

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

TAMPA PORT SERVICES, LLC

AI # 200116

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

* **Settlement Tracking No.**
* **SA-AE-25-0003**
*
* **Enforcement Tracking Nos.**
* **AE-CN-21-00711**
* **AE-CN-21-00711A**
*
*
* **Docket No. 2024-10108-DEQ**
*

SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Tampa Port Services, 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 anhydrous ammonia production facility located in St. James, St. James Parish, Louisiana (“the Facility”).

II

On January 26, 2023, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-21-00711 (Exhibit 1).

On December 15, 2023, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-21-00711A (Exhibit 2).

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 EIGHTY-EIGHT THOUSAND AND NO/100 DOLLARS (\$88,000.00), of which Four Thousand One Hundred Thirteen and 19/100 Dollars (\$4,113.19) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement Agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty, Amended Consolidated Compliance Order & Notice of Potential Penalty and this Settlement Agreement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VII

This Settlement Agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby

waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VIII

This Settlement Agreement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and Settlement Agreement, the Department considered the factors for issuing civil penalties set forth in La. R.S. 30:2025(E) of the Act.

IX

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. James Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XI

Payment is to be made within thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement Agreement is voidable at the option of the

Department. The Respondent shall provide its tax identification number when submitting payment. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form attached hereto.

XII

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

XIII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

TAMPA PORT SERVICES, 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**
Aurelia S. Giacometto, Secretary

BY: _____
Jerrie "Jerry" Lang, Assistant Secretary
Office of Environmental Compliance

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

NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved:  _____
Jerrie "Jerry" Lang, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR

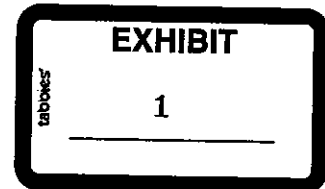


CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

JAN 26 2023

CERTIFIED MAIL (7018 1130 0001 5655 0836)
RETURN RECEIPT REQUESTED



TAMPA PORT SERVICES, 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-21-00711
AGENCY INTEREST NO. 200116**

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 **TAMPA PORT SERVICES, LLC (RESPONDENT)** for the violation(s) described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation(s) 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 Antoinette Cobb at (225) 219-3072 or via email at antoinette.cobb@la.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela Marse".

Angela Marse
Administrator
Enforcement Division

AM/AFC/afc
Alt ID No. 2560-00298
Attachment

c: Tampa Port Services, LLC
c/o Mr. Ronald L. Yasurek, General Manager-Louisiana Operations
7250 Louisiana Highway 44
Uncle Sam, LA 70792

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

IN THE MATTER OF	*	
	*	
TAMPA PORT SERVICES, LLC	*	ENFORCEMENT TRACKING NO.
ST. JAMES PARISH	*	
ALT ID NO. 2560-00298	*	AE-CN-21-00711
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	200116
La. R.S. 30:2001, ET SEQ.	*	

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **TAMPA PORT SERVICES, 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

1.

The Respondent owns and/or operates the Faustina Plant (Facility), an anhydrous ammonia production facility, located at 9959 Louisiana Highway 18 in St. James, St. James Parish, Louisiana.

On or about February 3, 2016, the Department received a Notification of Change (NOC-1) Form for the Facility. According to the NOC-1 Form, the Respondent became the owner and operator of certain assets acquired from the Faustina Plant owned and/or operated by Mosaic Fertilizer, LLC (Mosaic) effective January 1, 2016. The Respondent requested the transfer of Prevention of Significant Deterioration (PSD) Air Permit No. PSD-LA-602 (M-2). The PSD Permit only covered one emission source, Utility Boiler #2. The Respondent would submit a separate Title V Permit application to authorize the additional assets acquired from Mosaic. The Department effectively transferred the permit and updated records to reflect the change on March 14, 2016. The Respondent submitted an Initial Title V Permit

Application dated June 13, 2017. The Facility currently operates under the authority of Initial Title V Permit No. 2560-00298-V0 issued on August 2, 2018, with an effective expiration date of August 2, 2023.

II.

The Department received an Unauthorized Discharge Notification Report for Incident No. T192688 dated August 16, 2019, and Follow-up Unauthorized Discharge Notification Reports dated September 9, 2019 October 17, 2019, and October 21, 2019. According to the reports, on August 10, 2019 at 4:20 AM, the Ammonia Plant experienced an upset condition during a plant start-up that resulted in ammonia being released through a vent line. The release was stopped at approximately 4:25 AM and resulted in the release of 796 lbs of ammonia. The Respondent reported the operators failed to follow the start-up procedure checklist which required the blocked valve to be opened. Failure to operate control equipment, any device or contrivance, operating procedure or abatement scheme to prevent or reduce air pollution, in the proper manner is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

III.

The Department received an Unauthorized Discharge Notification Report for Incident No. T195090 dated January 23, 2020, and a Follow-Up Unauthorized Discharge Notification Report dated February 14, 2020. According to the reports, on January 16, 2020, the Ammonia Plant experienced an upset condition and the 105-J Compressor caused a build-up of pressure. The relief valve lifted before the compressor could come down resulting in the release of 232 lbs of ammonia. An investigation determined there was a loose wiring issue that may have occurred when the ammonia control room was moved. The Respondent determined the event was preventable. Failure to operate control equipment, any device or contrivance, operating procedure or abatement scheme to prevent or reduce air pollution, in the proper manner is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The event was referenced in the Title V Semiannual Monitoring Report for the First Half of 2020 dated September 30, 2020.

IV.

The Department received an Unauthorized Discharge Notification Report for Incident No. T195110 dated January 23, 2020, and a Follow-Up Unauthorized Discharge Notification Report dated February 14, 2020. According to the reports, on January 17, 2020 at 5:10 PM, the Ammonia Plant

experienced an upset condition and a relief valve lifted when operations was getting the scrubber system online. This event resulted in the release of approximately 292 lbs of ammonia. At 5:20 PM another relief valve lifted before the compressor could come down resulting in the release of 4,343 lbs of ammonia through a vent line. An investigation determined the PIC-7 pressure indicator, which is the re-fridge receiver and ammonia product surge drum (116-F) pressure controller, was reading 100 pounds too low. The Respondent determined the event was preventable. Failure to operate control equipment, any device or contrivance, operating procedure or abatement scheme to prevent or reduce air pollution, in the proper manner is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). The event was referenced in the First Half of 2020 Title V Semiannual Monitoring Report dated September 30, 2020.

V.

The Department received an Unauthorized Discharge Notification Report for Incident No. T201552 dated March 18, 2021. According to the report, on March 11, 2021, a gas leak was discovered on the inlet sample line. Approximately 1,214 lbs of syngas was released as a result of the leak. The upstream block valve was closed and the leak was stopped. In correspondence dated April 23, 2021, the Department requested the Root Cause Analysis (RCA) for the event. The Respondent provided the RCA via email on May 4, 2021. The RCA determined the following actions contributed to the release: 1) the wrong tubing selection; 2) the union was not installed properly; 3) inadequate tools for the job; and 4) insufficient training. Failure to operate control equipment, any device or contrivance, operating procedure or abatement scheme to prevent or reduce air pollution, in the proper manner is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Pursuant to LAC 33:I.3925.A.3, the Respondent is required to submit written updates of the status of an ongoing investigation for an unauthorized discharge every sixty (60) days until the investigation is completed and the results of the investigation have been submitted. As of the date of this action, the Respondent has not submitted the final 60-day update report as required per the regulation. Failure to submit the 60-day update report is a violation of Specific Requirement 174 of Title V Permit No. 2560-00298-V0, LAC 33:III.927, LAC 33:I.3925.A.3 and La. R.S. 30:2057(A)(2).

VI.

The Department received an Unauthorized Discharge Notification Report for Incident No. T200518 dated January 13, 2021, and Follow-Up Unauthorized Discharge Notification Reports dated February 4, 2021, and October 26, 2021. According to the reports, on December 30, 2020 at approximately

7:20 AM, the 103-J Balance Piston Line located in the Ammonia Plant developed a crack and was leaking syngas made up of 75% hydrogen and 25% nitrogen. Steam was applied to the leak to reduce the risk of ignition and the system was depressurized to repair the line. The repair was completed at approximately 10:25 AM. The initial release calculation determined 60 lbs of syngas was released to the atmosphere; the reportable quantity (RQ) compressed flammable gas is 100 lbs. On January 6, 2021, the Respondent determined an error was made in the initial release calculation. The actual amount of syngas released was 1,036 lbs. The regulatory notifications were made following the discovery. During the RCA, it was determined the leak was discovered at 3:00 AM on December 30, 2020. The total release quantity was updated to 2,435 lbs of syngas. In the October 26, 2021 report, the Respondent reported, "It is difficult to ascertain if the discharge was preventable." The Respondent reported the following corrective actions were implemented to minimize recurrence: 1) repaired the balance line attachment to the head with full seal (socket) weld; 2) created preventative maintenance (PMs) procedures to perform non-destructive evaluations (NDEs) during planned outages to assess condition of essential piping attached to critical rotating equipment; 3) implemented PMs to inspect internals of critical equipment during planned outages; and 4) implemented management system to ensure communication between all parties involved with operating and maintaining equipment with potential for hydrogen (H₂) embrittlement. Failure to operate control equipment, any device or contrivance, operating procedure or abatement scheme to prevent or reduce air pollution, in the proper manner is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Pursuant to LAC 33:I.3925.A.3, the Respondent is required to submit written updates of the status of an ongoing investigation for an unauthorized discharge every sixty (60) days until the investigation is completed and the results of the investigation have been submitted. The Respondent hand delivered the first Follow-Up Unauthorized Discharge Notification Report on February 4, 2021. The investigation was still ongoing at the time of that report. The Respondent submitted the final Follow-up Report under October 26, 2021 cover letter. Each failure to timely submit a 60-day update report until completion of an investigation is a violation of Specific Requirement 174 of Title V Permit No. 2560-00298-V0, LAC 33:III.927, LAC 33:I.3925.A.3 and La. R.S. 30:2057(A)(2). The event was reported in the 2nd Half of 2020 Title V Semiannual Monitoring Report dated March 31, 2021. Additional information was provided in a response to information request dated March 16, 2022.

VII.

The Department received an Unauthorized Discharge Notification Report for Incident No. T201115 dated February 17, 2021, and a Follow-Up Unauthorized Discharge Notification Report dated October 21, 2021. According to the report, on February 10, 2021 at 10:00 AM, a weld on the 103-J Balance Piston line located in the Ammonia Plant developed a crack and was leaking syngas made up of 75% hydrogen and 25% nitrogen. Steam was applied to the leak to reduce the risk of ignition and the system was depressurized to repair the line. The repair was completed at approximately 12:30 PM. It was determined 189 lbs of syngas was released. The Respondent reported an internal investigation and RCA would be conducted. In the October 21, 2021 report, the Respondent stated, "It is difficult to ascertain if the discharge was preventable." The Respondent reported the following corrective actions were implemented to minimize recurrence: 1) repaired the balance line attachment to the head with full seal (socket) weld; 2) created preventative maintenance (PMs) procedures to perform non-destructive evaluations (NDEs) during planned outages to assess condition of essential piping attached to critical rotating equipment; 3) implemented PMs to inspect internals of critical equipment during planned outages; and 4) implemented management system to ensure communication between all parties involved with operating and maintaining equipment with potential for hydrogen (H₂) embrittlement. Failure to operate control equipment, any device or contrivance, operating procedure or abatement scheme to prevent or reduce air pollution, in the proper manner is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Pursuant to LAC 33:I.3925.A.3, the Respondent is required to submit written updates of the status of an ongoing investigation for an unauthorized discharge every sixty (60) days until the investigation is completed and the results of the investigation have been submitted. Each failure to timely submit a 60-day update report until completion of an investigation is a violation of Specific Requirement 174 of Title V Permit No. 2560-00298-V0, LAC 33:III.927, LAC 33:I.3925.A.3 and La. R.S. 30:2057(A)(2).

VIII.

The Department received an Unauthorized Discharge Notification Report for Incident No. T202173 dated April 19, 2021, and a Follow-Up Unauthorized Discharge Notification Report dated October 19, 2021. According to the reports, on April 13, 2021 at 8:22 AM, a relief valve on 110-F Flash Drum lifted during a plant shutdown. The relief valve reseated at 8:27 AM. The event resulted in the release of 4,171 lbs of ammonia. In the October 19, 2021 report, the Respondent stated, "With the benefit

of the RCA, it was determined after the fact that the Refrigeration Compressor Trip Interlock could be improved. The RCA found the discharge may have been preventable if FV-15 had been configured to close on high 110-F pressure, which resulted in the recommended corrective action.” The Respondent reported the automation of the existing pressure transducer on the refrigeration flash drum (110-F) would be modified to be able to control Flow Control Valve FV-15 upon high pressure and close FV-15 to prevent the Ammonia Surge Drum (116-F) from feeding 110-F. Failure to operate control equipment, any device or contrivance, operating procedure or abatement scheme to prevent or reduce air pollution, in the proper manner is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Pursuant to LAC 33:I.3925.A.3, the Respondent is required to submit written updates of the status of an ongoing investigation for an unauthorized discharge every sixty (60) days until the investigation is completed and the results of the investigation have been submitted. Each failure to timely submit a 60-day update report until completion of an investigation is a violation of Specific Requirement 174 of Title V Permit No. 2560-00298-V0, LAC 33:III.927, LAC 33:I.3925.A.3 and La. R.S. 30:2057(A)(2).

IX.

On or about January 28, 2021, and February 2, 2021, the Department conducted a Full Compliance Evaluation (FCE) Inspection at the Facility. On or about December 28, 2022, a subsequent file review of reports for the 2nd half of 2018 through 1st half of 2022 was conducted. The inspection and file review were conducted to determine the Respondent’s degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. The Respondent conducted an internal Title V Air Permit Compliance Audit of the Facility. The results of the audit were submitted under cover letter dated October 21, 2021. The Respondent submitted an Updated Title V Air Permit Compliance Program Audit Report dated March 30, 2022. In correspondence dated March 16, 2022, the Respondent submitted a response to an information request. While the Department’s investigation is not complete, the violations found in Paragraphs X-XVI of the Findings of Fact portion of this enforcement action were noted during the course of the inspection and/or file review:

X.

The Respondent reported the following violations of permitted operating parameters:

A.	1 st Half of 2019 Title V Semiannual Monitoring Report (09/30/2019)	2560-00298- VO	EQT 0007 Utility Boiler #2	01/01/2019- 06/30/2019 (not reported)	Excess oxygen percentage for boiler operation, measured on a wet basis by the Continuous Emissions Monitoring System (CEMS), shall be operated within ranges as defined by the Best Achievable Control Technology (BACT) box. The four corners of the BACT box are defined as follows: at 15,208 lbs/hr steam production, O ₂ Vol% is 8.05%; at 16,737 lbs/hr steam production, O ₂ Vol% is 1.63%; at 153,700 lbs/hr steam production, O ₂ Vol% is 2.00%; and, 149,300 lbs/hr steam production, O ₂ Vol % is 7.80%. These operational ranges were demonstrated during September 15-16, 1999 and July 21, 2009 compliance testing. The boiler shall be operated within these parameter boundaries at all times.	The 2009 operating window (BACT Box) is not indicative of current operating loads. At lower steam loads, the boiler has a higher O ₂ % than what was determined during the BACT Box testing.	40 CFR 60.48b(g)(2), Specific Requirement 50
	Attachment to the 1 st Half of 2019 Title V Semiannual Monitoring Report (10/03/2019)						
B.	1 st Half of 2019 Title V Semiannual Monitoring Report (09/30/2019)	2560-00298- VO	EQT 0007 Utility Boiler #2	01/01/2019- 06/30/2019 (not reported)	Nitrogen oxides ≤ 0.08 lb/MMBTU. At a maximum boiler rating of 204.0 MM BTU/hr the emission rate equals 16.32 lbs/hr NO _x . The NO _x lb/MMBtu emission applies only during normal operations. Normal operations are defined as steam production range of 15,208 lbs/hr to 153,700 lbs/hr as demonstrated during the September 15-16, 1999 and July 21, 2009 compliance testing. The boiler shall not be operated outside of this range except during periods of start-up and shutdown of boiler.	The 2009 operating window (BACT Box) is not indicative of current operating loads. At lower steam loads, the boiler has a higher O ₂ % than what was determined during the BACT Box testing.	LAC 33:III.509, Specific Requirement 71
C.	2 nd Half of 2019 Title V Semiannual Monitoring Report (03/31/2020)	2560-00298- VO	EQT 0007 Utility Boiler #2	07/01/2019- 12/31/2019 (4,390 hours)	Excess oxygen percentage for boiler operation, measured on a wet basis by the Continuous Emissions Monitoring System (CEMS), shall be operated within ranges as defined by the Best Achievable Control Technology (BACT) box. The four corners of the BACT box are defined as follows: at 15,208 lbs/hr steam production, O ₂ Vol% is 8.05%; at 16,737 lbs/hr steam production, O ₂ Vol% is 1.63%; at 153,700 lbs/hr steam production, O ₂ Vol% is 2.00%; and, 149,300 lbs/hr steam production, O ₂ Vol % is 7.80%. These operational ranges were demonstrated during September 15-16, 1999 and July 21, 2009 compliance testing. The boiler shall be operated within these parameter boundaries at all times.	The monitoring range was set to 0-10% oxygen which corresponds to electrically signal 4-20 mA. If the oxygen percent is greater than 11%, the analyzer does give an oxygen reading and outputs an error code.	40 CFR 60.48b(g)(2), Specific Requirement 50

D.	2 nd Half of 2020 Title V Semiannual Monitoring Report (03/31/2021)	2560-00298- V0	EQT 0007 Utility Boiler #2	07/01/2020	Permittee shall conduct an annual tune-up to demonstrate continuous compliance in accordance with 40 CFR 63.7540(a)(10)(i) through (vi) as applicable.	The annual tune-up was not completed.	40 CFR 63.7515(d), Specific Requirement 68
E.	2 nd Half of 2020 Title V Semiannual Monitoring Report (03/31/2021)	2560-00298- V0	EQT 0001 Ammonia Plant Primary Reformer	2018-2020	Permittee shall conduct an annual tune-up to demonstrate continuous compliance in accordance with 40 CFR 63.7540(a)(10)(i) through (vi) as applicable.	Tune-up records for 2018-2020 were not furnished at the time of the audit. <i>Corrective action: Tune-up to be completed in 2021. The corrective action was completed as of 12/31/2021. **</i>	40 CFR 63.7515(d), Specific Requirement 3
	Title V Air Permit Compliance Program Audit Report (10/21/2021)						
	1 st Half of 2021 Title V Semiannual Monitoring Report (10/28/2021)						
F.	Title V Air Permit Compliance Program Audit Report (10/21/2021)	2560-00298- V0	EQT 0007 Utility Boiler #2	Intermittent*	Excess Oxygen percentage for boiler operation must be measured by the Continuous Emissions Monitoring System (CEMS) and shall be operated within the ranges as defined by the BACT box. The boiler shall be operated within these parameter boundaries at all times.	The location of the steam flow analyzer does not allow use of steam production to be used as an accurate metric for BACT Box definition when the steam production is vented to the atmosphere due to lack of downstream production demand.	40 CFR 60.48b(g)(2), Specific Requirement 50
	1 st Half of 2021 Title V Semiannual Monitoring Report (10/28/2021)				Steam flow rate monitored by flow rate monitoring device continuously.	<i>Corrective action/supplemental information: Due to age, the Utility Boiler #2 has been operated sparingly and is scheduled to be retired in 2022. One or more rental boilers will be installed by July 1 to replace the existing boiler. Once the replacement boiler(s) have been selected, an air permit application will be submitted**</i>	40 CFR 60.48b(g)(2), Specific Requirement 56

G.	1 st Half of 2021 Title V Semiannual Monitoring Report (10/28/2021)	2560-00298- V0	EQT 0007 Utility Boiler #2	01/01/2021- 06/30/2021 (1,344 hours)	Permittee must follow the procedures under 40 CFR 60.13 for installation, evaluation, and operation of the Oxygen continuous monitoring system.	The boiler was operated outside of the set parameter range, primarily due to low steam production levels. The actual operation parameters were steam, O ₂ , and fuel flow rate.*	40 CFR 60.48b(g)(2), Specific Requirement 52
H.	2 nd Half of 2021 Title V Semiannual Monitoring Report (03/30/2022)	2560-00298- V0	EQT 0007 Utility Boiler #2	07/01/2021- 12/31/2021 (67 hours)	Excess Oxygen percentage for boiler operation must be measured by the Continuous Emissions Monitoring System (CEMS) and shall be operated within the ranges as defined by the BACT box. The boiler shall be operated within these parameter boundaries at all times.	The boiler was operated outside of the set parameter range, primarily due to low steam production levels.	40 CFR 60.48b(g)(2), Specific Requirement 50
I.	1 st Half of 2022 Title V Semiannual Monitoring Report (09/15/2022)	2560-00298- V0	EQT 0007 Utility Boiler #2	01/01/2022- 06/30/2022 (56 hours)	Excess Oxygen percentage for boiler operation must be measured by the Continuous Emissions Monitoring System (CEMS) and shall be operated within the ranges as defined by the BACT box. The boiler shall be operated within these parameter boundaries at all times.	The boiler was operated outside of the set parameter range, primarily due to low steam production.	40 CFR 60.48b(g)(2), Specific Requirement 50

* As reported in the March 16, 2022 correspondence

** Corrective action(s) as reported in the Update Title V Air Permit Compliance Program Audit Report dated March 30, 2022

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

XI.

The Respondent reported the following violations of monitoring requirements:

A.	1 st Half of 2019 Title V Semiannual Monitoring Report (09/30/2019)	2560-00298- V0	EQT 0002 Ammonia Tank Flare	01/01/2019- 06/30/2019 (when operating/ flaring)	Opacity <= 20%, except for emissions that have an average opacity in excess of 20 percent for not more than one six-minute period in any 60 consecutive minutes. Determine opacity by using Method 9 of 40 CFR Part 60, Appendix A or by using a continuous opacity monitoring system (COMS) meeting the requirements outlined in 40 CFR 60.13(c) and (d).	There were no Method 9 certified opacity readers on- site to perform the Visible Emissions Monitoring. <i>Corrective action: Operators attended a certification class (smoke school), passed and received certifications in the 3rd quarter of 2019.</i>	LAC 33:III.1105, Specific Requirement 7
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B.	1 st Half of 2019 Title V Semiannual Monitoring Report (09/30/2019)	2560-00298-VO	EQT 0014 Utilities Emergency Generator Engine	01/01/2019-06/30/2019 (when operating/flaring)	Opacity <= 20%, except for emissions that have an average opacity in excess of 20 percent for not more than one six-minute period in any 60 consecutive minutes. Determine opacity by using Method 9 of 40 CFR Part 60, Appendix A or by using a continuous opacity monitoring system (COMS) meeting the requirements outlined in 40 CFR 60.13(c) and (d).	There were no Method 9 certified opacity readers on-site to perform the Visible Emissions Monitoring. <i>Corrective action: Operators attended a certification class (smoke school), passed and received certifications in the 3rd quarter of 2019.</i>	LAC 33:III.1101.B, Specific Requirement 91
C.	1 st Half of 2019 Title V Semiannual Monitoring Report (09/30/2019)	2560-00298-VO	EQT 0015 Utilities Emergency Fire Pump Engine	01/01/2019-06/30/2019 (when operating/flaring)	Opacity <= 20%, except for emissions that have an average opacity in excess of 20 percent for not more than one six-minute period in any 60 consecutive minutes. Determine opacity by using Method 9 of 40 CFR Part 60, Appendix A or by using a continuous opacity monitoring system (COMS) meeting the requirements outlined in 40 CFR 60.13(c) and (d).	There were no Method 9 certified opacity readers on-site to perform the Visible Emissions Monitoring. <i>Corrective action: Operators attended a certification class (smoke school), passed and received certifications in the 3rd quarter of 2019.</i>	LAC 33:III.1101.B, Specific Requirement 109
D.	1 st Half of 2019 Title V Semiannual Monitoring Report (09/30/2019)	2560-00298-VO	EQT 0019 Emergency Generator Engine	01/01/2019-06/30/2019 (when operating/flaring)	Opacity <= 20%, except for emissions that have an average opacity in excess of 20 percent for not more than one six-minute period in any 60 consecutive minutes. Determine opacity by using Method 9 of 40 CFR Part 60, Appendix A or by using a continuous opacity monitoring system (COMS) meeting the requirements outlined in 40 CFR 60.13(c) and (d).	There were no Method 9 certified opacity readers on-site to perform the Visible Emissions Monitoring. <i>Corrective action: Operators attended a certification class (smoke school), passed and received certifications in the 3rd quarter of 2019.</i>	LAC 33:III.1101.B, Specific Requirement 130
E.	2 nd Half of 2019 Title V Semiannual Monitoring Report (03/31/2020)	2560-00298-VO	EQT 0007 Utility Boiler #2	07/01/2019-12/31/2019 (2,519 hours)	Operate Oxygen continuous monitoring systems and record data during all periods of operation of the affected facility except for continuous monitoring system breakdowns and repairs. Record data during calibration checks, and zero span adjustments.	The monitoring range was set to 0-10% oxygen which corresponds to electrically signal 4-20 mA. If the oxygen percent is greater than 11%, the analyzer does give an oxygen reading and outputs an error code.	40 CFR 60.48b(g)(2), Specific Requirement 55
F.	2 nd Half of 2019 Title V Semiannual Monitoring Report (03/31/2020)	2560-00298-VO	EQT 0007 Utility Boiler #2	07/01/2019-12/31/2019 (2,519 hours)	When flue gas excess oxygen level data is not obtained because of continuous monitoring system breakdowns, repairs, calibration checks and zero and span adjustment, obtain oxygen data by using standby monitoring systems or other approved methods to provide oxygen level data for a minimum of 75 percent of the operating hours of each steam generating unit operating day, in at least 22 out of 30 successive steam generating unit operating days.	The monitoring range was set to 0-10% oxygen which corresponds to electrically signal 4-20 mA. If the oxygen percent is greater than 11%, the analyzer does give an oxygen reading and outputs an error code.	40 CFR 60.48b(g)(2), Specific Requirement 57

G.	NSPS Subpart Db Utility Boiler #2 (EQT 0007) Semiannual Monitoring Report (07/29/2020)	2560-00298-V0	EQT 0007 Utility Boiler #2	Not Reported	Operate Oxygen continuous monitoring systems and record data during all periods of operation of the affected facility except for continuous monitoring system breakdowns and repairs. Record data during calibration checks, and zero span adjustments.	During a source test to establish new operating parameters of the BACT Box, it was discovered the O ₂ sensor was improperly recording the O ₂ level. The O ₂ level calculation in the distributed control system was missing a square root function and was affecting the boiler's compliance with the BACT Box permitted requirement.	40 CFR 60.48b(g)(2), Specific Requirement 55
	1 st Half of 2020 Title V Semiannual Monitoring Report (09/30/2020)					<i>Corrective action: The O₂ sensor calculations were corrected and the fuel rate to the boiler was monitored as a surrogate for the steam flow.</i>	
H.	NSPS Subpart Db Utility Boiler #2 (EQT 0007) Semiannual Monitoring Report (07/29/2020)	2560-00298-V0	EQT 0007 Utility Boiler #2	Not Reported	Steam flow rate monitored by flow rate monitoring device continuously.	During a source test to establish new operating parameters of the BACT Box, it was discovered the location of the steam flow meter was inadequate to monitor the steam flow for compliance requirements. The flow meter was located after a steam vent and did not account for the total steam flow as the boiler is starting up or if the total steam makeup cannot be used in the Facility.	40 CFR 60.48b(g)(2), Specific Requirement 56
	1 st Half of 2020 Title V Semiannual Monitoring Report (09/30/2020)					<i>Corrective action: The fuel rate to the boiler was monitored as a surrogate for the steam flow.</i>	
I.	1 st Half of 2021 Title V Semiannual Monitoring Report (10/28/2021)	2560-00298-V0	EQT 0007 Utility Boiler #2	01/01/2021-04/14/2021 (2,472 hours)	Excess Oxygen percentage for boiler operation must be measured by the Continuous Emissions Monitoring System (CEMS) and shall be operated within the ranges as defined by the BACT box.	The oxygen monitoring range was set to 0-10% oxygen, instead of 1.5 times the highest level established in the BACT Box (specified by the Site-Specific Monitoring Plan).	40 CFR 60.48b(g)(2), Specific Requirement 50

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

XII.

The Respondent reported the following emission exceedances:

A.	1 st Half of 2019 Title V Semiannual Monitoring Report (09/30/2019)	2560- 00298-V0	EQT 0007 Utility Boiler #2	01/01/2019- 06/30/2019 (not reported)	CO (15.18 max lb/hr)	Not reported	The 2009 operating window (BACT Box) is not indicative of current operating loads. At lower steam loads, the boiler has a higher O2% than what was determined during the BACT Box testing.	Emission Rates for Criteria Pollutants
	Attachment to the 1 st Half of 2019 Title V Semiannual Monitoring Report (10/03/2019)							
B.	General Condition XI.B. 7-Day Excess Emissions Report (08/22/2019)	2560- 00298-V0	EQT 0007 Utility Boiler #2	07/01/2019- 12/31/2019 (4,390 hours)	CO (15.18 max lb/hr)	Not reported	The 2009 operating window (BACT Box) is not indicative of the current operating loads. At lower steam loads, the boiler has a higher O2% than what was determined during the BACT Box testing. The CO emissions exceed the maximum lb/hr limit at higher O2%. <i>A variance was issued on 09/20/2019 increasing the CO max lb/hr limit from 15.18 to 56.00. The variance had an effective expiration date of 03/15/2020.</i>	Emission Rates for Criteria Pollutants
	2 nd Half of 2019 Title V Semiannual Monitoring Report (03/31/2020)							
C.	2 nd Half of 2020 Title V Semiannual Monitoring Report (03/31/2021)	2560- 00298-V0	FUG 0001 Ammonia Plant Fugitives	10/02/2020 (~1 minute)	Ammonia (3.63 max lb/hr)	8 lbs	Ammonia was released when a relief valve malfunctioned. <i>Corrective action: The relief valve was replaced.</i>	Emissions Rates for HAPs/TAPs
D.	2 nd Half of 2020 Title V Semiannual Monitoring Report (03/31/2021)	2560- 00298-V0	EQT 0018 Ammonia Tank Truck Loading Operations	10/30/2020 (~1 minute)	Ammonia (0.01 max lb/hr)	1 lb	The release occurred when the truck was connected. <i>Corrective action: The connection was secured.</i>	Emissions Rates for HAPs/TAPs
E.	2 nd Half of 2020 Title V Semiannual Monitoring Report (03/31/2021)	2560- 00298-V0	FUG 0001 Ammonia Plant Fugitives	12/28/2020 (3 hours)	Ammonia (3.63 max lb/hr)	78 lbs	Ammonia was released from HRU manual vent valve when the valve did not seat correctly. <i>Corrective action: Operations fixed the vent valve.</i>	Emissions Rates for HAPs/TAPs

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).

XIII.

In the First Half of 2021 Title V Semiannual Monitoring Report dated October 28, 2021, and a response to information request dated March 16, 2022, the Respondent reported Utility Boiler #2 (EQT 0007) exceeded the maximum boiler firing rate of 204.0 MM BTU/hr which directly correlates to

the NO_x maximum hourly limit of 16.32 lbs. The table below lists the hourly exceedances that occurred from August 11, 2018 through February 14, 2022.

1.	08/11/2018 (16:00)	204.00	238.90	16.32	19.11	2.79
2.	08/11/2018 (17:00)	204.00	245.90	16.32	19.67	3.35
3.	08/11/2018 (18:00)	204.00	246.01	16.32	19.68	3.36
4.	08/17/2018 (22:00)	204.00	219.79	16.32	17.58	1.26
5.	08/17/2018 (23:00)	204.00	219.93	16.32	17.59	1.27
6.	08/18/2018 (00:00)	204.00	219.92	16.32	17.59	1.27
7.	08/18/2018 (01:00)	204.00	219.93	16.32	17.59	1.27
8.	08/19/2018 (13:00)	204.00	207.90	16.32	16.63	0.31
9.	08/22/2018 (12:00)	204.00	207.26	16.32	16.58	0.26
10.	08/22/2018 (13:00)	204.00	211.69	16.32	19.94	0.62
11.	08/22/2018 (14:00)	204.00	214.16	16.32	17.13	0.81
12.	08/22/2018 (15:00)	204.00	217.98	16.32	17.44	1.12
13.	01/10/2019 (06:00)	204.00	208.36	16.32	16.67	0.35
14.	01/10/2019 (13:00)	204.00	208.42	16.32	16.67	0.35
15.	01/11/2019 (09:00)	204.00	210.74	16.32	16.86	0.54
16.	01/11/2019 (10:00)	204.00	205.10	16.32	16.41	0.09
17.	04/25/2019 (18:00)	204.00	221.60	16.32	17.73	1.41
18.	04/25/2019 (19:00)	204.00	246.53	16.32	19.72	3.40
19.	04/25/2019 (20:00)	204.00	233.08	16.32	18.65	2.33
20.	04/25/2019 (21:00)	204.00	223.08	16.32	17.85	1.53

21.	04/25/2019 (22:00)	204.00	221.65	16.32	17.73	1.41
22.	04/25/2019 (23:00)	204.00	221.41	16.32	17.71	1.39
23.	04/26/2019 (00:00)	204.00	222.15	16.32	17.77	1.45
24.	04/26/2019 (01:00)	204.00	221.22	16.32	17.70	1.38
25.	04/26/2019 (02:00)	204.00	211.87	16.32	16.95	0.63
26.	04/26/2019 (03:00)	204.00	212.82	16.32	17.03	0.71
27.	04/26/2019 (04:00)	204.00	206.54	16.32	16.52	0.20
28.	05/13/2019 (14:00)	204.00	213.45	16.32	17.08	0.76
29.	05/13/2019 (21:00)	204.00	206.20	16.32	16.50	0.18
30.	01/09/2020 (06:00)	204.00	235.61	16.32	18.85	2.53
31.	01/09/2020 (07:00)	204.00	215.45	16.32	17.24	0.92
32.	01/09/2020 (08:00)	204.00	219.20	16.32	17.54	1.22
33.	01/09/2020 (09:00)	204.00	211.88	16.32	16.95	0.63
34.	01/25/2020 (17:00)	204.00	240.57	16.32	19.25	2.93
35.	01/25/2020 (18:00)	204.00	224.29	16.32	17.94	1.62
36.	01/25/2020 (19:00)	204.00	254.21	16.32	20.34	4.02
37.	01/26/2020 (05:00)	204.00	207.54	16.32	16.60	0.28
38.	01/31/2020 (13:00)	204.00	208.33	16.32	16.67	0.35
39.	01/31/2020 (13:00)	204.00	215.48	16.32	17.24	0.92
40.	02/12/2020 (07:00)	204.00	209.38	16.32	16.75	0.43
41.	04/23/2020 (10:00)	204.00	208.46	16.32	16.68	0.36
42.	04/23/2020 (11:00)	204.00	222.98	16.32	17.84	1.52

43.	06/18/2020 (17:00)	204.00	236.99	16.32	1.96	2.64
44.	06/18/2020 (18:00)	204.00	248.06	16.32	19.85	3.53
45.	06/18/2020 (19:00)	204.00	253.95	16.32	20.32	4.00
46.	06/18/2020 (20:00)	204.00	222.45	16.32	17.80	1.48
47.	06/19/2020 (15:00)	204.00	218.10	16.32	17.45	1.13
48.	06/19/2020 (16:00)	204.00	215.96	16.32	17.28	0.96
49.	06/19/2020 (17:00)	204.00	212.19	16.32	16.98	0.66
50.	06/19/2020 (18:00)	204.00	218.52	16.32	17.48	1.16
51.	06/19/2020 (22:00)	204.00	205.70	16.32	16.46	0.14
52.	06/19/2020 (23:00)	204.00	209.65	16.32	16.77	0.45
53.	06/20/2020 (00:00)	204.00	209.79	16.32	16.78	0.46
54.	06/20/2020 (01:00)	204.00	209.95	16.32	16.80	0.48
55.	06/20/2020 (02:00)	204.00	210.10	16.32	16.81	0.49
56.	06/20/2020 (03:00)	204.00	211.55	16.32	16.92	0.60
57.	06/20/2020 (04:00)	204.00	212.22	16.32	16.98	0.66
58.	06/20/2020 (05:00)	204.00	216.88	16.32	17.35	1.03
59.	06/20/2020 (06:00)	204.00	228.33	16.32	18.27	1.95
60.	06/20/2020 (07:00)	204.00	227.32	16.32	18.19	1.87
61.	07/27/2020 (06:00)	204.00	231.06	16.32	18.49	2.17
62.	07/27/2020 (07:00)	204.00	204.50	16.32	16.36	0.04
63.	07/27/2020 (08:00)	204.00	209.28	16.32	16.74	0.42
64.	07/27/2020 (09:00)	204.00	226.83	16.32	18.15	1.83

65.	07/27/2020 (10:00)	204.00	213.41	16.32	17.07	0.75
66.	07/27/2020 (15:00)	204.00	210.25	16.32	16.82	0.50
67.	07/27/2020 (19:00)	204.00	211.53	16.32	16.92	0.60
68.	07/27/2020 (20:00)	204.00	239.79	16.32	19.18	2.86
69.	08/15/2020 (05:00)	204.00	209.69	16.32	16.77	0.45
70.	08/15/2020 (06:00)	204.00	226.61	16.32	18.13	1.81
71.	08/15/2020 (07:00)	204.00	228.16	16.32	18.25	1.93
72.	08/15/2020 (08:00)	204.00	230.75	16.32	18.46	2.14
73.	08/16/2020 (11:00)	204.00	204.12	16.32	16.33	0.01
74.	09/20/2020 (02:00)	204.00	216.87	16.32	17.35	1.03
75.	09/20/2020 (03:00)	204.00	239.58	16.32	19.17	2.85
76.	09/20/2020 (04:00)	204.00	225.90	16.32	18.07	1.75
77.	09/20/2020 (05:00)	204.00	219.76	16.32	17.58	1.26
78.	09/20/2020 (06:00)	204.00	220.82	16.32	17.67	1.35
79.	09/20/2020 (07:00)	204.00	208.11	16.32	16.65	0.33
80.	09/21/2020 (05:00)	204.00	204.13	16.32	16.33	0.01
81.	09/21/2020 (06:00)	204.00	229.35	16.32	18.35	2.03
82.	09/21/2020 (07:00)	204.00	227.47	16.32	18.20	1.88
83.	09/21/2020 (08:00)	204.00	235.60	16.32	18.85	2.53
84.	09/21/2020 (09:00)	204.00	229.68	16.32	18.37	2.05
85.	09/21/2020 (10:00)	204.00	225.76	16.32	18.06	1.74
86.	09/21/2020 (11:00)	204.00	224.33	16.32	17.95	1.63

87.	09/21/2020 (12:00)	204.00	225.21	16.32	18.02	1.70
88.	09/21/2020 (13:00)	204.00	225.90	16.32	18.07	1.75
89.	09/21/2020 (14:00)	204.00	227.64	16.32	18.21	1.89
90.	09/21/2020 (15:00)	204.00	227.03	16.32	18.16	1.84
91.	09/21/2020 (16:00)	204.00	225.30	16.32	18.02	1.70
92.	09/21/2020 (17:00)	204.00	213.95	16.32	17.12	0.80
93.	09/21/2020 (18:00)	204.00	214.34	16.32	17.15	0.83
94.	09/21/2020 (19:00)	204.00	216.13	16.32	17.29	0.97
95.	09/21/2020 (20:00)	204.00	213.87	16.32	17.11	0.79
96.	09/21/2020 (21:00)	204.00	216.37	16.32	17.31	0.99
97.	09/21/2020 (22:00)	204.00	217.33	16.32	17.39	1.07
98.	09/21/2020 (23:00)	204.00	218.17	16.32	17.45	1.13
99.	09/22/2020 (00:00)	204.00	218.97	16.32	17.52	1.20
100.	09/22/2020 (01:00)	204.00	214.71	16.32	17.18	0.86
101.	09/22/2020 (02:00)	204.00	213.70	16.32	17.10	0.78
102.	09/22/2020 (03:00)	204.00	214.77	16.32	17.18	0.86
103.	09/22/2020 (04:00)	204.00	218.79	16.32	17.50	1.18
104.	09/22/2020 (05:00)	204.00	228.44	16.32	18.28	1.96
105.	10/20/2020 (20:00)	204.00	253.01	16.32	20.24	3.92
106.	10/20/2020 (21:00)	204.00	258.75	16.32	20.70	4.38
107.	10/20/2020 (22:00)	204.00	244.64	16.32	19.57	3.25
108.	10/21/2020 (01:00)	204.00	217.36	16.32	17.39	1.07

109.	10/21/2020 (02:00)	204.00	225.93	16.32	18.07	1.75
110.	12/19/2020 (18:00)	204.00	233.94	16.32	18.72	2.40
111.	12/19/2020 (19:00)	204.00	246.76	16.32	19.74	3.42
112.	12/19/2020 (20:00)	204.00	249.11	16.32	19.93	3.61
113.	12/21/2020 (11:00)	204.00	212.27	16.32	16.98	0.66
114.	12/21/2020 (12:00)	204.00	213.23	16.32	17.06	0.74
115.	02/18/2021 (12:00)	204.00	210.38	16.32	16.83	0.51
116.	02/18/2021 (13:00)	204.00	206.34	16.32	16.51	0.19
117.	02/18/2021 (14:00)	204.00	206.05	16.32	16.48	0.16
118.	02/18/2021 (15:00)	204.00	205.29	16.32	16.42	0.10
119.	02/18/2021 (16:00)	204.00	204.57	16.32	16.37	0.05
120.	02/23/2021 (19:00)	204.00	219.46	16.32	17.56	1.24
121.	02/23/2021 (20:00)	204.00	209.84	16.32	16.79	0.47
122.	03/01/2021 (20:00)	204.00	217.51	16.32	17.40	1.08
123.	03/01/2021 (21:00)	204.00	228.61	16.32	18.29	1.97
124.	03/01/2021 (22:00)	204.00	229.15	16.32	18.33	2.01
125.	03/02/2021 (00:00)	204.00	212.32	16.32	16.99	0.67
126.	03/02/2021 (01:00)	204.00	225.16	16.32	18.01	1.69
127.	04/22/2021 (20:00)	204.00	231.63	16.32	18.53	2.21
128.	04/22/2021 (21:00)	204.00	230.92	16.32	18.47	2.15
129.	05/06/2021 (21:00)	204.00	222.11	16.32	17.77	1.45
130.	05/06/2021 (22:00)	204.00	230.02	16.32	18.40	2.08

131.	05/06/2021 (23:00)	204.00	226.60	16.32	18.13	1.81
132.	05/07/2021 (00:00)	204.00	231.78	16.32	18.54	2.22
133.	05/07/2021 (01:00)	204.00	241.32	16.32	19.31	2.99
134.	05/07/2021 (02:00)	204.00	245.47	16.32	19.64	3.32
135.	05/07/2021 (03:00)	204.00	248.86	16.32	19.91	3.59
136.	05/10/2021 (15:00)	204.00	211.65	16.32	16.93	0.61
137.	05/18/2021 (14:00)	204.00	209.12	16.32	16.73	0.41
138.	05/18/2021 (15:00)	204.00	209.10	16.32	16.73	0.41
139.	05/18/2021 (16:00)	204.00	221.54	16.32	17.72	1.40
140.	09/21/2021 (10:00)	204.00	247.47	16.32	19.80	3.48
141.	09/21/2021 (11:00)	204.00	254.89	16.32	20.39	4.07
142.	09/21/2021 (12:00)	204.00	257.52	16.32	20.60	4.28
143.	09/22/2021 (01:00)	204.00	205.68	16.32	16.45	0.13
144.	09/22/2021 (02:00)	204.00	216.06	16.32	17.28	0.96
145.	09/22/2021 (03:00)	204.00	220.27	16.32	17.62	1.30
146.	09/22/2021 (04:00)	204.00	237.44	16.32	19.00	2.68
147.	09/22/2021 (05:00)	204.00	248.93	16.32	19.91	3.59
148.	09/22/2021 (06:00)	204.00	245.99	16.32	19.68	3.36
149.	09/22/2021 (07:00)	204.00	206.22	16.32	16.50	0.18
150.	10/21/2021 (09:00)	204.00	207.14	16.32	16.57	0.25
151.	10/21/2021 (10:00)	204.00	237.00	16.32	18.96	2.64
152.	10/21/2021 (17:00)	204.00	205.80	16.32	16.46	0.14

153.	10/22/2021 (01:00)	204.00	235.48	16.32	18.84	2.52
154.	10/22/2021 (02:00)	204.00	238.57	16.32	19.09	2.77
155.	10/22/2021 (03:00)	204.00	240.99	16.32	19.28	2.96
156.	10/22/2021 (04:00)	204.00	241.67	16.32	19.33	3.01
157.	10/22/2021 (15:00)	204.00	229.23	16.32	18.34	2.02
158.	10/22/2021 (16:00)	204.00	236.20	16.32	18.90	2.58
159.	10/22/2021 (17:00)	204.00	227.95	16.32	18.24	1.92
160.	10/25/2021 (17:00)	204.00	232.41	16.32	18.59	2.27
161.	10/25/2021 (18:00)	204.00	222.30	16.32	17.78	1.46
162.	11/13/2021 (21:00)	204.00	210.14	16.32	16.81	0.49
163.	11/13/2021 (22:00)	204.00	212.54	16.32	17.00	0.68
164.	11/13/2021 (23:00)	204.00	212.01	16.32	16.96	0.64
165.	11/14/2021 (00:00)	204.00	216.13	16.32	17.29	0.97
166.	11/14/2021 (01:00)	204.00	213.99	16.32	17.12	0.80
167.	11/14/2021 (02:00)	204.00	213.89	16.32	17.11	0.79
168.	11/14/2021 (03:00)	204.00	214.94	16.32	17.20	0.88
169.	11/14/2021 (04:00)	204.00	215.72	16.32	17.26	0.94
170.	11/15/2021 (23:00)	204.00	204.32	16.32	16.35	0.03
171.	11/16/2021 (15:00)	204.00	236.06	16.32	18.88	2.56
172.	11/16/2021 (16:00)	204.00	249.84	16.32	19.99	3.67
173.	11/16/2021 (17:00)	204.00	258.09	16.32	20.65	4.33
174.	12/22/2021 (15:00)	204.00	216.90	16.32	17.35	1.03

175.	12/22/2021 (16:00)	204.00	221.16	16.32	17.69	1.37
176.	12/22/2021 (17:00)	204.00	233.37	16.32	18.67	2.35
177.	12/25/2021 (10:00)	204.00	221.48	16.32	17.72	1.40
178.	12/25/2021 (12:00)	204.00	208.95	16.32	16.72	0.40
179.	12/25/2021 (13:00)	204.00	208.10	16.32	16.65	0.33
180.	12/25/2021 (15:00)	204.00	212.60	16.32	17.01	0.69
181.	12/25/2021 (16:00)	204.00	207.82	16.32	16.63	0.31
182.	12/25/2021 (17:00)	204.00	206.42	16.32	16.51	0.19
183.	12/25/2021 (18:00)	204.00	205.97	16.32	16.48	0.16
184.	12/25/2021 (19:00)	204.00	209.19	16.32	16.74	0.42
185.	12/30/2021 (04:00)	204.00	206.39	16.32	16.51	0.19
186.	12/30/2021 (05:00)	204.00	204.76	16.32	16.38	0.06
187.	01/01/2022 (09:00)	204.00	204.46	16.32	16.36	0.04
188.	01/02/2022 (03:00)	204.00	207.83	16.32	16.63	0.31
189.	01/02/2022 (04:00)	204.00	214.78	16.32	17.18	0.86
190.	01/02/2022 (05:00)	204.00	218.07	16.32	17.45	1.13
191.	01/02/2022 (06:00)	204.00	228.12	16.32	18.25	1.93
192.	01/02/2022 (08:00)	204.00	212.12	16.32	16.97	0.65
193.	01/02/2022 (09:00)	204.00	221.49	16.32	17.72	1.40
194.	01/02/2022 (10:00)	204.00	217.82	16.32	17.43	1.11
195.	01/30/2022 (13:00)	204.00	246.10	16.32	19.69	3.37
196.	01/30/2022 (14:00)	204.00	248.57	16.32	19.89	3.57

197.	01/30/2022 (15:00)	204.00	241.54	16.32	19.32	3.00
198.	01/30/2022 (16:00)	204.00	241.90	16.32	19.35	3.03
199.	01/30/2022 (17:00)	204.00	237.47	16.32	19.00	2.68
200.	01/30/2022 (18:00)	204.00	233.95	16.32	18.72	2.40
201.	01/31/2022 (21:00)	204.00	206.31	16.32	16.50	0.18
202.	01/31/2022 (22:00)	204.00	208.03	16.32	16.64	0.32
203.	01/31/2022 (23:00)	204.00	206.64	16.32	16.53	0.21
204.	02/01/2022 (00:00)	204.00	206.55	16.32	16.52	0.20
205.	02/01/2022 (01:00)	204.00	207.78	16.32	16.62	0.30
206.	02/01/2022 (02:00)	204.00	221.05	16.32	17.68	1.36
207.	02/07/2022 (19:00)	204.00	253.15	16.32	20.25	3.93
208.	02/07/2022 (20:00)	204.00	258.67	16.32	20.69	4.37
209.	02/07/2022 (21:00)	204.00	258.57	16.32	20.69	4.37
210.	02/07/2022 (22:00)	204.00	258.58	16.32	20.69	4.37
211.	02/07/2022 (23:00)	204.00	246.74	16.32	19.74	3.42
212.	02/09/2022 (07:00)	204.00	239.95	16.32	19.20	2.88
213.	02/09/2022 (08:00)	204.00	241.76	16.32	19.34	3.02
214.	02/10/2022 (06:00)	204.00	213.57	16.32	17.09	0.77
215.	02/10/2022 (07:00)	204.00	214.71	16.32	17.18	0.86
216.	02/10/2022 (08:00)	204.00	217.12	16.32	17.37	1.05
217.	02/10/2022 (09:00)	204.00	213.39	16.32	17.07	0.75
218.	02/10/2022 (10:00)	204.00	210.44	16.32	16.84	0.52

	DATE (TIME)	PERMITTED FIRING RATE (MM Btu/hr)	ACTUAL FIRING RATE (MMBtu/hr)	NO. PERMITTED LIMIT (max lb/hr)	CALCULATED LIMIT (lb/hr)	QUANTITY IN EXCESS OF THE PERMIT LIMIT (in lbs)
219.	02/10/2022 (11:00)	204.00	208.08	16.32	16.65	0.33
220.	02/10/2022 (12:00)	204.00	205.46	16.32	16.44	0.12
221.	02/10/2022 (13:00)	204.00	204.05	16.32	16.32	0.00
222.	02/11/2022 (09:00)	204.00	206.38	16.32	16.51	0.19
223.	02/11/2022 (10:00)	204.00	204.23	16.32	16.34	0.02
224.	02/11/2022 (12:00)	204.00	205.52	16.32	16.44	0.12
225.	02/11/2022 (13:00)	204.00	208.43	16.32	16.67	0.35
226.	02/11/2022 (14:00)	204.00	217.52	16.32	17.40	1.08
227.	02/11/2022 (15:00)	204.00	217.27	16.32	17.38	1.06
228.	02/11/2022 16:00:00	204.00	217.13	16.32	17.37	1.05
229.	02/11/2022 (17:00)	204.00	216.16	16.32	17.29	0.97
230.	02/13/2022 (22:00)	204.00	220.86	16.32	17.67	1.35
231.	02/04/2022 (00:00)	204.00	206.33	16.32	16.51	0.19

Each failure to comply with the maximum firing rate and/or the maximum hourly permit limit is a violation of Specific Requirement 71 of Title V Permit No. 2560-00298-V0, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

XIV.

The Respondent failed to meet the following reporting requirements:

	REPORT (date)	PERMIT NUMBER	REPORTING REQUIREMENT	REPORTING PERIOD OR DUE DATE	SUBMITTAL DATE	REGULATORY or PERMIT REQUIREMENTS
A.	2 nd Half of 2020 Title V Semiannual Monitoring Report (03/31/2021)	2560-00298-V0	Submit the semiannual monitoring report by September 30 th for the preceding period of January through June	09/30/2020	10/01/2020	LAC 33:III.535, Specific Requirement 162

B.	2 nd Half of 2020 Title V Semiannual Monitoring Report (03/31/2021)	2560-00298-V0	EQT 0007 Utility Boiler #2	1H2016	03/31/2021	40 CFR 60.48b(g)(2), Specific Requirement 52
			Follow the procedures under 40 CFR 60.13 for installation, evaluation, and operation of the Oxygen continuous monitoring system Data assessment reports (DARs) are due by the 30 th day following the end of each six-month period.	2H2016		
				1H2017		
				2H2017		
				1H2018		
				2H2018		
				1H2019		
				2H2019		
				1H2020		
C.	2 nd Half of 2020 Title V Semiannual Monitoring Report (03/31/2021)	2560-00298-V0	EQT 0007 Utility Boiler #2	Not Reported	Not Reported	40 CFR 60.48b(g)(2), Specific Requirement 52
			Follow the procedures under 40 CFR 60.13 for installation, evaluation, and operation of the Oxygen continuous monitoring system. Relative Accuracy Test Audit (RATA) results were not timely submitted to EPA.			
D.	Title V Air Permit Compliance Program Audit Report (10/21/2021)	2560-00298-V0	EQT 0001 Ammonia Plant Primary Reformer	04/23/2016**	11/15/2021***	40 CFR 63.7530(e), Specific Requirement 4
	1 st Half of 2021 Title V Semiannual Monitoring Report (10/28/2021)		Include with the Notification of Compliance Status a signed certification that either the energy assessment was completed according to Table 3 to this subpart, and that the assessment is an accurate depiction of your Facility at the time of the assessment.			
E.	Title V Air Permit Compliance Program Audit Report (10/21/2021)	2560-00298-V0	EQT 0001 Ammonia Plant Primary Reformer	2018	Received electronically 02/11/2022	40 CFR 63.7550(b), 40 CFR 63.7550(c), Specific Requirement 5
	1 st Half of 2021 Title V Semiannual Monitoring Report (10/28/2021)		Submit each report, according to paragraph (h) of this section by the date in Table 9 to this subpart and according to the requirements in paragraphs (b)(1) through (4).	2019		
				2020		

F.	Title V Air Permit Compliance Program Audit Report (10/21/2021)	2560-00298-V0	EQT 0003 Ammonia Plant Startup Heater Submit a 5-year compliance report, as specified in paragraphs (b)(1) through (4).	2018	Received electronically 02/11/2022	40 CFR 63.7750(b), Specific Requirement 18
	1 st Half of 2021 Title V Semiannual Monitoring Report (10/28/2021)		EQT 0003 Ammonia Plant Startup Heater A compliance report must contain the information described under (c)(1)-(c)(5), as applicable, depending on how the Facility chooses to comply with the limits set in this rule.	2019		40 CFR 63.7750(c), Specific Requirement 19
				2020		
G.	Title V Air Permit Compliance Program Audit Report (10/21/2021)	2560-00298-V0	EQT 0007 Utility Boiler #2 Submit an annual compliance report, as specified in paragraphs 40 CFR 63.7550(b)(1) through (4).	2018	Received electronically 02/11/2022	40 CFR 63.7750(b), Specific Requirement 69
	2019					
	2020					
H.	Title V Air Permit Compliance Program Audit Report (10/21/2021)	2560-00298-V0	EQT 0003 Ammonia Plant Startup Heater Submit report: Due annually, by the 31 st of March. Report the fuel combustion rate and hours of operation for preceding calendar year to the Office of Environmental Compliance.	2018**	Not submitted**	Specific Requirement 27
	1 st Half of 2021 Title V Semiannual Monitoring Report (10/28/2021)			2020**	11/29/2021**	
I.	Title V Air Permit Compliance Program Audit Report (10/21/2021)	2560-00298-V0	UNF 0001 Facility Provide DEQ with written notice of intention to demolish or renovate prior to performing activities to which 40 CFR 61, Subpart M applies	Not reported	The notifications were incorrectly submitted under Agency Interest Number 2425.	40 CFR 61.145(b)(1), LAC 33:III.5105.A.4, Specific Requirements 134 & 152
	1 st Half of 2021 Title V Semiannual Monitoring Report (10/28/2021)					

*Corrective action(s) as reported in the Title V Air Permit Compliance Program Audit Report dated October 21, 2021

** As reported in the March 16, 2022 correspondence

***Corrective action(s) as reported in the Update Title V Air Permit Compliance Program Audit Report dated March 30, 2022

Each failure to meet reporting requirements is a violation of 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).

XV.

In the Title V Air Permit Compliance Report dated October 21, 2021, and the First Half of 2021 Title V Semiannual Monitoring Report dated October 28, 2021, the Respondent reported that semiannual excess emissions and monitoring reports for the Utility Boiler #2 (EQT 0007) submitted prior to the first half of 2021 were incomplete. Specifically, the reports failed to include all components outlined in 40 CFR 60.49b(g)(1) through (10). The Respondent submitted incomplete reports for the reporting periods listed in the table below.

2560-00298-V0	2H2018	Not Submitted	40 CFR 60.49b(i), Specific Requirement 58
	1H2019	07/29/2019	
	2H2019	01/30/2020	
	1H2020	07/29/2020	
	2H2020	01/29/2021	

Each failure to meet reporting requirements is a violation of 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).

XVI.

The Respondent reported the following recordkeeping violations:

A.	2 nd Half of 2020 Title V Semiannual Monitoring Report (03/31/2021)	2560-00298-V0	EQT 0004 Hydrate Lime Silo #1	07/01/2020-12/31/2020	Baghouses: Equipment/operational data recordkeeping by electronic or hard copy upon each occurrence of inspection. Keep records of inspections and maintenance activities on-site and available for inspection by the Office of Environmental Compliance.	There were no records of the baghouse inspections.	Specific Requirement 30
B.	Title V Air Permit Compliance Program Audit Report (10/21/2021)	2560-00298-V0	EQT 0004 Hydrate Lime Silo #1	08/2018-09/2021**	Filter vents: Visible emissions recordkeeping by electronic or hard copy once per batch during operation. Keep records of visible emission checks on-site and available for inspection by the Office of Environmental Compliance	Visible emission inspection records were not furnished at the time of the audit.	Specific Requirement 32
	1 st Half of 2021 Title V Semiannual Monitoring Report (10/28/2021)					<i>Corrective action: Develop a process to ensure records of visual emissions (VE) observations and shipment records are maintained as required. Corrective action completed in September 2021.*</i>	

C.	Title V Air Permit Compliance Program Audit Report (10/21/2021)	2560-00298-V0	EQT 0006 Hydrate Lime Silo #2	08/2018-09/2021**	Filter vents: Visible emissions recordkeeping by electronic or hard copy once per batch during operation. Keep records of visible emission checks on site and available for inspection by the Office of Environmental Compliance	<p>Visible emission inspection records were not furnished at the time of the audit.</p> <p><i>Corrective action: Develop a process to ensure records of visual emissions (VE) observations and shipment records are maintained as required. Corrective action completed in September 2021.*</i></p>	Specific Requirement 46
	1 st Half of 2021 Title V Semiannual Monitoring Report (10/28/2021)						
D.	Title V Air Permit Compliance Program Audit Report (10/21/2021)	2560-00298-V0	EQT 0007 Utility Boiler #2	08/2018-09/2021**	<p>Permittee must follow the procedures under 40 CFR 60.13 for installation, evaluation, and operation of the Oxygen continuous monitoring system.</p>	<p>Span check documentation on the daily log furnished at the time of the audit was incomplete. Unable to determine if span checks were correctly or consistently performed in accordance with the Facility's written procedures and in accordance with regulatory requirements.</p> <p><i>Corrective action/supplemental information: In the March 16, 2022 correspondence, the Respondent reported the daily calibration drift checks were occurring and documented in the daily log; however, the results (pass/fail) were not documented.**</i></p>	40 CFR 60.48b(g)(2), Specific Requirement 52
	1 st Half of 2021 Title V Semiannual Monitoring Report (10/28/2021)						
E.	Title V Air Permit Compliance Program Audit Report (10/21/2021)	2560-00298-V0	UNF 0001 Facility	08/2018-12/31/2021**	<p>Maintain best practical housekeeping and maintenance practices at the highest possible standards to reduce the quantity of organic compounds emissions. Good housekeeping shall include, but not be limited to, the practices listed in LAC 33:III.2113.A.1-5</p>	<p>A general housekeeping plan for the Facility was not furnished for review at the time of the audit.</p> <p><i>Corrective actions: Develop a written plan for housekeeping and maintenance that emphasizes minimizing VOC emissions at the Facility and keep on file. Provide training to site personnel on specific housekeeping and maintenance requirements. Corrective actions completed as of 12/31/2021. ***</i></p>	LAC 33:III.2113.A, Specific Requirement 145
	1 st Half of 2021 Title V Semiannual Monitoring Report (10/28/2021)						

F.	Title V Air Permit Compliance Program Audit Report (10/21/2021)	2560-00298-V0	UNF 00001 Facility	08/2018-12/31/2021**	Permittee must prepare standby plans for the reduction of emissions during periods of Air Pollution Alert, Air Pollution Warnings and Air Pollution Emergency. Design standby plans to reduce or eliminate emissions in accordance with the objectives set forth in LAC 33:III.5611.Tables 5, 6, and 7	A standby plan could not be located for the Facility. <i>Corrective action: Prepare a standby plan and develop procedure for activation and updates. Corrective actions completed as of 12/31/2021***</i>	LAC 33:III.5609.A, Specific Requirement 166
	1 st Half of 2021 Title V Semiannual Monitoring Report (10/28/2021)						

*Corrective action(s) as reported in the Title V Air Permit Compliance Program Audit Report dated October 21, 2021

**As reported in the March 16, 2022 correspondence

***Corrective action(s) as reported in the Update Title V Air Permit Compliance Program Audit Report dated March 30, 2022

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

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Act, the Air Quality Regulations, and all applicable permits.

II.

To submit to the Single Point of Contact (SPOC) within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the final Unauthorized Discharge Notification Report for the incident cited in Paragraph V of the **FINDINGS OF FACT** portion of this action. The report should include all the requirements outlined in LAC 33:I.3925.B. A copy of the final report shall be submitted to the Enforcement Division.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written update on the compliance status and corrective actions as it relates to the violations cited in Paragraphs X. A-C & F-I and XI.E-I of the **FINDINGS OF FACT** portion of this action. The update shall include, but not be limited to, the following: 1) the replacement and/or installation of rental/permanent boilers, 2) a summary of performance/emissions testing results as

applicable; 3) the dates, durations, and quantities for all CO excess emissions associated with the violations; 4) a compliance schedule; and 5) interim measures implemented or to be implemented to ensure operation to the best extent possible and minimize emissions.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the specific dates, durations, and quantities for emission in excess of the permit limit for the violations cited in Paragraph XII.A-B of the **FINDINGS OF FACT** portion of this action.

V.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a list of the following information as it relates to the violations cited in Paragraph XIV of the **FINDINGS OF FACT** portion of this action: 1) the reporting periods or due dates for the reporting requirement; 2) the required date of submission; and 3) the actual date of submission.

VI.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a list of all asbestos notifications incorrectly submitted under Agency Interest Number 2425 for the Facility as cited in Paragraph XIV.I of the **FINDINGS OF FACT** portion of the action. The notifications shall be re-submitted the Department under the correct Agency Interest Number.

VII.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a copy or summary of the general housekeeping plan and standby plan implemented as it relates to the violations cited in Paragraph XVI.E-F of the **FINDINGS OF FACT** portion of the action.

VIII.

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: Antoinette Cobb
Re: Enforcement Tracking No. AE-CN-21-00711
Agency Interest No. 200116

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-21-00711
Agency Interest No. 200116

III.

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

IV.

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

V.

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

VI.

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

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

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

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Antoinette Cobb at (225) 219-3072 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.

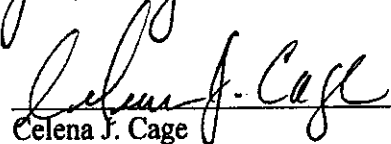
IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. 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 26th day of January, 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: Antoinette Cobb

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-21-00711	Contact Name	Antoinette Cobb		
Agency Interest (AI) No.	200116	Contact Phone No.	(225) 219-3072		
Alternate ID No.	2560-00298				
Respondent:	TAMPA PORT SERVICES, LLC	Facility Name:	Faustina Plant		
	c/o C T Corporation System	Physical Location:	9959 Louisiana Highway 18		
	Agent for Service of Process				
	3867 Plaza Tower Dr.	City, State, Zip:	St. James, LA 70086		
	Baton Rouge, LA 70816	Parish:	St. James		
STATEMENT OF COMPLIANCE					
STATEMENT OF COMPLIANCE			Date Completed	Copy Attached?	
A written report was submitted in accordance with Paragraph VIII 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 Paragraph(s) II-VII of the "Order" portion of the COMPLIANCE ORDER.					
All necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER.					
All necessary documents were submitted to the Department within 90 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? 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:I.Subpart1.Chapter7.				
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-21-00711), 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-21-00711), 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-21-00711) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.</p>				

CERTIFICATION STATEMENT		
<p><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, 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.</i></p>		
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:		
<p>Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Antoinette Cobb</p>		

JOHN BEL EDWARDS
GOVERNOR

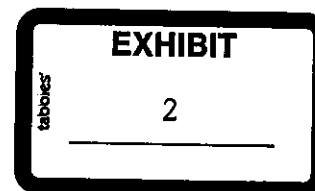


ROGER W. GINGLES
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

DEC 15 2023

CERTIFIED MAIL (7021 2720 0002 7447 1004)
RETURN RECEIPT REQUESTED



TAMPA PORT SERVICES, LLC
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Dr.
Baton Rouge, LA 70816

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-21-00711A
AGENCY INTEREST NO. 200116**

Dear Sir/Madam:

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

Any questions concerning this action should be directed to Antoinette Cobb at (225) 219-3072 or via email at antoinette.cobb@la.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela Marse".

Angela Marse
Administrator
Enforcement Division

AM/AFC/afc
Alt ID No. 2560-00298
Attachment

c: Tampa Port Services, LLC
c/o Mr. Ronald L. Yasurek, General Manager-Louisiana Operations
7250 Louisiana Highway 44
Uncle Sam, LA 70792

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

IN THE MATTER OF

**TAMPA PORT SERVICES, LLC
ST. JAMES PARISH
ALT ID NO. 2560-00298**

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

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **AE-CN-21-00711A**
*
* **AGENCY INTEREST NO.**
*
* **200116**
*

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

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-21-00711** issued to **TAMPA PORT SERVICES, LLC (RESPONDENT)** on January 26, 2023 in the above-captioned matter as follows:

I.

The Department hereby removes Paragraph II, Paragraph X.D, and Paragraph XII.A-B of the Findings of Fact in their entirety.

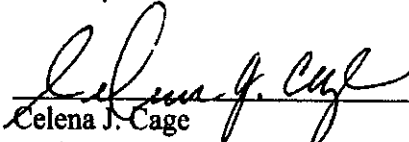
II.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-21-00711** and **AGENCY INTEREST NO. 200116** as if reiterated herein.

III.

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

Baton Rouge, Louisiana, this 15th day of December, 2023.


Celena J. Cage
Assistant Secretary
Office of Environmental Compliance

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

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