

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CONOCOPHILLIPS COMPANY

AI # 16996

PROCEEDINGS UNDER THE LOUISIANA

ENVIRONMENTAL QUALITY ACT

LA. R.S. 30:2001, ET SEQ.

* Settlement Tracking No.

* SA-AE-12-0012

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* Enforcement Tracking No.

* AE-CN-07-0019

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SETTLEMENT

The following Settlement is hereby agreed to between Phillips 66 Company, the successor-in-interest to ConocoPhillips Company¹ (“Respondent”) for the facility referenced in Paragraph I below, 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.

I

Respondent is a corporation that owns and/or operates a petroleum products facility located in Westlake, Calcasieu Parish, Louisiana (“the Facility”).

II

On December 19, 2007, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-07-0019, which was based upon the following findings of fact:

The Respondent owns and operates the Westlake Products Terminal, a bulk petroleum products facility located at 1980 Old Spanish Trail in Westlake, Calcasieu Parish, Louisiana. The facility is currently permitted to operate under Title V Permit No. 0520-00053-V2 issued on

¹ On April 26, 2012, ConocoPhillips Company transferred ownership and operation of the Facility to Phillips 66 Company, a wholly-owned subsidiary. On May 1, 2012 ConocoPhillips, which wholly owns ConocoPhillips Company, “spun-off” its terminal assets and operations, among others to Phillips 66. The spin-off included Phillips 66 Company. Pursuant to the Separation and Distribution Agreement between the companies, responsibility for the agency compliance issues such as described in this Settlement now resides with Phillips 66 Company.

May 24, 2007. The facility previously operated under Title V Permit No. 0520-00053-V1 issued on July 6, 2005.

On or about December 14, 2006, the Department conducted an inspection of the Respondent's facility to determine the degree of compliance with the Act and the Air Quality Regulations.

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

At the time of the inspection, it was noted that the Respondent was not recording the date a leak was detected in accordance with 40 CFR 63.428(e)(3). Each time the Respondent failed to record the date a leak was detected is a violation of 40 CFR 63.428(e)(3) which language has been adopted as a Louisiana regulation in LAC 33:III.5122 and Specific Requirement No. 73 of Title V Permit No. 0520-00053-V1. This is also a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2). During the inspection, the Respondent added a column to the leak log to document the date a leak is detected.

During the inspection on or about December 14, 2006, it was noted that the Respondent was not following LAC 33:III.2122 as set forth in Specific Requirement Nos. 50 through 71 of Title V Permit No. 0520-00053-V1. On or about January 5, 2007, a representative of the Respondent spoke with the Department regarding the inspection. The representative stated that Specific Requirement Nos. 50 through 71 do not apply to this facility.

By letter, dated January 11, 2007, and received by the Department on or about January 17, 2007, the Respondent submitted a minor modification request for the facility's Title V Air Permit, No. 0520-00053-V1. The letter requests that Specific Requirement Nos. 50 through 71 be removed from the operating permit because, "per [LAC 33:III.]2122.A.1, only process units within 'petroleum refineries...' within ozone a [sic] non-attainment area and specified parishes are required to meet the LDAR [Leak Detection And Repair] requirements listed under [LAC 33:III.]2122." The letter further states that, "the terminal is co-located at the ConocoPhillips

Lake Charles Refinery, but is not a process unit of the refinery. The loading rack and associated piping is covered by NSPS XX and GD MACT regulations as well as the leak inspections required by LAC 33:III.2107, 2135, and 2137. The requirement to perform instrument monitoring for fugitive component leak detection is considered excessive.”

On May 24, 2007, the Department issued Title V Permit No. 0520-00053-V2 to the Respondent. According to this permit, fugitive emissions from the Respondent’s terminal are subject to LAC 33:III.2121, which corresponds with Specific Requirement Nos. 50 through 66 of Title V Permit No. 0520-00053-V2.

On or about September 14, 2007, the Department conducted a follow-up inspection of the Respondent’s facility to determine the degree of compliance with the Act and the Air Quality Regulations, specifically LAC 33:III.2121.

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

The Respondent is not conducting a Leak Detection and Repair program in accordance with Specific Requirement Nos. 50 through 66 of Title V Permit No. 0520-00053-V2. This is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

III

In correspondence dated January 30, 2009, the Respondent submitted a regulatory interpretation and applicability determination request to the LDEQ Air Permits Division. The request sought the Department’s concurrence that the Westlake Products Terminal is not subject to certain requirements in the Louisiana Air Quality Regulations, including LAC 33:III.2121.

IV

On December 15, 2010, the Department issued Title V Permit No. 0520-00053-V3 to the Respondent. According to this permit, the Westlake Products Terminal is not subject to LAC 33:III.2121. In the above Title V permit, the Department concluded that LAC 33:III.2121 “does

not apply” to this facility because “the terminal is not classified as a part of the petroleum refinery.”

V

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

VI

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 ONE THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$1,200.00), of which Five Hundred Ninety-Seven and 87/100 Dollars (\$597.87) 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).

VII

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Order & 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.

VIII

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.

IX

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 La. R. S. 30:2025(E) of the Act.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Calcasieu Parish, Louisiana. The advertisement, in form, 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 from the newspaper of the affected parish 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.

XI

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).

XII

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

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.

Phillips 66 Company

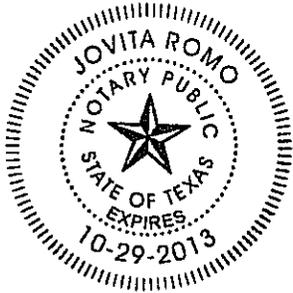
BY: [Signature]
(Signature)

Paul E. Scyler
(printed)

TITLE: Manager, Terminals

THUS DONE AND SIGNED in duplicate original before me this 12 day of February, 20 13, at 1:33 PM.

[Signature]
NOTARY PUBLIC (ID # _____)



Jovita Romo
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Peggy M. Hatch Secretary

BY: [Signature]
Cheryl Sonnier Nolan, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 26th day of April, 20 13, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

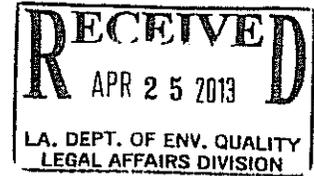
Perry Theriot
(stamped or printed)

Approved: [Signature]
Cheryl Sonnier Nolan, Assistant Secretary



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005



April 5, 2013

Mr. Herman Robinson, Executive Counsel
La. Department of Environmental Quality
Legal Affairs Division
P.O. Box 4302
Baton Rouge, LA 70821-4302

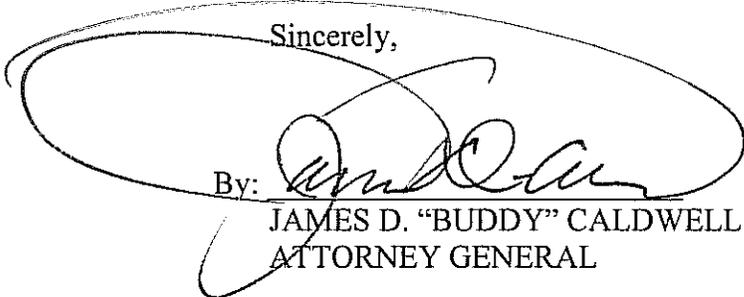
Re: AG Review of DEQ Settlement;
ConocoPhillips Company
Settlement No. SA-AE-12-0012

Dear Mr. Robinson:

Pursuant to the authority granted to me by Art. IV, Sec. 8 of the state constitution and R.S. 30:2050.7, I approve the above referenced settlement.

Sincerely,

By:


JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

JDC/MKT/SBJ

SETTLEMENT PAYMENT FORM

Please attach this form to your settlement payment
and submit to:

Department of Environmental Quality
Financial Services Division
P. O. Box 4303
Baton Rouge, Louisiana 70821-4303
Attn: Accountant Administrator

Payment # _____

Respondent: CONOCOPHILLIPS COMPANY

Settlement No: SA-AE-12-0012

Enforcement Tracking No(s): AE-CN-07-0019

Payment Amount: \$1,200.00

AI Number: 16996

Alternate ID No(s):

TEMPO Activity Number:

For Official Use Only. Do Not write in this Section.	
Check Number:	Check Date:
Check Amount:	Received Date:
PIV Number:	PIV Date:
Stamp "Paid" in the box to the right and initial.	
Route Completed form to: Celena Cage, Administrator, Enforcement Division	
And copy Perry Theriot Legal Division	

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF: * Settlement Tracking No.
* SA-AE-12-0035
SYNGENTA CROP PROTECTION, INC. *
* Enforcement Tracking No.
AI # 2367 * AE-CN-09-0183
*
PROCEEDINGS UNDER THE LOUISIANA *
ENVIRONMENTAL QUALITY ACT *
LA. R.S. 30:2001, ET SEQ. *

SETTLEMENT

The following Settlement is hereby agreed to between Syngenta Crop Protection, Inc., [now known as Syngenta Crop Protection, 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 formulates pesticides and specialty chemicals located in St. Gabriel, Iberville Parish, Louisiana (“the Facility”).

II

On September 29, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-09-0183, which was based upon the following findings of fact:

The Respondent owns and/or operates the St. Gabriel facility that manufactures and formulates pesticides and specialty chemicals. The facility is located at 3905 Louisiana Highway 75 in St. Gabriel, Iberville Parish, Louisiana. This is approximately 0.5 miles south of the intersection of Louisiana Highway 74 and River Road in Iberville Parish. The facility currently operates under the following Title V Air Permits: 2898-V2 issued on July 24, 2009, 2897-V0

issued on February 21, 2005, 2842-V2 issued on July 21, 2009, 2718-V3 issued on July 14, 2008, 2931-V2 issued on June 12, 2009, 2610-V2 issued on January 7, 2007, 3045-V2 issued on October 2, 2006, and 2904-V2 issued on June 10, 2010.

On or about May 6, 2009 and March 15, 2010, file reviews were performed to determine the degree of compliance with the Act and the Air Quality Regulations. An inspection of the facility was performed on or about December 10, 2009.

The following violations were noted during the course of the file reviews and the inspection:

- A. According to the 2005 Annual Compliance Certification dated March 29, 2006, the Respondent failed to conduct an inspection of the filter elements (LFU Dump Hopper Dust Collector DH-1-EQT 120) as required by Specific Requirement 81 of Title V Permit No. 2897-V0. The filter elements are to be inspected once every six (6) months. Failure to inspect the filter elements is a violation of Specific Requirement 81 of Title V Permit No. 2897-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1).
- B. According to the 2005 Annual Compliance Certification dated March 29, 2006, the Respondent failed to keep the pH below 6 for the TDF Scrubbing System (DH 1-01- EQT-139). There were short periods of time through-out the 2005 calendar year (less than one (1) minute) where the pH went above 6. This is a violation of Specific Requirement 89 of Title V Permit No. 2897-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1).
- C. According to the 2007 First Quarterly Title V Excess Emissions Report dated June 28, 2007, during a shutdown of the Multi-Purpose Incinerator (EQT-255) on February 6, 2007, the carbon monoxide level rose above the permit limit of 9.9 lbs/hr for approximately 40.7 minutes. The limit was exceeded by 1.6 lbs. At the time of the incident the retention time on the kiln had expired so there was no MACT implication. Exceeding the permit limit for carbon monoxide is a violation of Title V Permit No. 2718-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- D. According to the 2007 First Quarterly Title V Excess Emissions Report dated June 28, 2007, during a housekeeping inspection conducted on February 20, 2007, it was noted that an organic waste valve was leaking. Approximately one pint of waste had leaked to containment. The waste was immediately cleaned up with absorbent and the valve was replaced. The Leak Detection and Repair (LDAR) program requires open-ended valves to have a plug or a second valve. Neither was in place. A thorough audit of the unit was completed to correct open ended lines. Each open ended line is a violation of 40 CFR 61.242-6 which language has been adopted as a Louisiana Regulation in LAC 33:III.5116. Each is also a violation of Specific Requirement 153 of Title V Permit No. 2718-V1,

LAC 33:III.501.C.4, LAC 33:III.2122.C.2, La. R.S.30:2057(A)(1), and 30:2057(A)(2).

- E. According to the 2007 First Quarterly Title V Excess Emissions Report dated June 28, 2007, equipment subject to the LDAR program were discovered on February 20, 2007 to have not been monitored during scheduled monitoring periods. These components have since been monitored and no significant leaks were detected. Failure to monitor is a violation of Title V Permit No. 2718-V1, LAC 33:III.501.C.4, LAC 33:III.2122.C.2, La. R.S.30:2057(A)(1), and 30:2057(A)(2).
- F. According to the 2007 First Quarterly Title V Excess Emissions Report dated June 28, 2007, the CATV System (EQT 058) shut down at 0408 on January 2, 2007. The header was diverted to the Thermal Oxidizer (EAT 048) at 0454, which was consistent with the SSM plan. Prior to this time the header was without vacuum for forty- six (46) minutes in which approximately 3.6 lbs of toluene was released to the atmosphere. The bypass to the Thermal Oxidizer was five (5) minutes. This is a violation of Title V Permit No. 2904-V0, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- G. According to the 2007 First Quarterly Title V Excess Emissions Report dated June 28, 2007, problems with sodium hydroxide flow to the Thermal Oxidizer (EQT 048) occurred on January 26, 2007, which resulted in a low pH(<5) for approximately 4.5 hours. During this incident approximately 7.3 lbs of toluene was released. This is a violation of Title V Permit No. 2904-V0, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- H. According to the 2007 First Quarterly Title V Excess Emissions Report dated June 28, 2007, the LEL analyzer on the Thermal Oxidizer (EQT 048) Delta-V System went below scale causing a bad input alarm on February 7, 2007. This caused the Thermal Oxidizer to shutdown. The headers were diverted to the CATV (EQT 058) during this time per the SSM plan. The system was without vacuum for ten (10) minutes resulting in four (4) lbs of toluene being released to the air. This is a violation of Title V Permit No. 2904-V0, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- I. According to the 2007 First Quarterly Title V Excess Emissions Report dated June 28, 2007, the Thermal Oxidizer (EQT 048) shut down at 1632 on February 9, 2007 due to high LEL. The header was routed to the CATV (EQT 058) System while the thermal oxidizer was down. The CATV System shut down due to high LEL from 1632-1637 hours. The header was without vacuum for five (5) minutes which resulted in the release of 0.25 lbs of toluene to the atmosphere. This is a violation of Title V Permit No. 2904-V0, LAC 33:III.905, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- J. According to the 2007 First Quarterly Title V Excess Emissions Report dated June 28, 2007, during the reporting encompassing January 1, 2007– March 31, 2007, there were some open ended lines discovered. They were plugged or capped upon discovery. Each open ended line is a violation of 40 CFR 63.1363 which language has been adopted as a Louisiana

Regulation in LAC 33:III.5122. Each open ended line is also a violation of Specific Requirement 105 of Title V Permit No. 2904-V0, LAC 33:III.501.C.4, LAC 33:III.2122.C.2, and La. R.S.30:2057(A)(2).

- K. According to the 2007 First Quarterly Title V Excess Emissions Report dated June 28, 2007, the interscan series 4000 Hydrogen Cyanide (HCN) analyzer used for monitoring HCN component regulated under 40 CFR 63 Subpart YY failed during a calibration verification on January 31, 2007. Repair or replacement could not be done before the end of the month. As a result, the instrument was not available for the January monthly monitoring of regulated pumps. Draegar tubes were used as a back up and no leaks were detected. Failure to maintain monitoring equipment is a violation of Title V Permit No. 2898-V0, LAC 33:III.905, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- L. According to the 2007 First Quarterly Title V Excess Emissions Report dated June 28, 2007, the ammonia (NH₃) recovery unit foamed up and caused the NH₃ enricher to swing in pressure which caused it to flare on February 27, 2007. When the pressure swung, it blew liquid/ vapor NH₃ out of the NH₃ flare. After getting the unit lined out, the NH₃ from the flare, was put back into the system. The recovery area started swinging again and the unit cut steam on the NH₃ enricher and went to the flare which blew the flare out. The Waste Gas Boiler and the Converter were then sent to the flare to get the unit under control. The SSM plan was followed. The incident resulted in emitting thirty (30) pounds of ammonia to the air. This is a violation of Title V Permit No. 2898-V0, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30: 2057(A)(1), and 30:2057(A)(2).
- M. According to the 2007 First Quarterly Title V Excess Emissions Report dated June 28, 2007, the air permit requires the caustic scrubber to operate at a percent caustic greater than 3% and that a daily sample be taken and analyzed for compliance. This sample was missed on January 17, 2007. Failure to take a sample is a violation of Specific Condition 2 of Title V Permit No. 2842-V1, LAC 33:III.501.C.4, LAC 33:III.5109, and La. R.S.30:2057(A)(2).
- N. According to the 2007 First Quarterly Title V Excess Emissions Report dated June 28, 2007, during the reporting period January 1, 2007–March 31, 2007, there were some open ended lines discovered. They were plugged or capped upon discovery. Each open ended line is a violation of Title V Permit No. 2842-V1, LAC 33:III.501.C.4, LAC 33:III.2122.C.2, and La. R.S 30:2057(A)(2).
- O. According to the 2007 Third Quarterly Title V Excess Emission reports dated December 16, 2007, due to problems on the rotary drum filters, the temperature on the Thermal Oxidizer dropped below 1650 degrees on September 24, 2007. The vent header was swapped to CATV until the temperature came up. While diverting the header to the Thermal Oxidizer, the Thermal Oxidizer shutdown on HIHI LEL (2nd alarm for lower explosive limit). The SSM plan was followed. The system was without vacuum for two (2) minutes resulting in a release of 0.5 lbs of toluene.

This is a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

- P. According to the 2007 Third Quarterly Title V Excess Emission reports dated December 16, 2007, the Thermal Oxidizer (Emission Point No. 1-03) shutdown for an unknown reason on September 22, 2007. Vacuum was lost for two (2) minutes. The header was diverted to the CATV unit for forty-six (46) minutes. The SSM plan was followed. Release estimated at one (1) lb of toluene. This is a violation of 40 CFR 63 Subpart MMM which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- Q. According to the 2007 Third Quarterly Title V Excess Emission reports dated December 16, 2007, while purging the 124- E feed forward line to 115-E, the LEL(lower explosive limit) shot up on the Thermal Oxidizer (Emission Point No. 1-03) and shutdown on HIHI LEL (2nd alarm for lower explosive limit) on September 16, 2007. Vacuum was lost for three (3) minutes losing 1.25 lbs of toluene to the atmosphere. This is a violation of 40 CFR 63 Subpart MMM which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- R. According to the 2007 Third Quarterly Title V Excess Emission reports dated December 16, 2007, the Thermal Oxidizer (Emission Point No. 1-03) shutdown after a fuse blew on the panel on September 16, 2007. The vacuum was lost for one (1) minute. The header was diverted to CATV at the time of the incident. The SSM plan was followed. During the incident approximately one (1) pound of toluene was released. This is a violation of 40 CFR 63 Subpart MMM which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- S. According to the 2007 Third Quarterly Title V Excess Emission reports dated December 16, 2007, the Thermal Oxidizer (Emission Point No. 1-03) shut down on the High LEL (1st alarm for lower explosive limit) during an upset in the tripper level on September 16, 2007. The vacuum was lost for about four (4) minutes releasing approximately 4.5 pounds of toluene. This is a violation of 40 CFR 63 Subpart MMM which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- T. According to the 2007 Third Quarterly Title V Excess Emission reports dated December 16, 2007 the Thermal Oxidizer (Emission Point No. 1-03) shut down on High LEL (1st alarm for lower explosive limit) after having level problems with the Primary Stripper on September 16, 2007. Vacuum was lost for about 1.5 minutes releasing about six (6) pounds of toluene. This is a violation of 40 CFR 63 Subpart MMM which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is

also a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

- U. According to the 2007 Third Quarterly Title V Excess Emission reports dated December 16, 2007, the Thermal Oxidizer (Emission Point No. 1-03) shut down due to High LEL (1st alarm for lower explosive limit) on September 13, 2007. Vacuum was lost for eleven (11) minutes resulting in a loss of five (5) pounds of toluene. This is a violation of 40 CFR 63 Subpart MMM which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- V. According to the 2007 Third Quarterly Title V Excess Emission reports dated December 16, 2007, the Thermal Oxidizer (Emission Point No. 1-03) shutdown on High LEL (1st alarm for lower explosive limit) on September 13, 2007 for approximately ten (10) minutes. This resulted in approximately five (5) pounds of toluene being released. This is a violation of 40 CFR 63 Subpart MMM which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- W. According to the 2007 Third Quarterly Title V Excess Emission reports dated December 16, 2007, the Thermal Oxidizer (Emission Point No. 1-03) shut down on September 7, 2007 due to High LEL (1st alarm for lower explosive limit), while the board technician was heating up the evaporator. The header was diverted to the CATV. The system was without vacuum for approximately four (4) minutes releasing about two (2) pounds of toluene to the atmosphere. This is a violation of 40 CFR 63 Subpart MMM which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- X. According to the 2007 Third Quarterly Title V Excess Emission reports dated December 16, 2007, the (Emission Point No. 1-03) shutdown during the startup of the primary stripper. The steam flow indication did not read at a valve position of 5% but the steam flow that was entering the vessel caused a spike in LEL (lower explosive limit) which caused the thermal oxidizer to shut down. The system lost vacuum for two (2) minutes resulting in a release of 0.5 pounds of toluene. This is a violation of 40 CFR 63 Subpart MMM which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- Y. According to the 2007 Third Quarterly Title V Excess Emission reports dated December 16, 2007, at 2025 on August 15, 2007 the CATV shutdown on HIHI LEL (2nd alarm for lower explosive limit). There was a pump problem. The unit was down and without vacuum for thirty-six (36) minutes and released approximately 18.6 pounds of toluene. This is a violation of 40 CFR Subpart 63 MMM which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of

Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

- Z. According to the 2007 Third Quarterly Title V Excess Emission reports dated December 16, 2007, the CATV shutdown at 1055 hours on August 11, 2007, on High LEL (1st alarm for lower explosive limit) due to the skid pot not pumping out. The skid pot pump did not automatically come on when the pot reached a high level. A technician went out and started pumping manually to start pumping out the skid pot, and then started CATV back up at 1058 hours. The header was without vacuum for three (3) minutes resulting in a release of 1.5 pounds of toluene to the atmosphere. This is a violation of 40 CFR Subpart 63 MMM which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- AA. According to the 2007 Third Quarterly Title V Excess Emission reports dated December 16, 2007, the caustic scrubber pump 3227-J had a coupling go out on July 7, 2007. The caustic flow on FI-0029 to the scrubber was lost for approximately three (3) minutes. This is also a violation of Title V Permit No. 2842-V0, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- BB. According to the Title V Compliance Report dated September 27, 2007, the Respondent's ammonia flare went out after a power outage shutdown the unit air compressor. The flare remained out and could not be re-lit due to igniter programs. The Ammonia Enricher (EQT0027) was flared for two (2) minutes after the flare went out and the natural gas pilot was left on to support the unit flare re-lighting. There was a loss of the ammonia during the 2-minute venting. Also methane from the natural gas pilot was released to the air for thirty-three (33) hours until the flare was relit. This is a violation of 40 CFR 63.11(b)(3) and 40 CFR 63.11(b)(5) which language has been adopted as Louisiana Regulation LAC 33:III.5122. This is also a violation of Specific Requirement 64 and 67 of Title V Permit No. 2898-V0, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- CC. According to the Title V Compliance Report dated September 27, 2007, the percent oxygen dipped below 2% by volume for Emission Source 7-87 for approximately one (1) minute on April 27, 2007. This is a violation of Title V Permit No. 2842-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- DD. According to the 2007 Second Semiannual Monitoring Report dated March 19, 2008, the Packaging Facility Title V permit requires an annual inspection of the silo filters. This inspection was not performed in 2007. Inspections were done in June 2006 and January 2008 and no problems were found. Failure to perform the annual inspection of the silo filters is a violation of Title V Permit No. 2897-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- EE. According to the 2007 Second Semiannual Monitoring Report dated March 19, 2008, a technician noticed that 4007L baghouse, which is a

control at the Nine O Granulation and Packaging Unit (EQT 080), started blowing powder and immediately shut down the pulsators on 4007L. At that time the blowing ceased. Upon opening the baghouse, it was determined that a bag was missing (it had not been installed the last time the bags were changed). No permit limit was exceeded. Failure to install the bag in the baghouse and operate the control device as designed is a violation of Title V Permit No. 2897-V0, LAC 33:III.905, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

- FF. According to the 2007 Second Semiannual Monitoring Report dated March 19, 2008, the O₂ on Emission Source 7-87 VGC fell below the permitted minimum of 2% by volume for about forty-five (45) seconds on August 8, 2007. Failure to operate Emission Source 7-87 VGC within the permit limits is a violation of Title V Permit No. 2842-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- GG. According to the 2007 Second Semiannual Monitoring Report dated March 19, 2008, Entergy made a switch at the substation, which caused the VGC blower to shutdown. The atmospheric valve was open for ten (10) minutes on August 24, 2007. There was a release of approximately 0.1 lbs total hydrocarbon. This is a violation of Title V Permit No. 2842-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- HH. According to the 2007 Second Semiannual Monitoring Report dated March 19, 2008, the O₂ on Emission Source 7-87 VGC fell below the permitted minimum of 2 % by volume twice in the period 1010 to 1110 hours on December 28, 2007. Duration was less than a minute per occurrence. Failure to operate Emission Source 7-87 VGC within the permit limits is a violation of Title V Permit No. 2842-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- II. According to the 2007 Second Semiannual Monitoring Report dated March 19, 2008, the O₂ on Emission Source 7-87 VGC fell below the permitted minimum of 2 % on December 31, 2007 for approximately thirty (30) seconds. Failure to operate Emission Source 7-87 VGC within the permit limits is a violation of Title V Permit No. 2842-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- JJ. According to the 2007 Second Semiannual Monitoring Report dated March 19, 2008, 40 CFR 63 Subpart EEE requires annual calibration of specific instruments and analyzers associated with MPI. The annual calibration for the MPI sludge auger was not performed for the 2007 year. Failure to perform the annual calibration is a violation of Title V Permit No. 2718-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). This is also a violation of 40 CFR 63 Subpart EEE which language has been adopted as a Louisiana Regulation in LAC 33:III.5122.
- KK. According to the 2008 Third Quarterly Title V Excess Emission Report dated December 18, 2008, the daily drift check for the CEMS for the B Boiler (EQT222) was missed on August 1, 2008. The facility is required to monitor NO_x and O₂. This is a violation of Title V Permit No. 2610-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- LL. According to the 2008 Third Quarterly Title V Excess Emission Report dated December 18, 2008, approximately 166 lbs of carbon tetrachloride

was released to the air on August 23, 2008. This was caused by a shutdown of the Vent Gas Combustor (VGC). This is a violation of 40 CFR 63 Subpart MMM which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

- MM. According to the 2008 Third Quarterly Title V Excess Emission Report dated December 18, 2008, there was a release for approximately forty-one (41) minutes on August 8, 2008 in which 1.5 lbs of chlorine were released when a leak occurred after a shutdown of the Vent Gas Combustor. This is a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- NN. According to the 2008 Third Quarterly Title V Excess Emission Report dated December 18, 2008, approximately 0.78 lbs of toluene was released to the air due to loss of vacuum during a CATV interlock shutdown on July 26, 2008. This is a violation of 40 CFR 63 Subpart MMM which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- OO. According to the 2008 Third Quarterly Title V Excess Emission Report dated December 18, 2008, approximately 0.7 lbs of toluene was released to the air on July 23, 2008 when the CATV shutdown on a high hydrocarbon safety interlock. The Startup, Shutdown and Malfunction (SSM) plan was followed. This is a violation of 40 CFR Subpart 63 MMM which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- PP. According to the 2008 Third Quarterly Title V Excess Emission Reports dated December 18, 2008, approximately 1.95 lbs of toluene was released to the air on July 19, 2008. This occurred when the CATV shutdown due to High LEL (1st alarm for lower explosive limit). This is a violation of 40 CFR 63 Subpart MMM which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- QQ. According to the 2008 Third Quarterly Title V Excess Emission Reports dated December 18, 2008, approximately 22 lbs of toluene was released to the air on July 19, 2008, when the Thermal Oxidizer shutdown. This is a violation of 40 CFR 63 Subpart MMM which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- RR. According to the 2008 Third Quarterly Title V Excess Emission Report dated December 18, 2008, during the annual back up of eta0 system ET PI data was not archived from 14:50 to 15:12 hours on July 23, 2008. This includes all permit compliance related data points: MMU wells annulus

pressure, 001 Riverlift flow/pH, 301 flow, MMU Honey Hut pH, Westvaco stack CO, O₂, afterburner temperature, and scrubber flows. The permit requires that ET have records of continuous data monitoring of the permitted parameters. Failure to keep records is a violation of Title V Permit No. 2718-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- SS. According to the 2008 Third Quarterly Title V Excess Emission Report dated December 18, 2008, there was no caustic flow to scrubber 3108-E on August 14, 2008. This lasted for approximately one (1) hour and eight (8) minutes. This is a violation of Title V Permit No. 2842-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- TT. According to the 2008 Annual Compliance Certifications dated March 20, 2009, black smoke was seen coming out of the Waste Gas Boiler Stack while the HCN unit was shutting down on October 30, 2008. The black smoke lasted approximately thirty (30) seconds. The cause of the upset was due to the boiler master firing up on natural gas when waste gas was cut off from the boiler. When the natural gas to the boiler fired up, the air damper got stuck while trying to supply more air to the boiler to compensate for the natural gas that was being consumed resulting in high CO. The black smoke which has an opacity greater than 20 percent is a violation of Specific Requirement 4 of Title V Permit No. 2898-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- UU. According to the 2008 Annual Compliance Certifications dated March 20, 2009, three (3) difficult to monitor valves at the Mutli-Product Facility were not monitored in 2008 as required by the permit. When discovered the valves were monitored and found to not have been leaking. Each missed monitored valve is a violation of Title V Permit No. 2842-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). This is also a violation of 40 CFR 60 Subpart VV which language has been adopted as a Louisiana Regulation in LAC 33:III.3003.
- VV. According to the 2008 Annual Compliance Certifications dated March 20, 2009, a bleed valve in Volatile Organic Compound (VOC) service was found leaking. This valve was open ended and the plug was missing. Upon discovery, the leak was stopped and the plug was inserted. The open-ended line is a violation of Title V Permit No 2904-V1, LAC 33:III.2122, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). This is also a violation of 40 CFR 63 Subpart MMM which language has been adopted as a Louisiana Regulation in LAC 33:III.5122.
- WW. According to the 2009 First Semiannual Monitoring Report dated September 22, 2009, the Respondent failed to perform a required pre-demolition inspection and to notify the Department before demolishing a small shanty that had Asbestos Containing Materials (ACM). Although present, the ACM was non-friable and did not result in any type of exposure. All of the material was flooring. Failure to inspect prior to demolition is a violation of LAC 33:III.5151.F.1. Failure to notify the Department ten (10) days before the demolition took place is a violation of LAC 33:III.5151.F.2.a and LAC 33:III.5151.F.3. These are also violations of Title V Permit No 2898-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- XX. According to the 2009 First Semiannual Monitoring Report dated September 22, 2009, while the Respondent was charging Ammonium Sulfate (AMS) to the TDF reactor 48000-D, the pH on the Scrubber 48013-E (EQT139) started to climb past the 3.00 pH maximum control set point. The Respondent's control system added 96% Sulfuric Acid to lower the pH. The pH continued to climb, so an operator went to open the manual bypass to minimize emissions. This incident lasted approximately 3.5 minutes and resulted in 0.2037 lbs of ammonia was released over the permit limit. Exceeding a permit limit is a violation of Title V Permit No. 2897-V0, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- YY. According to the 2009 First Semiannual Monitoring Report dated September 22, 2009, at approximately 1104 hours on March 26, 2009, the seal pot water quenched VGC (Emission Point 7-87) operating temperature and temperature probes 32TIC0402 and 32TIC0405 fell below state permit required minimum of 1600°C. The temperature probes stayed below the required 1600°C for approximately fourteen (14) minutes. The unit determined that the seal pot water overflowed due to operator error. No permit limits were exceeded. Failure to keep the temperature above 1600°C is a violation of State Specific Condition 7 of Title V Permit No 2842-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- ZZ. According to the 2009 First Semiannual Monitoring Report dated September 22, 2009, the Respondent failed to repair the 2" recycle valve for 161-J distilled toluene pump (VOC Component 121511) in the tank farm within fifteen (15) days of discovering a leak. This valve had an initial leak reading of 9521 ppm. After several attempts to tighten then test the stem packing, the leaking component was reduced to 1450 ppm but did not drop below the required 500 ppm maximum allowed within the fifteen (15) days allotted. The Leak Detection and Repair (LDAR) leaking component form was not completed, therefore an extension could not be made. The valve was removed and replaced on June 3, 2009. Failure to repair a leaking valve is a violation of Title V Permit No. 2904-V1, LAC 33:III.2122.C.3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- AAA. According to the 2009 First Semiannual Monitoring Report dated September 22, 2009, the Respondent lost caustic flow to the Thermal Oxidizer Scrubber (EQT048) on May 22, 2009. This resulted in a pH less than 5 for approximately 24.5 minutes during a 32 minute period when techs had unplugged the caustic line. The Respondent did not divert the header to the CATV during this event. The SSM was not followed. Approximately 0.11 lbs of HCl was released. However this is below the limit of 0.23lbs/hr. Failure to follow the SSM plan and failure to have a pH above 5 are violations of Title V Permit No. 2904-V1, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- BBB. According to the 2009 First Semiannual Monitoring Report dated September 22, 2009, the Respondent's Thermal Oxidizer Scrubber media dropped to a pH of approximately 3.8 for about 1.5 hours on April 14, 2009. This was during start up of the reactors which caused a high organic volume including chloro-toluene to the Thermal Oxidier (EQT048).

Critical limits on the Oxidizer were not reached and the Oxidizer remained in operation; however the scrubber media dropped below the permit required 5 pH. The estimate HCl release was approximately 0.83 lbs/hr which is above the permit limit. The SSM was followed. Failure to have a pH above 5 is a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

- CCC. According to the 2009 First Semiannual Monitoring Report dated September 22, 2009, while shutting down the filter equipment on April 5, 2009, the Thermal Oxidizer (TO) shutdown when the flame eye failed. It appeared that the level in the filtrate tank was inaccurate and filled the vent header with water restricting air flow through the Thermal Oxidizer. The vacuum on the vapor collection header was lost for approximately six (6) minutes resulting in a loss of 0.04 lbs of toluene vapors. This is a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4 LAC 33:III.905, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- DDD. According to the 2009 First Semiannual Monitoring Report dated September 22, 2009, the Respondent's Thermal Oxidizer Scrubber media dropped below the required pH of 5 for about 1.5 hours on March 15, 2009. During the event, approximately 0.351 lbs of HCl were released. The Respondent emitted 0.24 lbs of HCl within one (1) hour which is 0.01 lbs over the permit limit. The SSM was not followed. These are violations of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- EEE. According to the 2009 First Semiannual Monitoring Report dated September 22, 2009, at approximately 0955 hours on March 15, 2009, the Thermal Oxidizer (EQT048) shutdown due to HHHI quench temperature. A high temperature was caused by an upset on the Rotary Drum filters allowing increased organics to lower air flow and increased system temperature. Vacuum was lost for approximately eleven (11) minutes in which approximately 3.71 lbs of toluene were released. The SSM plan was followed and the event ended at approximately 1023 hours. Emitting excess emissions is a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- FFF. According to the 2009 First Semiannual Monitoring Report dated September 22, 2009, the CATV (EQT058) shut down on March 14, 2009, due to safety interlock because of the Carbon Monoxide analyzer. The Carbon Monoxide analyzer was reading high CO levels. The collection header vacuum was lost for approximately three (3) minutes as CATV was restarted. This resulted in the release of approximately 1.5 lbs of toluene from the collection header during the event. The SSM plan was followed. Emitting excess emissions is a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- GGG. According to the 2009 First Semiannual Monitoring Report dated September 22, 2009, the scrubbing media pH on the Thermal Oxidizer (EQT048) was below the required pH of 5 for approximately sixteen (16) hours and forty-three (43) minutes. At 0957 hours on March 11, 2009, the pH fell below 5 and was addressed. At approximately 1009 hours on March 11, 2009, the pH dropped below 5 but was not addressed. There is an alarm that sounds when the pH drops below 5, however it isn't a repeat

alarm. The pH is required to be checked daily and it was. It was checked at 0230 hours on March 12, 2009 and was corrected at 0243 hours. During this event, no permit limits were exceeded. Failure to keep pH above 5 is a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

HHH. According to the 2009 First Semiannual Monitoring Report dated September 22, 2009, surfactants caused pluggage on filter cloth on March 5, 2009, allowing liquid organics to get into filtrate and knockout pot. Organic vapors from filtrate and knockout pot are routed to Thermal Oxidizer. At 1327 hours the Thermal Oxidizer shutdown on HIHI crossover temperature as designed due to increased organics vapor load. The SSM plan was followed and the process was sent to CATV. However, during response, the header vacuum was lost for less than two (2) minutes resulting in a release of approximately 1.14 lbs of toluene. Emitting excess emissions is a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

III. According to the 2009 First Semiannual Monitoring Report dated September 22, 2009, the Thermal Oxidizer (EQT048) shutdown on January 20, 2009, due to lost of recycle flow after level indicator malfunctioned. Vacuum was lost on the header for twenty-four (24) minutes. During the incident, approximately twelve (12) pounds of toluene were emitted. Emitting excess emissions is a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

JJJ. According to the 2009 First Semiannual Monitoring Report dated September 22, 2009, at 1838 hours on January 13, 2009, the VGC (EQT 034) shut-down on a safety interlock and was relit. The report states that the VGC went down six (6) times in a five (5) hour period. Technicians were unable to divert "low-side" emissions from TGA recovery back to VGC. The TGA "overhead pressure" was raised on the TGA and rates were reduced on the production trains per SSM plan. An instrument technician was called to troubleshoot the system. At 2245 hours, as problems continued, the production trains were shutdown to minimize emissions. The event ended at 2350 hours. During this event, the chlorine permit limit was exceeded by less than one (1) pound in an hour period. Emitting excess emissions is a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

KKK. During the course of the inspection the inspector reviewed correspondence sent from the Respondent to the Department dated November 20, 2009. The correspondence was a notification of omitted components from the LDAR plan. Approximately 1,250 plant-wide components were found during an identification and retagging effort to have not been previously identified and included in the system. This count includes valves, pumps, and agitators. These components were monitored upon discovery and have a percent leakers rate of 0.5% which is below the 2% requirement. Failure to identify and failure monitoring each of these components is a violation of Title V Permit Nos. 2904-V1, 2718-V2, 2842-V1, LAC 33:III.501.C.4, LAC 33:III.5109, and La. R.S. 30:2057(A)(2). This is also a violation of 40 CFR 63 Subpart MMM and 40 CFR 63 Subpart VV which language

has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of 40 CFR 61 Subpart V which language has been adopted as a Louisiana Regulation in LAC 33:III.5116. Additional information received by email on March 15, 2010 detailed the number of components and the permits they were associated with. At the HPF Unit (Permit No. 2904-V1) there were 290 components, from the EO (Permit No 2718-V2) there were 127 components and from the MPF Unit (Permit No. 2842-V1) there were 821 components.

LLL. During the course of the inspection, the inspector reviewed an Unauthorized Discharge Report dated August 15, 2008. On or about August 8, 2008, the Respondent had a process upset that released 81.33 lbs of carbon tetrachloride, 1089 lbs of chlorine and 13.07 lbs of cyanogens chloride. The root cause of the incident was the high temperature crossover at the vent gas combustor in the HPF unit. The combustor shutdown on safety interlock as designed and diverted to the vent gas scrubber. The diverter valve opened slowly and resulted in rupture disc failure. The valve operated normally afterwards and vent gas went through the scrubber. The diverted gas to the unit scrubber exceeded the air permit limit from the scrubber stack for carbon tetrachloride. This is a violation of Title V Permit No. 2904-V1, LAC 33:III.501.C.4, LAC 33:III.5109.A, La. R.S 30:2057(A)(1) and 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 TWENTY-FOUR THOUSAND EIGHT HUNDRED THIRTY-NINE AND NO/100 DOLLARS (\$24,839.00), of which One Thousand Nine Hundred Thirty-Nine and 18/100 (\$1,939.18) 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 permit record, inspection report, the Consolidated Compliance Order & 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 La. R. S. 30:2025(E) of the Act. Respondent and the Department agree that this settlement shall comprise and settle all findings of fact and allegations of violations contained in Paragraph II of this agreement.

VIII

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Iberville 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 from the newspaper 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 thirty (30) 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

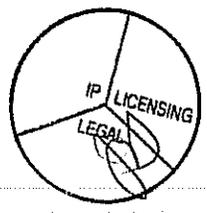
Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

LLC

SYNGENTA CROP PROTECTION, ~~INC.~~

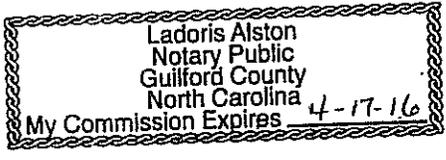
BY: John E Riley
(Signature)

John E Riley
(Printed)



TITLE: NA Head of Supply

THUS DONE AND SIGNED in duplicate original before me this 13th day of February, 20 13, at Greensboro, North Carolina.



Ladoris Alston
NOTARY PUBLIC (ID # 201111500081)

Ladoris Alston
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Peggy M. Hatch Secretary

BY: [Signature]
Cheryl Sonnier Nolan, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 26th day of April, 20 13, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Cheryl Sonnier Nolan, Assistant Secretary