STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-AE-11-0058**
CYRO INDUSTRIES	*	
	*	**Enforcement Tracking No.**
AI # 9701	*	**AE-PP-07-0044**
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between CYRO Industries, now known as Evonik CYRO 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 owned and/or operated a Methyl Methacrylate (MMA) and Methacrylic Acid (MMS) plant facility located in Westwego, Jefferson Parish, Louisiana ("the Facility").

II

On July 9, 2007, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-07-0044, which was based upon the following findings of fact:

On or about March 27, 2007, an inspection of CYRO Industries, owned and operated by CYRO Industries (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 10800 River Road in Westwego, Jefferson parish, Louisiana.

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

A. On or about October 5, 2006, the Department received the Respondent's follow up letter dated October 2, 2006, for the incident that occurred on September 23, 2006. According to the information submitted, the Respondent's diverter valve that directs emissions from the MM6 Distillation Seal Pot to abatement was left open and went unnoticed for 60.25 hours. During the 60.25 hours, the following emissions were made. This exceedance is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4, LAC 33:III.905 and Sections 2057(A)(1) and 2057(A)(2) of the Act.

Pollutant	Total Pounds Emitted	Pounds Permitted (lbs/yr)	Excess Emissions For 2006
Methyl Methacrylate	393	232	161
Methanol	173	102	71
Methyl formate	421	248	173
Methacrylic Acid	0.28	0.18	0.10
Dimethyl Ether	4878	2876	2002

B. On or about June 30, 2006, the Department received the facility's 2006 1st Quarter Methyl Methacrylate Plant Quarterly Title V Air Permit Report dated June 27, 2006, in which the Respondent reported that the monthly car seal inspection was not performed for January. The failure to inspect the car seal is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4, LAC 33:III.905 and Sections 2057(A)(1) and 2057(A)(2) of the Act.

C. On or about June 30, 2006, the Department received the facility's 2006 1st Quarter Methyl Methacrylate Plant Quarterly Title V Air Permit Report dated June 27, 2006, in which the Respondent reported that the car seal for Emission Point ID 76-88 (ROHM 3 Seal Pot) was missing for three (3) days. Failure to install the car seal on the correct valve is a violation of LAC 33:III.905 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 equipment 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 Title V Permit No. 1982-V4, LAC 33:III.501.C.4, and Sections 2057(A)(1) and 2057(A)(2) of the Act.

The following violations, although not cited in the foregoing enforcement action, are

included within the scope of the settlement herein.

According to the Fourth Quarterly Report of 2006 dated March 28, 2007, on or about December 3, 2006 some data for the MMA Tank Farm was lost. The incident lasted approximately two (2) hours and was due to a loose electrical connection. The connection was found and repaired. This is a violation of Title V Permit No. 1982-V4, LAC 33:II.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Fourth Quarterly Report of 2006 dated March 28, 2007, The December car seal inspection was not conducted by the end of December. The Respondent says the cause of the deviations was miscommunication between the inspectors. The inspection was conducted on January 5, 2007. This is a violation of Title V Permit No. 1982-V4, LAC 33:II.501.C.4, and La. R.S. 30:2057(A)(2).

According to the First Quarterly Report of 2007, dated June 12, 2007, the Respondent had temporary of the MMA Tank Farm Scrubber's (Emission point 54-92) efficiency. The Respondent lost the 95% efficiency for removal as required by the permit and 40 CFR 63.119 (e)(1). This is a violation of 40 CFR 63.119 (e)(1) which language has been adopted as Louisiana Regulation LAC 33:III.5122. This is also a violation of Part 70 Specific Condition 1 of Title V Permit No. 1982-V4, LAC 33:III.905, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to the Second Quarterly Report for 2007 dated September 26, 2007, the Respondent lost water flow for about twenty (20) minutes on the MMA Tank Farm Scrubber (ID-54-92) on June 11, 2007. The loss of water flow was reportedly due to high levels in Seal Pot causing a loss in the 95% efficiency for 1 hour. The Respondent lost the 95% efficiency for removal as required by the permit and 40 CFR 63.119 (e)(1). This is a violation of 40 CFR 63.119 (e)(1) which language has been adopted as Louisiana Regulation LAC 33:III.5122. This is also a violation of Part 70 Specific Condition 1 of Title V Permit No. 1982-V4, LAC 33:III.905, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to the Second Quarterly Report for 2007 dated September 26, 2007, the Respondent operated the R II Waste Acid Pit (I.D. 1-96) in exceedance of the vent time hours allowed on June 26, 2007. This is also a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Second Quarterly Report for 2007 dated September 26, 2007, the Respondent operated the R III Waste Acid Pit (I.D. 2-96) in exceedance of the vent time hours allowed for June 26, 2007. This is also a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the First Semiannual Monitoring Report for 2007 dated September 26, 2007, the Respondent failed to have the Rohm III Waste Acid Pit (Emission point 2-96) connected to the abatement system and control device for approximately fourteen (14) hours on June 26-27, 2007. This is a violation of State Only Specific condition 4 of Title V Permit 1982-V4, LAC 501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to the First Semiannual Monitoring Report for 2007 dated September 26, 2007, the Respondent discovered a car seal had rusted off. The Respondent stated that the car seal rusted off after three (3) years of service. Failure to correctly maintain and/or keep car seals installed is a violation of Title V Permit 1982-V4, LAC 501.C.4, and La. R.S. 30:2057(A)(2).

According to the third Quarterly Deviation Report for 2007 dated December 27, 2007, the Respondent did not have the R II Waste Acid Pit (I.D. 1-96) venting to the scrubber. This lasted approximately 2.80 hours and was caused by piping issues. The piping was cleared and the vent returned to closed vent system. The Report stated that the time limit was exceeded. This is a violation of General XVII of Title V Permit 1982-V4, LAC 501.C.4, and La. R.S. 30:2057(A)(2).

According to the third Quarterly Deviation Report for 2007 dated December 27, 2007, on August 2, 2007 the R IV vent condenser (I.D. 3-98) bypass valve was found closed but without a car seal. Failure to have a car seal is a violation of Title V Permit 1982-V4, LAC 501.C.4, and La. R.S. 30:2057(A)(2).

According to the third Quarterly Deviation Report for 2007 dated December 27, 2007, the Respondent lost water flow at the TF Scrubber (I.D> 54-92) for fifteen (15) minutes on August 9, 2007. The cause for the loss was not determined. Loss of water flow is a violation of Title V Permit 1982-V4, LAC 501.C.4, and La. R.S. 30:2057(A)(2).

According to the third Quarterly Deviation Report for 2007 dated December 27, 2007, on August 10, 2007 the MAS overhead vent (I.D. 8-05) was found closed but without a car seal. Failure to have a car seal is a violation of Title V Permit 1982-V4, LAC 501.C.4, and La. R.S. 30:2057(A)(2).

According to the third Quarterly Deviation Report for 2007 dated December 27, 2007, the Respondent lost water flow at the TF Scrubber (I.D> 54-92) for twelve (12) minutes on August 12, 2007. The cause for the loss was not determined. Loss of water flow is a violation of Title V Permit 1982-V4, LAC 501.C.4, and La. R.S. 30:2057(A)(2).

According to the Fourth Quarterly Deviation Report dated March 31, 2008, the Respondent lost data for the Tank Farm Scrubber (I.D. 54-92) on October 28, 2007. The data lost for approximately two (2) hours from 4:30 am to 6:30 am and was because of Day Light Savings Time Change. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4, and La R.S. 30:2057(A)(2).

According to the Fourth Quarterly Deviation Report dated March 31, 2008, the Respondent found a car seal missing on I.D. 8-05 Overhead Gasses Vent on October 29, 2007. The valve to the atmosphere was found closed. The car seal was assumed to be missing since the MAS startup or about six (6) days. Failure to have a car seal installed is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4, and La R.S. 30:2057(A)(2).

According to the Fourth Quarterly Deviation Report dated March 31, 2008, the Respondent bypassed the Tank Farm Scrubber (I.D. 54-92) for approximately two (2) hours on November

30, 2007. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4, and La R.S. 30:2057(A)(2).

According to the 2007 Annual Compliance Certification dated March 31, 2008, the Respondent did not first attempt to repair seven (7) components within the first five (5) days. This occurred between July and December of 2007. Failure to first attempt to repair within five (5) days is a violation of 40 CFR 63.163(c)(2) which language has been adopted into Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4, and La R.S. 30:2057(A)(2).

According to the First Quarterly Report of 2008 dated June 20, 2008, the MMA Plant Scrubber lost water flow indication for fifty-five (55) minutes on February 10, 2008. The Instrument showed over range, however after operators troubleshot, flushed the mixer, used Supplemental COAG water the indication came back. The respondent believes it was a possible electronic problem and that no excess emissions occurred. Failure to keep records is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4, and La R.S. 30:2057(A)(2).

According to the First Quarterly Report of 2008 dated June 20, 2008, the Respondent found a car seal missing on R3 Crude Seal pot (I.D. 75-88) on February 16, 2008. There was no indication that the bypass was open. Failure to have a car seal installed is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4, and La R.S. 30:2057(A)(2).

According to the First Quarterly Report of 2008 dated June 20, 2008, the MMA Plant Scrubber lost water flow indication for approximately one (1) hour and forty-five (45) minutes on February 21, 2008. The loss of indication was due to a faulty flow meter. A new meter was installed on February 23, 2008. Failure to keep records is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4, and La R.S. 30:2057(A)(2)

According to the First Quarterly Report of 2008 dated June 20, 2008, the MMA Plant Scrubber lost water flow indication for approximately 0.5 hours on February 23, 2008. The loss of indication was due to a faulty flow meter. A new meter was installed later on February 23, 2008. Failure to keep records is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4, and La R.S. 30:2057(A)(2).

According to the First Quarterly Report of 2008 dated June 20, 2008, the Respondent emitted about 1.2 lbs of methacrylic acid to the atmosphere on March 26, 2008. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4, La R.S. 30:2057(A)(1), and 30:2057(A)(2).

According to the Second Quarterly Report dated September 30, 2008, the Respondent's M-5 Mix tank overflowed and released some Methyl Methacrylate (MMA) into the air on April 1, 2008. The operator filling the T-5 Mix tank was distracted (the operator left the tank area but continued to fill the tank) and the high shut off valve did not stop the filling operation, thus releasing 36 lbs of MMA to the air. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4, LAC 33:III.905, La R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to the Second Quarterly Report dated September 30, 2008, the Respondent had rupture disks on Product receiver 3 and 4 blow releasing MMA to the air on May 27, 2008. The rupture disks were replaced. Approximately 1.4 lbs of MMA was released to the air over about one (1) hour. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4, La R.S. 30:2057(A)(1), and 30:2057(A)(2).

According to the Second Quarterly Report dated September 30, 2008, the Rohm IV Seal Pot's car seal was found missing on May 16, 2008 and was replaced on May 22, 2008. Failure to have a car seal installed is a violation of Title V Permit No 1982-V4, LAC 33:III.501.C.4, and La. R.S. 30:257(A)(2).

According to the Second Quarterly Report dated September 30, 2008, the car seal on the Rohm III vent condenser was found missing and was replaced on June 12, 2008. Failure to have a car seal installed is a violation of Title V Permit No 1982-V4, LAC 33:III.501.C.4, and La. R.S. 30:257(A)(2).

According to the Second Quarterly Report dated September 30, 2008 the car seal on the Rohm III vent condenser was found missing and was replaced on June 18, 2008. Failure to have a car seal installed is a violation of Title V Permit No 1982-V4, LAC 33:III.501.C.4, and La. R.S. 30:257(A)(2).

According to the First Semiannual Monitoring Report of 2008 dated September 30, 2008, the water level in seal fell too low due to erroneous high level indication at the Rohm IV Seal Pot. This lasted for approximately half an hour on March 11, 2008. This is a violation of Title V Permit No. 1982- V4, LAC 33:III.501.C.4 and La, R.S. 30:2057(A)(2).

According to the First Semiannual Monitoring Report of 2008 dated September 30, 2008, the Overhead Seal Pot Vent was not properly directed to the scrubber after maintenance for approximately 13.75 hours on March 26-27, 2008. This is a violation of Title V Permit No 1982-V4, LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:257(A)(2).

According to the 2008 Third Quarter Deviation Report dated December 22, 2008, the Rohm III vent condenser car seal was found missing and was replaced on July 7, 2008. Failure to have a car seal installed is a violation of Title V Permit No 1982-V4, LAC 33:III.501.C.4, and La. R.S. 30:257(A)(2).

According to the 2008 Third Quarter Deviation Report dated December 22, 2008, the vapor transmitter indicated zero flow to the Methyl Methacrylate (MMA) tank farm scrubber for about 14 hours between July 27 and 28, 2008. The loss of flow is a violation of Title V Permit No 1982-V4, LAC 33:III.501.C.4, and La. R.S. 30:257(A)(2).

According to the 2008 Third Quarter Deviation Report dated December 22, 2008, the Rohm 3 conversation vent on the waste acid pit lifted releasing approximately two (2) pounds of methanol and 0.6 lbs of MMA on August 7, 2008. This is a violation of Title V Permit No 1982-V4, LAC 33:III.501.C.4, La. R.S. 30:257(A)(1) and 30:2057(A)(2).

According to the 2008 Third Quarter Deviation Report dated December 22, 2008, the car seal on MM7 seal pot was found missing on August 26, 2008. However the valve was in the closed position. The car seal wire had corroded and is being improved to prevent future occurrences. Failure to have a car seal installed is a violation of Title V Permit No 1982-V4, LAC 33:III.501.C.4, and La. R.S. 30:257(A)(2).

According to the 2008 Third Quarter Deviation Report dated December 22, 2008, the methacrylic acid reactor vent line was left partially open during startup allowing the release of approximately one (1) gallon of methacrylic acid as a vapor or mist on September 8, 2008. This is a violation of Title V Permit No 1982-V4, LAC 33:III.501.C.4, La. R.S. 30:257(A)(1) and La. R.S. 30:2057(A)(2).

According to the 2008 Fourth Quarter Deviation Report dated March 30, 2009, the uninterruptible power supply failed causing loss of electronic communication with monitor and data recorder for the tank farm scrubber and some data was lost on October 19, 2008. This is a violation of Title V Permit No 1982-V4, LAC 33:III.501.C.4, and La. R.S.30:2057(A)(2).

According to the 2008 Fourth Quarter Deviation Report dated March 30, 2009, the car seal on Rohm IV Amide seal pot was found broken and was immediately replaced on November 5, 2008. This is a violation of Title V Permit No 1982-V4, LAC 33:III.501.C.4, and La. R.S.30:2057(A)(2).

According to the 2008 Fourth Quarter Deviation Report dated March 30, 2009, the car seal on Rohm IV Amide seal pot was found missing and was replaced with another seal on November 8, 2008. This is a violation of Title V Permit No 1982-V4, LAC 33:III.501.C.4, and La. R.S.30:2057(A)(2).

According to the 2009 Semiannual Monitoring Report dated September 23, 2009, a car seal on Vacuum Pump Discharge K/O Pot was missing for twenty-four (24) hours. This occurred on April 13-14, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Semiannual Monitoring Report dated September 23, 2009, a car seal on Vacuum Pump Discharge K/O Pot was missing for thirty-six (36) hours. This occurred on April 27-29, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Semiannual Monitoring Report dated September 23, 2009, a car seal on Vacuum Pump Discharge K/O Pot was missing for twelve (12) hours. This occurred on May 2, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Semiannual Monitoring Report dated September 23, 2009, a car seal on Vacuum Pump Discharge K/O Pot was missing for twenty-two and a half (22.5) hours. This occurred on May 21-22, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Semiannual Monitoring Report dated September 23, 2009, maintenance installed a gear backwards that caused the bypass on the MM6 Distillation Seal Pot to be opened for ten (10) hours. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Semiannual Monitoring Report dated September 23, 2009, a car seal on the MM6 Distillation Seal Pot was missing for 22.5 hours from May 21-22, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Semiannual Monitoring Report dated September 23, 2009, a car seal on Vacuum Pump Discharge K/O Pot was missing for 25.5 hours from March 17-18, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Semiannual Monitoring Report dated September 23, 2009, a car seal on MM7 Distillation Pot was missing 48.5 hours from March 26-28, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Semiannual Monitoring Report dated September 23, 2009, a car seal on Rohm III Crude Seal Pot was missing 13.25 hours from March 25, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Semiannual Monitoring Report dated September 23, 2009, a car seal on Rohm III Crude Seal Pot was missing twenty-five (25) hours from June 6-7, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Semiannual Monitoring Report dated September 23, 2009, a car seal on Rohm III Vent Condenser was missing 19.3 hours from March 24-25, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Semiannual Monitoring Report dated September 23, 2009, a car seal on Rohm IV Vent Condenser was missing twenty- four (24) hours from March 24-25, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Semiannual Monitoring Report dated September 23, 2009 the Respondent lost DI water flow and back up water flow on the MMA No. 1 Plant Scrubber for twenty-four (24) minutes on February 5, 2009. This was due to a plug in the line. Failure to maintain is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 LAC 33:III.905, and La. R.S. 30:2057(A)(2).

According to the 2009 Second Semiannual Monitoring Report dated March 29, 2010, a car seal on MM7 Distillation Pot was missing for thirty- six and a half (36.5) hours from September 3-5, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Second Semiannual Monitoring Report dated March 29, 2010, a car seal on 1-98 ROHM II Vent Condenser was missing for 108 hours from September 3-5, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Second Semiannual Monitoring Report dated March 29, 2010, a car seal on MM7 Distillation Pot was missing thirty- six and a half (36.5) hours from September 4-9, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Second Semiannual Monitoring Report dated March 29, 2010, a car seal on ROHM III Crude Seal Pot was missing for 112.25 hours from September 25-30, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Second Semiannual Monitoring Report dated March 29, 2010, a car seal on ROHM IV Vent Condenser was missing for twelve (12) hours from September 6-7, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Second Semiannual Monitoring Report dated March 29, 2010, a car seal on ROHM III Vent Condenser was missing for twelve (12) hours from October 1-2, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Second Semiannual Monitoring Report dated March 29, 2010 the Respondent lost DI water flow was below 9.5 gpm for thirty-seven (37) minutes due to miscommunication about maintenance being performed. This occurred on October 21, 2009. Failure to maintain is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 LAC 33:III.905, and La. R.S. 30:2057(A)(2).

According to the 2009 Second Semiannual Monitoring Report dated March 29, 2010, a car seal on ROHM III Crude Seal Pot was missing for 121 hours from November 19-24, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the 2009 Second Semiannual Monitoring Report dated March 29, 2010, a car seal on ROHM IV Crude Seal Pot was missing for 37.08 hours from November 21-23, 2009. This is a violation of Title V Permit No. 1982-V4, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

According to the document titled "Notification Written Follow-Up" dated June 27, 2007, the Respondent reported that 725 pounds of Methyl Methacrylate (MMA) was released to the atmosphere on June 21, 2007. According to supplemental information reported through correspondence dated August 31, 2007, the Respondent reported that on June 19, 2007, the Respondent began to manually drain the water separator to keep the MMA Unit operating which lead to the release event occurring June 21, 2007. The events leading to and including the unauthorized release of MMA are violations of LAC 33:III.501.C.4, LAC 33:III.905.A, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to the document titled "Notification Written Follow-Up" dated June 28, 2007, the Respondent reported that the line connecting the Rohm III Waste Acid Pit to Plant Scrubber No. 1 was found disconnected. General Condition XVII of Permit No. 1982-V4 allows the scrubber to be bypassed during maintenance activities for no more than 504 hours per year. The Respondent reported that documentation and logs to track line status were not current. The Department conducted a site visit on June 28, 2007, to discuss the preceding event. During the site visit the inspector noted that the ground is lifting around the Rohm III Waste Acid Pit causing the contact condenser to lean and causing the seal around the pit to leak. The unauthorized bypass of control equipment, the failure to maintain accurate logs of bypass events, and the failure to diligently maintain the acid pit in proper working order are violations of LAC 33:III.501.C.4, LAC 33:III.905.A, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to the Respondent's Title V Second Quarter 2007 Air Permit Report dated September 26, 2007, six Process Hazard Analyses (PHA) were not revalidated within five (5) years of the previous PHA. The failure to revalidate PHA's every five (5) years is a violation of LAC 33:III.5901.A, which incorporates by reference 40 CFR 68.67(f), and La. R.S. 30:2057(A)(2).

According to the document titled "Courtesy – Notification Written Follow-Up" dated July 30, 2007, the Respondent reported that 200 pounds of MMA was released to the atmosphere on July 24, 2007. According to supplemental information reported through correspondence dated August 31, 2007, the Respondent failed to notice that a smaller than usual tank was sent by the transport company and loading meters were set for a larger tank size. As the tank completely filled, the high level shut off failed and approximately 2,350 pounds of MMA overflowed from the tank truck through a loose connection on the vapor control line. The events leading to and including the unauthorized release of MMA are violations of LAC 33:III.501.C.4, LAC 33.III.905.A, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to the Respondent's Title V Second Quarter 2007 Air Permit Report dated September 26, 2007, the permitted bypass time of 504 hours per year for the Rohm II and Rohm III Waste Acid Pit were exceeded. According to supplemental information reported through correspondence dated August 31, 2007, the bypass limit was exceeded for both acid pits on June 26, 2007. The Respondent reported that records of time bypassed were not recorded. The failure to maintain accurate logs of bypass events and the unauthorized bypass of control equipment are violations of LAC 33:III.501.C.4, LAC 33:III.905.A, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to the Respondent's Title V Second Quarter 2007 Air Permit Report dated September 26, 2007, weekly LDAR pump inspections were not performed for an unreported time. Upon further correspondence with the Respondent dated January 28, 2011, the Respondent reported that the LDAR weekly pump inspections were missed for a total of 36 weeks. Each missed pump inspection is a violation of Specific Requirement 2 of Permit No. 1982-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to the Respondent's Unauthorized Discharge Notification Report dated August 23, 2010, the Rohm III and IV units were shut down due to a safety interlock on February 19, 2010. By design, the inlet valves to the thermal oxidizers closed and Crude Maintenance Vent 13-79

opened to the atmosphere. The Respondent restarted the Rohm III and VI units and failed to close Crude Maintenance Vent 13-79 once pressure was restored. The audio alarm failed to sound and the Respondent did not notice the vent graphic on the process computer until February 22, 2010. The events leading to and including the unauthorized release of 997 lbs of methyl methacrylate is a violation of LAC 33:III.501.C.4, LAC 33:III.905.A, and La R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to the Respondent's 2010 First Semiannual Monitoring and Deviations Report dated August 30, 2010, a car seal on Rohm III Amide seal pot was missing for twelve (12) hours from March 11, 2010, to March 12, 2010. The failure to secure the bypass line is a violation of Specific Requirement 50 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Respondent's 2010 First Semiannual Monitoring and Deviations Report dated August 30, 2010, a car seal on Rohm IV Vent Condenser was found broken during operator reading rounds on March 28, 2010. The failure to secure the bypass line is a violation of Specific Requirement 50 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Respondent's 2010 First Semiannual Monitoring and Deviations Report dated August 30, 2010, a car seal on MM6 Distillation seal pot was found broken during operator reading rounds on April 13, 2010. The failure to secure the bypass line is a violation of Specific Requirement 50 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Respondent's 2010 First Semiannual Monitoring and Deviations Report dated August 30, 2010, a car seal on Rohm III Vent Condenser was found broken during operator reading rounds on April 20, 2010. The failure to secure the bypass line is a violation of Specific Requirement 50 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Respondent's 2010 First Semiannual Monitoring and Deviations Report dated August 30, 2010, a car seal on Rohm II Amide seal pot was found broken during operator reading rounds on May 3, 2010. The failure to secure the bypass line is a violation of Specific Requirement 50 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Respondent's 2010 First Semiannual Monitoring and Deviations Report dated August 30, 2010, a car seal on Rohm III Vent Condenser was found broken during operator reading rounds on May 14, 2010. The failure to secure the bypass line is a violation of Specific Requirement 50 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Respondent's 2010 First Semiannual Monitoring and Deviations Report dated August 30, 2010, a car seal on Rohm III Vent Condenser was found broken during operator reading rounds on May 20, 2010. The failure to secure the bypass line is a violation of Specific Requirement 50 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Respondent's 2010 First Semiannual Monitoring and Deviations Report dated August 30, 2010, a car seal on Rohm III Vent Condenser was found broken during operator reading rounds on May 27, 2010. The failure to secure the bypass line is a violation of Specific

Requirement 50 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Respondent's 2010 First Semiannual Monitoring and Deviations Report dated August 30, 2010, a car seal on Rohm IV Vent Condenser was found broken during operator reading rounds on June 1, 2010. The failure to secure the bypass line is a violation of Specific Requirement 50 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Respondent's 2010 First Semiannual Monitoring and Deviations Report dated August 30, 2010, MMA Tank Farm Scrubber's flow rate fell below 5.2 gallons per minute intermittently for a total of 30 minutes on June 3, 2010, due to the Acrylonitrile plant conducting a demin water/COAG water supply test without informing the MMA plant or tank farm. The failure to maintain the flow rate of the scrubber above 5.2 gallons per minute is a violation of Specific Requirement 84 of Permit No. 1982-V5, LAC 33:III.501.C.4, LAC 33:III.905.A, and La R.S. 30:2057(A)(2).

According to the Respondent's 2010 First Semiannual Monitoring and Deviations Report dated August 30, 2010, a car seal on Rohm IV Amide seal pot was found broken during operator reading rounds on June 7, 2010. The failure to secure the bypass line is a violation of Specific Requirement 50 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Respondent's 2010 First Semiannual Monitoring and Deviations Report dated August 30, 2010, the MMA tank farm scrubber flow was less than 5.2 gallons per minute for 20 minutes on June 4, 2010. The failure to maintain the flow rate of the scrubber above 5.2 gallons per minute is a violation of Specific Requirement 84 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Respondent's 2010 First Semiannual Monitoring and Deviations Report dated August 30, 2010, a car seal on Rohm IV Vent Condenser was found broken during operator reading rounds on June 7, 2010. The failure to secure the bypass line is a violation of Specific Requirement 50 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Respondent's 2010 First Semiannual Monitoring and Deviations Report dated August 30, 2010, a car seal on MM6 Seal Pot Vent Ground Level was found broken during operator reading rounds on June 9, 2010. The failure to secure the bypass line is a violation of Specific Requirement 50 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Respondent's 2010 First Semiannual Monitoring and Deviations Report dated August 30, 2010, a car seal on Rohm II Vent Condenser was found broken during operator reading rounds on June 9, 2010. The failure to secure the bypass line is a violation of Specific Requirement 50 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Respondent's 2010 First Semiannual Monitoring and Deviations Report dated August 30, 2010, a car seal on Rohm IV Amide seal pot was found broken during operator reading rounds on June 10, 2010. The failure to secure the bypass line is a violation of Specific

Requirement 50 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Respondent's 2010 First Semiannual Monitoring and Deviations Report dated August 30, 2010, a car seal on Rohm II Vent Condenser was found broken during operator reading rounds on June 13, 2010. The failure to secure the bypass line is a violation of Specific Requirement 50 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to correspondence dated January 28, 2011, the Respondent reported that a car seal on MM6 Seal Pot Vent Ground Level was found broken during operator reading rounds on July 2, 2010. The failure to secure the bypass line is a violation of Specific Requirement 50 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to correspondence dated January 28, 2011, the Respondent reported that a car seal on MM6 Seal Pot Vent Ground Level was found broken during operator reading rounds on July 6, 2010. The failure to secure the bypass line is a violation of Specific Requirement 50 of Permit No. 1982-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to correspondence received from the Respondent dated January 28, 2011, MM6 Seal Pot Vent Third Level back pressured at two different times from plugging leaking CO on September 15, 2010. Each event is a violation of Permit No. 1982-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to correspondence received from the Respondent dated January 28, 2011, a waste acid leak from the Rohm II Amide seal pot caused a unit shutdown on August 25, 2010. This is a violation of Permit No. 1982-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to correspondence received from the Respondent dated January 28, 2011, the Rohm II Amide seal pot unit shut down on September 3, 2010, for unreported reasons. This is a violation of Permit No. 1982-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to correspondence received from the Respondent dated January 28, 2011, the Rohm II Amide seal pot had AOG pressure problems on September 15, 2010. This is a violation of Permit No. 1982-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to correspondence received from the Respondent dated January 28, 2011, the Rohm III Vent Condenser experienced high pressure issues on July 26, 2010. This is a violation of Permit No. 1982-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to correspondence received from the Respondent dated January 28, 2011, the Rohm IV Crude Column experienced high pressure issues on July 26, 2010. This is a violation of Permit No. 1982-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
According to correspondent received from the Respondent dated January 28, 2011, the Rohm IV Amide seal pot experienced high pressure issues on July 26, 2010. This is a violation of Permit No. 1982-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to correspondence received from the Respondent dated January 28, 2011, the Rohm IV Vent Condenser experienced high pressure issues on July 26, 2010. This is a violation of Permit No. 1982-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to correspondence received from the Respondent dated January 28, 2011, the Rohm IV Vent Condenser experienced high pressure issues on July 29, 2010. This is a violation of Permit No. 1982-V4, LAC 33:III.501.C.4, and 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 THIRTY-SIX THOUSAND THREE HUNDRED SEVENTY-TWO AND NO/100 DOLLARS ($36,372.00), of which Nine Hundred Fifty-Five and 77/100 Dollars ($955.77) 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 La. 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 Jefferson 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.

EVONIK CYRO LLC

BY: _____
(Signature)

_____
(Printed)

TITLE: _____

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

_____
NOTARY PUBLIC (ID #_____)

_____
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Peggy M. Hatch Secretary

BY: _____
Cheryl Sonnier Nolan, Assistant Secretary
Office of Environmental Compliance

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

_____
NOTARY PUBLIC (ID # _____)

_____
(stamped or printed)

Approved: _____
Cheryl Sonnier Nolan, Assistant Secretary