

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

BORDEN CHEMICAL, INC.
AI # 92534

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

* Settlement Tracking No.
* SA-AMM-04-0009

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* Enforcement Tracking No.
* AE-CN-03-0326
* MM-CN-04-0090

SETTLEMENT

The following Settlement is hereby agreed to between Borden Chemical, Inc., now known as Hexion Specialty Chemicals, Inc., ("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 who owns and/or operates a formaldehyde production facility located at 9288 Louisiana Highway 75 in Geismar, Ascension Parish, Louisiana ("the Facility"). The facility operates under multiple air permits, including, but not limited to Title V Permit No. 2019-V0 and 2631-V2.

II

On May 28, 2004, the Department issued a Consolidated Compliance Order and Notice of Potential Penalty (CCONOPP), Enforcement No. AE-CN-03-0326, to Respondent, which was based upon the Department's following findings of fact:

On or about August 29, 2003, at the request of the Respondent, a meeting was held between a representative of the Respondent and members of the Department. The purpose of the meeting was to discuss the stack test results for the Catalytic Oxidizer No. 2 and the Off Gas Vent, Emission Sources OXIDIZER2 and 89-02, respectively. The tests were performed on Emission Sources OXIDIZER2 and 89-02 during the week of June 16, 2003.

The Respondent submitted additional information regarding the stack test results to the Department in letters dated September 13, and September 19, 2003. On or about September 24, 2003, a review of this information was performed to determine the degree of compliance with the Act and Air Quality Regulations. The Department received requests dated September 13, 2003, and September 19, 2003, from the Respondent to incorporate the test findings into the operating permits.

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

- A. According to the Respondent's letter dated September 13, 2003, the test results indicated that formaldehyde emissions from Emission Source 89-02 exceeded the permitted emission limits for formaldehyde. The maximum emissions for formaldehyde during the stack test were 0.33 pounds per hour, which is an exceedance of the maximum permitted limit of 0.18 pounds per hour. The Respondent is in violation of Title V Permit No. 2019-V0, LAC 33:III.501.C.4, and Sections 2057(A)(1) and 2057(A)(2) of the Act.
- B. According to the Respondent's letter dated September 13, 2003, the test results indicated that Emission Source 89-02 was unable to meet compliance with the chemical specific 98% destruction removal efficiency (DRE) for formaldehyde. The Respondent is in violation of Title V Permit No. 2019-V0, LAC 33:III.501.C.4, and Sections 2057(A)(1) and 2057(A)(2) of the Act.
- C. According to the Respondent's letter dated September 19, 2003, the test results indicated that Emission Source OXIDIZER2 was unable to meet compliance with the chemical specific 98% DRE for formaldehyde. The Respondent is in violation of Title V Permit No. 2631-V2, LAC

33:III.501.C.4, and Sections 2057(A)(1) and 2057(A)(2) of the Act. The Respondent requested an administrative amendment to correct the control efficiencies on the Emission Inventory Questionnaire for Emission Source OXIDIZER2 and an Administrative Amendment to 2631-V2 was issued on December 9, 2003, reflecting the change.

The Respondent is subject to 40 CFR Part 63, Subpart G, National Emission Standards for Organic Hazardous Air Pollutants (the HON) and is required to submit Periodic Reports semiannually containing the information in paragraphs (c)(2), (c)(3), and (c)(4) of 40 CFR 63.152. 40 CFR 63.152(c)(2)(ii)(B) applies to sources required to submit Periodic Reports semiannually and specifies the number of excused excursions for each control device or recovery device for each semiannual period as depicted in the table below. As stipulated in 40 CFR 63.152(c)(2)(ii), for each excursion, except for excused excursions, the owner or operator shall be deemed to have failed to have applied the control in a manner that achieves the required operating conditions.

Semiannual Period	# of Excused Excursions per Semiannual Period
1 st	6
2 nd	5
3 rd	4
4 th	3
5 th	2
≥ 6 th	1

On or about December 19, 2003, an inspection of the Respondent's facility was performed to determine the degree of compliance with the Act and Air Quality Regulations. During the

inspection, related files and documents were reviewed, including, but not limited to, the Respondent's HON Subpart G Periodic Report dated March 27, 2002, for the period encompassing July through December 2001; the January through June 2002 semiannual monitoring reports for Title V Permit Nos. 2019-V0 and 2631-V2, both dated September 23, 2002; the 2002 annual compliance certifications for Title V Permit Nos. 2019-V0 and 2631-V2, both dated March 31, 2003; the January through June 2003 semiannual monitoring reports for Title V Permit Nos. 2019-V0 and 2631-V2, both dated September 25, 2003; and the HON Subpart G Periodic Report for the period encompassing January through June 2003 dated September 25, 2003. The Respondent submitted a revised January through June 2002 semiannual monitoring report dated March 31, 2003 and a revised 2003 annual compliance certification dated March 31, 2004.

The following violations were noted during the course of the above-referenced inspection and review:

- A. The Respondent reported two non-excused excursions for the Formaldehyde I Absorber during the July through December 2001 semiannual reporting period. According to the Respondent, the communication between the Formaldehyde II Plant control program and the record-keeping database failed beginning on October 8, 2001, and ending October 10, 2001. The Respondent failed to keep continuous records of the equipment operating parameters specified to be monitored under 40 CFR 63.114(b) and failed to keep records of the daily average value of each continuously monitored parameter for each operating day. Each failure to keep continuous records of the equipment operating parameters specified to be monitored under 40 CFR 63.114(b) is a violation of 40 CFR 63.118(b)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, and Section 2057(A)(2) of the Act. Each failure to keep records of the daily average value of each continuously monitored parameter for each operating day is a violation of 40 CFR 63.118(b)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, and Section 2057(A)(2) of the Act.
- B. The Respondent reported three non-excused excursions for the Formaldehyde II Catalytic Oxidizer, Emission Source 85-01, during the July through December 2001 semiannual reporting period. According to the Respondent,

the communication between the Formaldehyde II Plant control program and the record-keeping database failed beginning on September 19, 2001, and ending September 20, 2001. This failure occurred again on December 16, 2001, and December 20, 2001. The Respondent failed to keep continuous records of the equipment operating parameters specified to be monitored under 40 CFR 63.114(a) and failed to keep records of the daily average value of each continuously monitored parameter for each operating day. Each failure to keep continuous records of the equipment operating parameters specified to be monitored under 40 CFR 63.114(a) is a violation of 40 CFR 63.118(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Part 70 Specific Condition 1 of Title V Permit No. 2019-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act. Each failure to keep records of the daily average value of each continuously monitored parameter for each operating day is a violation of 40 CFR 63.118(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Part 70 Specific Condition 1 of Title V Permit No. 2019-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.

- C. The Respondent reported a total of six excursions for the Formaldehyde III Catalytic Oxidizer, Emission Source 89-02, during the July through December 2001 semiannual reporting period. According to the Respondent, three of the excursions were the result of the inlet temperature for the Formaldehyde III Catalytic Converter falling below the minimum allowable 350° F specified in the Respondent's compliance plan. The Respondent reported an additional three excursions which occurred when the communication between the Formaldehyde III Plant control program and the record-keeping database failed. The Respondent failed to keep continuous records of the equipment operating parameters specified to be monitored under 40 CFR 63.114(a) and failed to keep records of the daily average value of each continuously monitored parameter for each operating day. The Respondent is allowed one excused excursion for this reporting period. Each failure to maintain the inlet temperature of the Formaldehyde III Catalytic Oxidizer above 350°F is a violation of LAC 33:III.5109.A.1, Part 70 Specific Condition 1 of Title V Permit No. 2019-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act. Each failure to keep continuous records of the equipment operating parameters specified to be monitored under 40 CFR 63.114(a) is a violation of 40 CFR 63.118(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Part 70 Specific Condition 1 of Title V Permit No. 2019-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act. Each failure to keep records of the daily average value of each continuously monitored parameter for each operating day is a violation of

40 CFR 63.118(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Part 70 Specific Condition 1 of Title V Permit No. 2019-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.

- D. According to the Respondent's January through June 2002 semiannual monitoring report dated September 23, 2002, the average flow rate on the Methanol Tank Farm Railcar Loading Scrubber, Emission Source 75-5B1, dropped to 3.6 gallons per minute (gpm). The Respondent failed to maintain a minimum flow rate of 4.0 gpm. This is a violation of Part 70 Specific Condition 4 of Title V Permit No. 2019-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act. This information was also reported in the Respondent's Annual Scrubber Operation Report dated February 13, 2003, for the 2002 calendar year.

[After further review, the Department determined that Respondent's failure to maintain the minimum flow rate is an excused excursion under 40 CFR 63.152(c)(2)(ii).]

- E. The Respondent reported a total of four excursions for the Formaldehyde IV Catalytic Oxidizer, Emission Source OXIDIZER1, during the January through June 2003 reporting period. According to the Respondent, the computer logged incorrect values for both temperature parameters. The Respondent reported that January through June 2003 is the fifth reporting period, which allows for two excused excursions. However, the Department has determined that January through June 2003 is the sixth reporting period. Therefore, the Respondent is allowed one excused excursion and has a total of three non-excused excursions for this reporting period. According to the Respondent's January through June 2003 semiannual monitoring report, a plant shut down caused the data logger to malfunction for four hours on both June 22, 2003, and June 26, 2003. Each failure to keep continuous records of the equipment operating parameters specified to be monitored under 40 CFR 63.114(a) is a violation of 40 CFR 63.118(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Part 70 Specific Condition 1 of Title V Permit No. 2631-V2, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act. Each failure to keep records of the daily average value of each continuously monitored parameter for each operating day is a violation of 40 CFR 63.118(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Part 70 Specific Condition 1 of Title V Permit No. 2631-V2, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- F. According to the Respondent's January through June 2003 semiannual monitoring report, the flow rate of the Methanol Tank Farm Storage Tank Scrubber, Emission Source 48, was below the minimum flow rate of 3.0 gpm for approximately nine hours on January 24, 2003, and approximately 20 hours beginning on March 31, 2003, and ending on April 1, 2003. Each

failure to maintain a minimum flow rate of 3.0 gpm is a violation of Part 70 Specific Condition 4 of Title V Permit No. 2019-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act. This information was also reported on the Respondent's HON Subpart G Periodic Report for the semiannual reporting period encompassing January through June 2003 and in the revised Annual Scrubber Operation Report dated March 31, 2004, for the 2003 calendar year. [After further review, the Department determined that, of the three dates on which Respondent failed to maintain the minimum flow rate, one date was an excused excursion under 40 CFR 63.152(c)(2)(ii).]

G. According to the Respondent's January through June 2003 semiannual monitoring report, the flow rate of the Methanol Railcar Loading Scrubber, Emission Source 75-5B1, was below the minimum flow rate of 4.0 gpm for approximately three hours on both April 22, 2003 and April 25, 2003. Each failure to maintain a minimum flow rate of 4.0 gpm is a violation of Part 70 Specific Condition 4 of Title V Permit No. 2019-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act. This information was also reported on the Respondent's HON Subpart G Periodic Report for the semiannual reporting period encompassing January through June 2003 and in the revised Annual Scrubber Operation Report dated March 31, 2004, for the 2003 calendar year. [After further review, the Department determined that, of the two dates on which Respondent failed to maintain the minimum flow rate, one date was an excused excursion under 40 CFR 63.152(c)(2)(ii).]

On or about March 23, 2004, and April 19, 2004, file reviews of the Respondent's facility were performed to determine the degree of compliance with the Act and Air Quality Regulations.

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

- A. According to the Respondent's Annual Scrubber Operation Report dated February 13, 2003, the flow rate for the Urea Particulate Scrubber, Emission Source UREA SCRUBBER, fell below the minimum flow rate of 4 gpm for approximately 10 hours and 15 minutes during the 2002 calendar year. This is a violation of State Only Specific Condition No. 2 of Title V Permit No. 2631-V2, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- B. According to additional information submitted by the Respondent on March 22, 2004, the flow rate for the Methanol Storage Tank Scrubber, Emission Source 48, fell below the minimum flow rate of 3.0 gpm for approximately 23.5 hours during the 2002 calendar year. Also according to this information, the flow rate for Methanol Truck Loading, Emission Source 75-5B2, fell

below the minimum flow rate of 3.9 gpm for approximately one hour during the 2002 calendar year. Each failure to maintain the minimum flow rate is a violation of Part 70 Specific Condition No. 4 of Title V Permit No. 2019-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.

- C. According to the Respondent's revised Annual Scrubber Operation Report dated March 31, 2004, the flow rate for the Formaldehyde Tank Farm Scrubber, Emission Source 2001-1, fell below the minimum flow rate of 2.0 gpm for approximately 22 hours during the 2003 calendar year. This is a violation of State Only Specific Condition No. 2 of Title V Permit No. 2019-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.

III

On December 29, 2004, the Department issued a Consolidated Compliance Order and Notice of Potential Penalty (CCONOPP), Enforcement No. MM-CN-04-0090, to Respondent, which was based upon the Department's following findings of fact:

On or about June 29-July 2, 2004, representatives of the Department audited the Risk Management Plan (RMP) for this facility. The following violations were found during the course of this audit:

The Department has incorporated by reference 40 CFR part 68 and 65 FR 13243-13250 which language has been adopted as a Louisiana Regulation LAC 33:III.5901.A.

- A. The Respondent failed to provide documentation regarding process safety information for the ventilation system design, in violation of 40 CFR 68.65(d)(1)(v) and La. R.S. 30:2057(A)(2).
- B. The Respondent failed to provide documentation that human factors were addressed as part of the PHA for Units 4 and 5, in violation of 40 CFR 68.67(c)(6) and La. R.S. 30:2057(A)(2).

- C. The Respondent failed to establish a system to promptly address the PHA findings and recommendations, to assure the PHA recommendations were resolved in a timely manner, and to document the resolution of the recommendations. Also, the Respondent failed to develop a written schedule with proposed dates for completion of the actions to resolve the recommendations, in violation of 40 CFR 68.67(e) and La. R.S. 30:2057(A)(2).
- D. The Respondent failed to establish a system to retain the resolution of each recommendation arising from the PHA re-validation for Unit 1 conducted August, 24, 2000, and for Units 2 and 3 conducted August 24, 2000, in violation of 40 CFR 68.67(g) and La. R.S. 30:2057(A)(2).
- E. The Respondent failed to perform inspections on piping systems in Units 1,2, and 3, in violation of 40 CFR 68.73(d)(1) and La. R.S. 30:2057(A)(2).
- F. The Respondent failed to ensure the frequency of inspections and testing of the piping systems is consistent with applicable manufacturer's recommendations, good engineering practices, and/or prior operating experience, in violation of 40 CFR 68.73(d)(3) and La. R.S. 30:2057(A)(2)
- G. The Respondent failed to provide proper documentation for inspections performed on pumps identified as: P-1, P-2, P-4, P-11, P-12, P-14, P-9305, P-9306, P-9313, P-9314, P-9405, P-9406, and P-9414, in violation of 40 CFR 68.73(d)(4) and La. R.S. 30:2057(A)(2).

- H. The Respondent failed to ensure that the corporate management of change policy addresses the necessary time period of change, in violation of 40 CFR 68.75(b)(4) and La. R.S. 30:2057(A)(2).
- I. The Respondent failed to ensure that all of its operators received training prior to start-up of modified processes, in violation of 40 CFR 68.75(c) and La. R.S. 30:2057(A)(2).
- J. The Respondent failed to ensure that the process safety information associated with MOC.01.00215, MOC.01.00475, and MOC.03.00005 that changed was updated accordingly, in violation of 40 CFR 68.75(d) and La. R.S. 30:2057(A)(2). Also, the PSI for each MOC was not updated at the time the PSSR for the project was completed, and documentation that the PSI update was completed later was not attached to either the MOC or PSSR for the MOC.
- K. The Respondent failed to provide documentation that a change in the operating procedures or practices associated with MOC.01.00475, MOC.02.00040, and MOC.02.00102 occurred, in violation of 40 CFR 68.75(e) and La. R.S. 30:2057(A)(2).
- L. The Respondent failed to perform a pre-startup safety review for new stationary sources and for modified stationary sources when the modification is significant enough to require a change in the process safety information, in violation of 40 CFR 68.77(a) and La. R.S. 30:2057(A)(2). Specifically, MOC.02.00102 and

MOC.02.00040 both required changes in the alarm and interlock tabulation in the Operating Guide, and MOC.02.00040 also triggered changes to the Operating Procedures in the Operating Guide.

- M. The Respondent failed to ensure that construction and equipment are in accordance with design specifications prior to start-up after a change, in violation of 40 CFR 68.77(b)(1) and La. R.S. 30:2057(A)(2). Specifically, the PSSR for MOC.00005 failed to confirm that the construction and equipment were in accordance with design specifications prior to start-up after the change.
- N. The Respondent failed to ensure that safety, operating, maintenance, and emergency procedures were in place and adequate, prior to start-up, in violation of 40 CFR 68.77(b)(2) and La. R.S. 30:2057(A)(2). Specifically, the PSSR for the initial start-up of Unit 4 indicated that operating, maintenance, and safety procedures were not in place and adequate prior to startup.
- O. The Respondent failed to resolve or implement recommendations from the initial PHA for Units 4 and 5 prior to start-up, in violation of 40 CFR 68.77(b)(3) and La. R.S. 30:2057(A)(2).
- P. The Respondent failed to train employees involved in operating a process when a change resulted in a change in the operating procedures, in violation of 40 CFR 68.77(b)(4) and La. R.S. 30:2057 (A)(2). Specifically, MOC.01.00235 had a PSSR that indicated training had not been complete prior to startup.

On December 7, 2004, a file review of the Respondent's facility was performed to determine the degree of compliance with the Act and Air Quality Regulations.

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

In the Respondent's 2000 annual compliance certification dated March 30, 2001, and supplemental information dated December 6, 2004, the Respondent reported a total of nine excursions for the Formaldehyde IV Plant's Catalytic Oxidizer No. 1, Emission Source OXIDIZER1. According to the Respondent, the excursions resulted from the failure of the recorder to properly stamp the chart. The excursions occurred in the second half of the 2000 calendar year. Therefore, the Respondent is allowed four excused excursions and has a total of five-non-excused excursions for this reporting period. Each failure to keep continuous records of the equipment operating parameters specified to be monitored under 40 CFR 63.114(a) is a violation of 40 CFR 63.118(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Part 70 Specific Condition 1 of Title V Permit No. 2631-V2, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act. Each failure to keep records of the daily average value of each continuously monitored parameter for each operating day is a violation of 40 CFR 63.118(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Part 70 Specific Condition 1 of Title V Permit No. 2631-V2, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.

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 TWENTY THOUSAND ONE HUNDRED SIXTY-EIGHT AND 87/100 DOLLARS (\$20,168.87)

of which One Thousand Seven Hundred Fifty-four and 85/100 Dollars (\$1,754.85) represents DEQ's enforcement costs, in settlement of the claims set forth in this agreement and the CCONOPPs referenced herein. The total amount of money expended by Respondent on cash payments to DEQ 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), the CCONOPPs 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.

VII

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.

VIII

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.

IX

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, 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 a proof-of-publication affidavit 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.

X

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 Darryl Serio, Office of Management and Finance, 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).

XI

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

XII

The provisions of the Settlement Agreement shall apply to and be binding upon the State of Louisiana and upon the Respondent and the officers, agents, employees, successors and assigns of both parties.

XIII

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

BORDEN CHEMICAL, INC., NOW KNOWN
AS HEXION SPECIALTY CHEMICALS, INC.

BY: [Signature]
(Signature)

C. HUGH MORTON
(Printed)

TITLE: VICE PRESIDENT - OPERATIONS
FORMALDEHYDE AND FOREST PRODUCTS

THUS DONE AND SIGNED in duplicate original before me this 7th day of
December, 20 05, at Columbus, OH.

[Signature]
NOTARY PUBLIC (ID # _____)

SONDRA J. SHELTON
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 09-30-06

STATE OF LOUISIANA
Mike D. McDaniel, Ph.D., Secretary
Department of Environmental Quality

BY: [Signature]
Harold Leggett, Ph.D., Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 2^d day of
February, 20 06, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 18675)

Christopher A. Retcher
(Print)

Approved: [Signature]
Harold Leggett, Ph.D., Assistant Secretary