

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

BASF CATALYSTS, LLC

AI # 9495

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

* **Settlement Tracking No.**
* **SA-AE-10-0013**
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* **Enforcement Tracking No.**
* **AE-PP-07-0193**
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SETTLEMENT

The following Settlement is hereby agreed to between BASF Catalysts, 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 corporation that owns and/or operates a facility that manufactures and processes alumina catalyst located in Port Allen, West Baton Rouge Parish, Louisiana (“the Facility”).

II

On February 27, 2008, the Department issued to Respondent a Notice of Potential Penalty, AE-PP-07-0193, which was based upon the following findings of fact:

On or about October 25, 2007, an inspection of the Port Allen Works Facility, owned and/or operated by BASF Catalysts LLC (Respondent), was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality

Regulations. The facility is located at 3502 South Riverview Drive in Port Allen, West Baton Rouge Parish, Louisiana. The facility currently operates under Title V Permit No. 3120-00044-VI issued on August 17, 2007.

The following violation was noted during the course of the inspection:

In a letter dated October 19, 2007, regarding a release of nitrogen dioxide (NO₂), the Respondent notified the Department that, on October 13-14, 2007, an employee failed to close a valve leading to a dust collector resulting in the release of 262 pounds of NO₂. This report states that, "this discharge occurred because internal procedures were not completely followed, and is therefore believed to have been preventable." This failure to properly use installed control equipment is a violation of LAC 33:III.905.A which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." Control devices as defined by LAC 33:III.111 is "any device or contrivance, operating procedure or abatement scheme used to prevent or reduce air pollution." This is also a violation of La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

On or about January 25, 2008, a file review of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

The following violations were noted during the course of the file review:

- A. In the facility's 2nd Title V Semi-Annual Monitoring Report for the 2006 calendar year, dated March 30, 2007, the Respondent notified the Department that the daily visible emission log sheets were not completed on September 17, 2006, and November 2, 2006, for the emission points shown in the following table:

Emission Point	Description
EQT001	4-87 - DC-115A Dust Collector
EQT002	8-87 - DC-107 Dust Collector
EQT003	13-87 - DC-103 Dust Collector
EQT004	16-87 - DC-115B Dust Collector
EQT005	18-91 - BA-101 Heat and Vent Stacks
EQT006	19-92 - DC-204 Dust Collector
EQT007	21-92 - BA-102 Ball Activator Heat and Vent Stacks
EQT011	27-93 - BA-103 Ball Activator Heat and Vent Stacks
EQT012	44-95 - DC-240 Dust Collector
EQT013	48-95 - DC-180 Dust Collector
EQT014	53-96 - DC-109 Dust Collector
EQT015	56-96 - DC-340 Dust Collector
EQT017	59-96 - DC-116 Dust Collector
EQT018	64-97 - DC-117A Dust Collector
EQT019	65-98 - DC-166C Dust Collector
EQT021	69-98 - DC-177C Dust Collector
EQT022	71-00 - DC-589 Bin Vent Dust Collector
EQT023	72-01 - DC-202 Bin Vent Dust Collector
EQT024	73-01 - DC-102 Dust Collector HM-101
EQT025	74-01 - DC-36-001 Bin Vent Dust Collector
EQT026	75-01 - DC-119 Dust Collector
EQT027	55-96 - BA-104 Ball Activator Heat and Vent Stacks
EQT028	61-97 - HM-180 Hi-Q Hammermill Vent

Each failure to record daily visible emission log sheets is a violation of Specific Requirement Nos. 3, 9, 17, 27, 35, 47, 59, 80, 90, 96, 102, 110, 125, 137, 147, 156, 162, 168, 174, 180, 186, 194, 204 of Title V Permit No. 3120-00044-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- B. In the facility's 2nd Title V Semi-Annual Monitoring Report for the 2006 calendar year, dated March 30, 2007, on December 11, 2006, the Respondent notified the Department that the opacity of the NOx Scrubber System (EQT020) exceeded 20 percent for 25 minutes due to operator error. This is a violation of Specific Requirement No. 151 of Title V Permit No. 3120-00044-V0, LAC 33:III.1101.B, and La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of SIX THOUSAND NINE HUNDRED THIRTY-TWO AND NO/100 DOLLARS (\$6,932.00), of which Three Hundred Thirty-One and 57/100 Dollars (\$331.57) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The

total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

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

VI

This agreement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VII

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

VIII

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

IX

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

X

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

XI

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

BASF CATALYSTS, LLC

BY: 
(Signature)

JOHN RICHARD
(Print)

TITLE: OPERATIONS MANAGER

THUS DONE AND SIGNED in duplicate original before me this 19th day of May, 20 10, at Geismar, LA.


NOTARY PUBLIC (ID # 000282)

Lorri Decoteau
(Print)

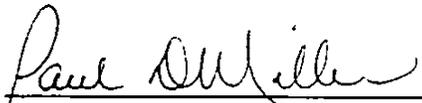
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Peggy M. Hatch, Secretary

BY: 
Beau James Brock, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 12th day of October, 20 10, at Baton Rouge, Louisiana.


NOTARY PUBLIC (ID # 102149-10)

Christopher A. Ketchiff
(Print)

Approved: 
Paul D. Miller, P.E., Assistant Secretary