested in 2017. Additionally, twenty-three (23) fire extinguishers were either overdue for hydrostatic testing or overdue for their six (6) year maintenance. This had been identified in the 2017 fire extinguisher annual inspection report but had not been addressed by the time the 2018 fire extinguisher inspections were due.	Specific Requirement 213 of Title V Air Permit 2359-V5 40 CFR 68.95(a)(2) LAC 33:III.5901.A

Each failure to comply with RMP/CAPP is a violation of the applicable regulation listed above, 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 and the Air Quality Regulations including but not limited to LAC 33:III.1305, 40 CFR 68 Risk Management Plan (RMP)/Chemical Accident Prevention Provisions (CAPP), and applicable Title V permits.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, documentation demonstrating that the operating parameters described in

Findings of Fact Paragraphs VII.A-F comply with the applicable provisions of 40 CFR 63 Subpart EEE and requirements specified in Appendix A of Title V Air Permit 2040-V5.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, documentation demonstrating that the operating parameters described in Findings of Fact Paragraph VI.I are being monitored daily.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, documentation demonstrating that the elements of the RMP/CAPP described in Findings of Fact Paragraphs VIII.A-O and XV.A-M have been addressed.

V.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, documentation demonstrating which piping changes described in Findings of Fact Paragraph X have been made to the lift station that exclude it from HON Subpart G.

VI.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, documentation demonstrating that Operator Annual refresher training as described in Findings of Fact Paragraph XII has been conducted.

VII.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, documentation demonstrating that a revised inspection schedule has been implemented as described in Findings of Fact Paragraph XIII.

VIII.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, documentation demonstrating that the startup procedure for #3 HAF has been modified as described in Findings of Fact Paragraph XIV.

IX.

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: Christopher Clement
Re: Enforcement Tracking No. AE-CN-17-00225
Agency Interest No. 1255

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-17-00225
Agency Interest No. 1255

III.

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

IV.

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

V.

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

VI.

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

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

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

II.

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

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

IV.

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

V.

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


Baton Rouge, Louisiana, this 10th day of October, 2019.



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: Christopher Clement

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE		
Enforcement Tracking No.	AE-CN-17-00225	Contact Name	Christopher Clement	
Agency Interest (AI) No.	1255	Contact Phone No.	(225) 219-3748	
Alternate ID No.	0520-00004			
Respondent:	EAGLE US 2 LLC	Facility Name:	Lake Charles Complex	
	c/o C T Corporation System	Physical Location:	U.S. Interstate 10 and east of U.S. Interstate 220 in Lake Charles	
	Agent for Service of Process			
	3867 Plaza Tower Dr.	City, State, Zip:	Lake Charles	
	Baton Rouge, LA 70816	Parish:	Calcasieu, Louisiana 70669	
STATEMENT OF COMPLIANCE				
STATEMENT OF COMPLIANCE		Date Completed	Copy Attached?	
A written report was submitted in accordance with Paragraph IX of the "Order" portion of the COMPLIANCE ORDER.				
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs II through VIII of the "Order" portion of the COMPLIANCE ORDER.				
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:				
SETTLEMENT OFFER (OPTIONAL)				
<i>(check the applicable option)</i>				
_____	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.			
_____	In order to resolve any claim for civil penalties for the violations in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-17-00225), 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 CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-17-00225), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional)= \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted. 			
	The Respondent has reviewed the violations noted in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-17-00225) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.			
CERTIFICATION STATEMENT				
<i>I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true,</i>				

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: Christopher Clement