

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

LION COPOLYMER GEISMAR, LLC

AI # 1433

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

* **Settlement Tracking No.**
* **SA-AE-25-0066**
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* **Enforcement Tracking No.**
* **AE-CN-22-00054**
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* **Docket No. 2024-54823-DEQ**
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SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Lion Copolymer Geismar, 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 an integrated chemical production facility located in Geismar, Ascension Parish, Louisiana (“the Facility”).

II

On August 24, 2023, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-22-00054 (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 THIRTY THOUSAND SIX HUNDRED TWO AND 43/100 DOLLARS (\$30,602.43), of which Three Thousand One Hundred Two and 43/100 Dollars (\$3,102.43) 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 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 Accounts Receivable, 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.

LION COPOLYMER GEISMAR, 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



ROGER W. GINGLES
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

AUG 24 2023

CERTIFIED MAIL (7020 2450 0001 6670 3065)
RETURN RECEIPT REQUESTED



LION COPOLYMER GEISMAR, LLC
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-22-00054
AGENCY INTEREST NO. 1433**

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 **LION COPOLYMER GEISMAR, 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 Kaylee Gleason at (225) 219-2144.

Sincerely,

Angela Marse
Administrator
Enforcement Division

AM/KEG/keg
Alt ID No. 0180-00012
Attachment

c: Lion Copolymer Geismar, LLC
 c/o Craig A. Derouen, Environmental Manager
 P.O. Box 397
 Geismar, LA 70734

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

IN THE MATTER OF

**LION COPOLYMER GEISMAR, LLC
ASCENSION PARISH
ALT ID NO. 0180-00012**

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

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ENFORCEMENT TRACKING NO.

AE-CN-22-00054

AGENCY INTEREST NO.

1433

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **LION COPOLYMER GEISMAR, 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 Lion Copolymer Geismar, LLC- Geismar Facility (the facility), an integrated chemical production facility, located at 36191 Louisiana Highway 30 in Geismar, Ascension Parish, Louisiana. The facility operates or has operated under the authority of the following Title V Air Quality Permits:

Royalene/ Trilene Unit TSS Unit	2041-V12	11/9/2022	11/9/2027
	2041-V11	4/15/2021	6/30/2022 (Administratively continued)
	2041-V10	12/20/2018	6/30/2022
Services and Laboratory Unit	2551-V5	6/2/2021	6/6/2023 (Permit Rescinded)

	2551-V4	10/1/2019	3/22/2024
	2551-V3	3/22/2019	3/22/2024
	2551-V2	11/1/2012	11/1/2017 (Administratively continued)

II.

On or about September 25, 2020, and January 4, 2023, the Department conducted inspections of the Respondent's facility to determine the degree of compliance with the Act and the Air Quality Regulations. While the investigation is not complete, the following violations described in Findings of Fact paragraphs III-X of this action were noted during the course of the inspections and subsequent file review conducted on August 15, 2023.

III.

The Respondent failed to properly use or diligently maintain in proper working order any air pollution control equipment, device or contrivance, operating procedure, or abatement scheme whenever any emissions are being made to aid in controlling the overall levels of air contaminants into the atmosphere:

A.	2018 Title V Second Semiannual Monitoring Report (3/28/19)	2041-V10	Twin Screw Unit Exterior Vent	8/24/18-9/7/18 (14 days)	Particulate Matter	Indeterminable (Mixed with steam)	A hole had developed in the barrel of the extruder, causing water to spray directly on the screw and resulted in emissions.	An upset notification was made to the Department. A temporary spray nozzle was used to knock down vapors until a replacement barrel was installed.
B.	2022 Title V First Semiannual Monitoring Report (8/25/22)	2041-V11	Monomer Solvent Piping	2/16/22 10:20 AM-2/16/22 10:36 AM (16 minutes)	Hexane	79.4 lbs	A hole occurred in the monomer solvent piping where it contacted an I-beam.	The pipe was isolated, emptied, and repaired before returning it back to service.
					n-Hexane	51.6 lbs		
					Propylene	83.1 lbs		
					Ethylene	9.2 lbs		
C.	2022 Title V First Semiannual Monitoring Report (8/25/22)	2041-V11	Poly 2 Feed Heater (PE-112) Tube Failure	5/3/22 1:25 PM- 5/3/22 1:28 PM (3 minutes)	Hexane	1,412.7 lbs	Heat exchanger, PE-112, had a failed tube.	The release was reported to the Department, and later determined to be below the reportable quantity. The failed tube was taken out of service and repaired before returning the heat exchanger back to service.
					n-Hexane	918.2 lbs		
					Propylene	238 lbs		
					Ethylene	68.6 lbs		

D.	2022 Title V First Semiannual Monitoring Report (8/25/22)	2041-V11	Piping from RV-100 to Poly 2 Unit	5/20/22 11:00 AM- 5/20/22 11:20 AM (20 minutes)	Hexane	124.7 lbs	The transfer pipe from RV-100 to the Poly 2 Unit failed.	The pipe was isolated, emptied, and repaired before returning it back to service.
					n-Hexane	81 lbs		
					Propylene	65.8 lbs		
					Ethylene	7.3 lbs		
E.	2022 Title V First Semiannual Monitoring Report (8/25/22)	2041-V11	Trilene Overheads Tank (RV-501)	5/30/22 9:00 AM- 5/30/22 10:30 AM (90 minutes)	Hexane	3,414 lbs	There was a failed weld on a dip pipe into the return line on RV-501.	The release was reported to the Department, and later determined to be below the reportable quantity. The failed piping was taken out of service and repaired before returning the heat exchanger back to service.
					n-Hexane	2,219 lbs		
F.	2022 Title V Second Semiannual Monitoring Report (3/1/23)	2041-V12	95-UV-511 Propylene Refrigeration Suction Accumulator	7/5/22 2:40 PM- 7/5/22 3:29 PM (49 minutes)	Propylene	1,401 lbs	While placing 95-UV-511 polypropylene refrigeration suction accumulator back into service, a flange failed.	Operators isolated the section of pipe to terminate the release. The flange was discovered to be misaligned during installation. The pump was reinstalled and the piping reassembled.
G.	2022 Title V Second Semiannual Monitoring Report (3/1/23)	2041-V12	Recovery Cooling Tower (EQT0228)	11/3/22 2:45 PM- 11/3/22 11:59 PM (9.25 hours)	Hexane	2,058 lbs	A leak occurred on a catalyst feed pump heat exchanger that allowed catalyst and hexane to enter the cooling water header.	Upon discovery of the heat exchanger leak, the equipment was isolated from the cooling water system and subsequently repaired.

Each failure to properly use or diligently maintain in proper working order any air pollution control equipment, device or contrivance, operating procedure, or abatement scheme whenever any emissions are being made to aid in controlling the overall levels of air contaminants into the atmosphere is a violation of LAC 33:III.905.A, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

IV.

The Respondent reported the following violations of permitted operating parameters:

A.	2018 Title V Second Semiannual Monitoring Report (3/28/19)	2041-V10	EQT0254	8/28/18 6:54 AM- 8/28/18 8:12 AM (78 minutes)	Shall comply with the applicable requirements of 40 CFR 63.119 through 63.123 and 40 CFR 63.148.	Operations landed roof of SV-100 in preparation to complete an unplanned interior vessel inspection. However, the 7-day refill notification was not submitted to LDEQ.	40 CFR 63.484(a) Specific Requirement 133
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B.	2018 Title V Second Semiannual Monitoring Report (3/28/19)	2041-V10	EQT0286	9/16/18 6:43 AM- 9/16/18 7:35 AM (52 minutes)	Shall comply with the applicable requirements of 40 CFR 63.119 through 63.123 and 40 CFR 63.148.	Roof of SV-403 was landed due to an operational error, which occurred during a product transition that requires low tank inventory to reduce off spec material. Supplemental hexane was not introduced fast enough, causing the level in the tank to decrease and ultimately land the roof.	40 CFR 63.434(a) Specific Requirement 173
C.	2019 Title V Second Semiannual Monitoring Report (3/30/20)	2551- V3/V4	687 John Deere Generator (EQT0692)	9/30/19- 12/30/19 (90 days)	Operate and maintain the emergency generator at all times in a manner consistent with safety and good air pollution control practices for minimizing emissions.	Preventative maintenance was not conducted on the new generator in accordance with the written maintenance plan from September 2019 through December 2019.	40 CFR 63.6605(b) RP_1433_PER2019 0003
D.	2019 Title V Second Semiannual Monitoring Report (3/30/20)	2041-V10	EQT0367	11/1/19- 11/30/19 (30 days)	Operate and maintain the emergency generator at all times in a manner consistent with safety and good air pollution control practices for minimizing emissions.	Preventative maintenance was not performed on the emergency generator in November 2019 in accordance with the written maintenance plan. The maintenance was performed in December 2019 and included preventative maintenance in the updated maintenance work process.	40 CFR 63.6605(b) Specific Requirement 191
E.	2019 Title V Second Semiannual Monitoring Report (3/30/20)	2551-V4	EQT0683	11/1/19- 11/30/19 (30 days)	Operate and maintain the emergency generator at all times in a manner consistent with safety and good air pollution control practices for minimizing emissions.	Preventative maintenance was not performed on the emergency generator in November 2019 in accordance with the written maintenance plan. The maintenance was performed in December 2019 and included preventative maintenance in the updated maintenance work process.	40 CFR 63.6605(b) Specific Requirement 7
F.	2019 Title V Second Semiannual Monitoring Report (3/30/20)	2551- V3/V4	EQT0684	11/1/19- 11/30/19 (30 days)	Operate and maintain the emergency generator at all times in a manner consistent with safety and good air pollution control practices for minimizing emissions.	Preventative maintenance was not performed on the emergency generator in November 2019 in accordance with the written maintenance plan. The maintenance was performed in December 2019 and included preventative maintenance in the updated maintenance work process.	40 CFR 63.6605(b) V3 Specific Requirement 18 V4 Specific Requirement 22
G.	2019 Title V Second Semiannual Monitoring Report (3/30/20)	2551- V3/V4	EQT0685	11/1/19- 11/30/19 (30 days)	Operate and maintain the emergency generator at all times in a manner consistent with safety and good air pollution control practices for minimizing emissions.	Preventative maintenance was not performed on the emergency generator in November 2019 in accordance with the written maintenance plan. The maintenance was performed in December 2019 and included preventative maintenance in the updated maintenance work process.	40 CFR 63.6605(b) V3 Specific Requirement 35 V4 Specific Requirement 39

H.	2019 Title V Second Semiannual Monitoring Report (3/30/20)	2551- V3/V4	EQT0691	11/1/19- 11/30/19 (30 days)	Operate and maintain the emergency generator at all times in a manner consistent with safety and good air pollution control practices for minimizing emissions.	Preventative maintenance was not performed on the emergency generator in November 2019 in accordance with the written maintenance plan. The maintenance was performed in December 2019 and included preventative maintenance in the updated maintenance work process.	40 CFR 63.6605(b) V3 Specific Requirement 51 V4 Specific Requirement 55
I.	2019 Title V Second Semiannual Monitoring Report (3/30/20)	2041-V10	EQT0254	12/10/19- 1/15/20 (36 days)	Inspect the seal annually through roof openings.	The annual and ten (10) year inspections of IFR storage tank 91-SV-100 were conducted on 12/11/18. The next annual inspection required by 12/10/19 was not conducted in a timely manner; the annual inspection was conducted 1/15/20, approximately 36 days late.	40 CFR 63.484(a) Specific Requirement 134
J.	2020 Title V First Semiannual Monitoring Report (9/18/20)	2041-V10	EQT0257	2/11/20 6:36 AM- 2/11/20 8:13 AM (97 minutes)	Design and operate the flare for no visible emissions, except for periods not to exceed a total of five (5) minutes during any two (2) consecutive hours.	Monomer compressor shutdown resulted in excess smoking at the flare when the unit went down.	40 CFR 63.11(b)(4) LAC 33:III.3003 Specific Requirement 139 Specific Requirement 148 LAC 33:III.1311.C
K.	2020 Title V First Semiannual Monitoring Report (9/18/20)	2041-V10	EQT0257	4/16/20 9:50 AM- 4/16/20 9:57 AM (7 minutes)	Design and operate the flare for no visible emissions, except for periods not to exceed a total of five (5) minutes during any two (2) consecutive hours.	Monomer compressor shutdown resulted in excess smoking at the flare when the unit went down.	40 CFR 63.11(b)(4) LAC 33:III.3003 Specific Requirement 139 Specific Requirement 148 LAC 33:III.1311.C
L.	2020 Title V First Semiannual Monitoring Report (9/18/20)	2041-V10	EQT0471	4/29/20 (1 day)	Compliance with residual organic HAP limitations in 40 CFR 63.494(a) using stripping technology requires demonstration using sampling procedures or parameter monitoring.	A daily n-Hexane sample was not collected from the Poly 3 unit.	40 CFR 495(a) Specific Requirement 204
M.	2020 Title V Second Semiannual Monitoring Report (3/30/21)	2041-V10	EQT0471	7/14/20 (1 day)	Compliance with residual organic HAP limitations in 40 CFR 63.494(a) using stripping technology requires demonstration using sampling procedures or parameter monitoring.	A daily n-Hexane sample was not collected from the Poly 3 unit.	40 CFR 495(a) Specific Requirement 204

N.	2021 Title V First Semiannual Monitoring Report (9/29/21)	2041-V11	EQT0471	5/29/21 (1 day)	Compliance with residual organic HAP limitations in 40 CFR 63.494(a) using stripping technology requires demonstration using sampling procedures or parameter monitoring.	A daily n-Hexane sample was not collected from the Poly 2 unit.	40 CFR 495(a) Specific Requirement 247
O.	2022 Title V First Semiannual Monitoring Report (8/25/22)	2041-V11	EQT0257	5/25/22 1:51 PM- 5/25/22 1:57 PM (6 minutes)	Design and operate the flare for no visible emissions, except for periods not to exceed a total of five (5) minutes during any two (2) consecutive hours.	Monomer compressor shutdown resulted in excess smoking at the flare when the unit went down.	40 CFR 63.11(b)(4) LAC 33:III.3003 Specific Requirement 139 Specific Requirement 148 LAC 33:III.1311.C

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

V.

The Respondent reported the following violations of fugitive emission requirements:

A.	2018 Title V Second Semiannual Monitoring Report (3/28/19)	2041-V10	FUG0009 FUG0010	A miscommunication during a transition to a new LDAR technician resulted in the Method 21 Monitoring to not be conducted for the month of November in 2018. The total number of pumps not monitored is 191 and the total number of agitators not monitored is 73.	40 CFR 63.163(b)(1) 40 CFR 63.173(a) Specific Requirement 27 Specific Requirement 82
B.	2018 Title V Second Semiannual Monitoring Report (3/28/19)	2041-V10	FUG0009 FUG0010	Four (4) Open-Ended Lines (OELs) were found during scheduled monitoring for the reporting period. The OELs were plugged or sealed.	40 CFR 63.167 Specific Requirement 55
C.	2018 Title V Second Semiannual Monitoring Report (3/28/19)	2041-V10	FUG0009 FUG0010	Two (2) valves and thirteen (13) connectors were identified in the field as subject to Method 21 Monitoring, but not in the LeakDAS system.	40 CFR 63.168(c) 40 CFR 63.174(b)(1) Specific Requirement 56 Specific Requirement 97
D.	2019 Title V First Semiannual Monitoring Report (9/23/19)	2041-V10	FUG0009 FUG0010	An LDAR leak on Valve #2911A was discovered on 2/14/19 and incorrectly placed on DOR list; final repair was not made within the required fifteen (15) calendar days after the leak was detected.	40 CFR 63.168(f) LAC 33:III.5122 Specific Requirement 62
E.	2019 Title V Second Semiannual Monitoring Report (3/30/20)	2041-V10	FUG0009 FUG0010	Three (3) pumps, 45 valves, and 113 connectors were identified in the field as subject to Method 21 Monitoring but not in the LeakDAS system.	40 CFR 63.163(b)(1) 40 CFR 63.168(c) 40 CFR 63.174(b)(1) Specific Requirement 27 Specific Requirement 57 Specific Requirement 97
F.	2019 Title V Second Semiannual Monitoring Report (3/30/20)	2041-V10	FUG0009 FUG0010	Four (4) OELs were found during scheduled monitoring for the reporting period. The OELs were plugged or sealed.	40 CFR 63.167 Specific Requirement 55

G.	2020 Title V First Semiannual Monitoring Report (9/18/20)	2041-V10	FUG0009 FUG0010	One (1) OEL was found during scheduled monitoring for the reporting period. The OEL was plugged or sealed.	40 CFR 63.167 Specific Requirement 55
H.	2020 Title V Second Semiannual Monitoring Report (3/30/21)	2041-V10	FUG0009 FUG0010	Two (2) OELs were found during scheduled monitoring for the reporting period. The OELs were plugged or sealed.	40 CFR 63.167 Specific Requirement 55
I.	2021 Title V First Semiannual Monitoring Report (9/29/21)	2041-V11	FUG0009 FUG0010	Seven (7) pumps, 151 valves, and three (3) agitators were incorrectly placed in "Out of Service" status in the LeakDAS system. Five (5) additional agitators were found to not be included in the LeakDAS system.	40 CFR 63.163(b)(1) 40 CFR 63.163(c) 40 CFR 63.173(a) Specific Requirement 30
J.	2021 Title V First Semiannual Monitoring Report (9/29/21)	2041-V11	FUG0009 FUG0010	Four (4) OELs were found during scheduled monitoring for the reporting period. The OELs were plugged or sealed.	40 CFR 63.167 Specific Requirement 58
K.	2021 Title V Second Semiannual Monitoring Report (3/31/22)	2041-V11	FUG0009 FUG0010	Three (3) OELs were found during scheduled monitoring for the reporting period. The OELs were plugged or sealed.	40 CFR 63.167 Specific Requirement 58
L.	2022 Title V First Semiannual Monitoring Report (8/25/22)	2041-V11	FUG0009 FUG0010	Five (5) OELs were found during scheduled monitoring for the reporting period. The OELs were plugged or sealed.	40 CFR 63.167 Specific Requirement 58
M.	2022 Title V Second Semiannual Monitoring Report (3/1/23)	2041-V11	FUG0009 FUG0010	Seventeen (17) valves in light liquid service were not monitored in the third quarter per the specified schedule. This was due to an area-wide power outage that began September 29, 2022, causing full shutdown of the site for the remaining three (3) days of the quarter and the valves could not be monitored safely under normal operating conditions. The electrical loss occurred offsite on the energy supplier's equipment.	40 CFR 63.168(c) Specific Requirement 59

Each failure to meet fugitive emission requirements is a violation of any applicable permit and associated requirements listed above, LAC 33:III.501.C.4, LAC 33:III.2122.C.3, La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

VI.

The Respondent reported the following emission exceedances:

A.	2018 Title V Second Semiannual Monitoring Report (3/28/19)	2041-V10	EQT0265	7/26/18 3:00 PM- 7/26/18 5:00 PM (2 Hours)	VOCs (0.364 AVG lb/hr)	630 lbs	Column feeding tank, SV-105 (EQT 265), was overburdened causing an upset. The high pressure led to vapors escaping the floating roof and vented from the top of the tank.	Permitted Emissions Rates
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B.	2018 Title V Second Semiannual Monitoring Report (3/28/19)	2041-V10	EQT0303	12/10/18 4:00 PM- 12/11/18 8:00 AM (16 hours)	VOCs (0.60 MAX lb/hr)	239 lbs	Water boot malfunction caused release of hexane to Trilene #2 wastewater sump pump.	Permitted Emissions Rates
					n-Hexane (0.36 MAX lb/hr)	155 lbs		
					Toluene (Not Permitted)	1 lb		
C.	2022 Title V Second Semiannual Monitoring Report (3/1/23)	2041-V12	EQT0288	11/3/22 2:45 PM- 11/3/22 11:59 PM (9 hours, 14 minutes)	n-Hexane (1.4 MAX lb/hr)	2,058 lbs	A leak occurred on a catalyst feed pump heat exchanger that allowed the catalyst and hexane to enter the cooling water header.	Permitted Emissions Rates

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

VII.

The Respondent failed to timely submit the 2020 First Half Semiannual Hazardous Organic NESHAP (HON) Report by the August 31, 2020, deadline. Specifically, the 2020 First Half Semiannual HON Report was due within sixty (60) days of the end of the six (6) month period ending June 30, 2020, in accordance with 40 CFR 63 Subpart U. The 2020 First Half Semiannual HON Report was submitted September 18, 2020, approximately one (1) month late. The failure to submit the 2020 First Half Semiannual HON Report within sixty (60) days of the period ending is a violation of 40 CFR 63.499, which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Specific Requirement Nos. 5, 9, and 182 of Title V Air Permit No. 2041-V10, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

VIII.

The Respondent failed to operate and diligently maintain control equipment in the proper working order when any emissions are being made which can be controlled by the facility. Specifically, on December 27, 2022, the Respondent notified the Department of an unauthorized discharge (T-212069) that occurred during unit startup procedures for the Poly 3 Unit; the Respondent stated that it elected to cease production during the freezing weather event that occurred December 23 to December 26, 2022. Upon start-up of the unit, a bypass valve was opened on the PV-408 Wash Tank; the open valve eliminated the ability for the control valve to maintain the proper level, which allowed hexane to be released to the sump and wastewater conveyance. The wastewater flow to the treatment unit was shut down and cleaned up to prevent offsite impact. Due to the freezing weather, a malfunction in the wash tank interface level reading caused an operator to believe there was excess water in the wash tank; therefore, the operator opened the bypass line to remove water more rapidly from the system. This operation bypassed the

interlock that stops flow if excess hexane is detected in the wastewater; the unauthorized discharge lasted approximately one (1) hour and consisted of 20,653 pounds of n-Hexane and 11,121 pounds of other hexane isomers. The Respondent stated that, although there are circumstances that were not avoidable, such as the freeze, it believes that the magnitude of the release could have been prevented or minimized through operator intervention or enhanced controls. The failure to operate and diligently maintain control equipment in the proper working order when any emissions are being made which can be controlled by the facility is a violation of LAC 33:III.905.A, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2). In written response, dated April 26, 2023, to Warning Letter, AE-L-23-00199, the Respondent stated the bypass valve would be immediately locked-out and opening the valve can only occur with approval from supervision/management. The hydrocarbon detector and level-control hoops will be de-coupled to provide two (2) layers of independent protection and that a fail-close emergency shutoff valve will be connected to the high-level alarm of the hydrocarbon detectors; the Respondent expects the shutoff valve to be completed in the third quarter of 2023. The Respondent reported the unauthorized discharge in the 2022 Title V Second Semiannual Monitoring Report, dated March 1, 2023.

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 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: Kaylee Gleason
Re: Enforcement Tracking No. AE-CN-22-00054
Agency Interest No. 1433

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-22-00054
Agency Interest No. 1433

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 thirty-two thousand five hundred dollars (\$32,500) for each day of violation for the violation(s) described herein may be assessed. 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 Enforcement Contact Name at phone number 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.

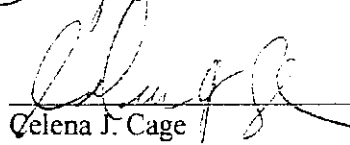
IV.

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 may submit the settlement offer within one hundred and eighty (180) days of receipt of this **NOTICE OF POTENTIAL PENALTY** portion but no later than ninety (90) days of achieving compliance with the **COMPLIANCE ORDER** portion. 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 24th day of August, 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
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Kaylee Gleason

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-22-00054	Contact Name	Kaylee Gleason		
Agency Interest (AI) No.	1433	Contact Phone No.	(225) 219-2144		
Alternate ID No.	0180-00012				
Respondent:	Lion Copolymer Geismar, LLC	Facility Name:	Lion Copolymer Geismar LLC- Geismar Facility		
	c/o C T Corporation System	Physical Location:	36191 Highway 30		
	Agent for Service of Process				
	3867 Plaza Tower Dr	City, State, Zip:	Geismar, LA 70734		
	Baton Rouge, LA 70816	Parish:	Ascension Parish		
STATEMENT OF COMPLIANCE					
STATEMENT OF COMPLIANCE		Date Completed	Copy Attached?		
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.					
All 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>					
<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.				
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-22-00054), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.				
<input type="checkbox"/>	<p>In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-22-00054), 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. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this NOTICE OF POTENTIAL PENALTY portion but no later than ninety (90) days of achieving compliance with the COMPLIANCE ORDER portion.</p> <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. <p>The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-22-00054) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.</p>				
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: Kaylee Gleason		

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:I.705 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
DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY	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>

