STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-AE-11-0013**
PRAXAIR, INC.	*	
	*	**Enforcement Tracking No.**
AI # 2218	*	**AE -CN- 08-0166**
	*	**AE -CN-08-0166A**
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	**Docket No. 2010-0456-EQ**
LA. R.S. 30:2001, ET SEQ.	*	**(AE-CN-08-0166)**

SETTLEMENT

The following Settlement is hereby agreed to between Praxair, Inc ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I

Respondent is a corporation that owns and/or operates a chemical production facility located in Geismar, Ascension Parish, Louisiana ("the Facility").

II

On September 30, 2008, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty (CONOPP), Enforcement No. AE-CN-08-0166, which was based upon the following findings of fact:

"The Respondent owns and/or operates the Geismar Plant (Facility), a chemical production facility which is located southeast of the intersection of Louisiana Highway 73 and River Road in Geismar, Ascension Parish, Louisiana. According to the Department's records, the facility was previously owned and/or operated by Liquid Carbonic Specialty Gas Corporation until the Respondent purchased it on January 11, 1996. According to the Louisiana Secretary of

State Commercial Division Corporations Database, Liquid Carbonic Specialty Gas Corporation changed its name to Liquid Carbonic Industries Corporation on or about June 10, 1993. According to the Name/Ownership Change Form, Praxair, Inc., the Respondent, purchased the facility on January 11, 1996 from Liquid Carbonic, Inc. The facility, owned by Praxair operated under Title V Permit Nos. 0180-00031-V0, 0180-00031-V1, but currently operates under Title V Permit No. 0180-00031-V2 issued on January 10, 2008. The Respondent submitted a permit modification application dated May 12, 2008, and supplemental information dated June 11, 2008, June 20, 2008, and August 14, 2008, which are currently under review by the Department. The Respondent received two Authorization to Construct and Approval to Operate (ATC), one was on July 25, 2008 and the other on August 15, 2008.

In a meeting with the Department's representatives on or about April 24, 2008, the Respondent's representatives informed the Department that 40 CFR 60 Subpart III - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes (Subpart III) is applicable to the facility. According to the Respondent, Subpart III has been applicable to the facility since it was built in 1993 under the previous owner, but this applicability was not included in the previous owner's original permit application. According to a letter from the Respondent dated April 4, 2000, the Methanol Plant portion of the facility began operating in March 1994 and the Formaldehyde Plant portion began operating in May 1994.

A letter dated April 28, 2008, summarizing the April 24, 2008, meeting, stated that 'There is no documentation in Praxair and LC files of an initial stack test, but the air emissions from the HCHO [Geismar] Plant have been accurately represented in the permit since the original permit was issued in 1993. The plant was designed to meet the 98% (by weight)

reduction in total organic compounds (TOC), and the plant has been operated according to design. On this basis, no violation of the permit or air pollutant standards is believed to have occurred.' Nevertheless, the Respondent proposed a performance test and related matters.

In a letter dated May 6, 2008, the Respondent confirmed the items that were proposed in the April 28, 2008, letter. In addition, the letter noted that the Methanol Plant is subject to 40 CFR 60 Subpart RRR - Standards of Performance for VOC Emissions from SOCMI Reactor Processes (Subpart RRR) and 40 CFR 60 Subpart NNN - Standards of Performance for VOC Emissions From SOCMI Distillation Operations (Subpart NNN). The letter explained that 'As part of Praxair's ongoing review of its operations and permit requirements, we determined that the initial notifications and an initial stack test for the methanol flare were not submitted to the LDEQ by Liquid Carbonic in 1994. The plant, constructed in 1993, began operation in 1994 with the vent streams going to a flare; therefore, no violation of our air permit or air pollutant standards is believed to have occurred.'

In a permit modification application dated May 12, 2008, the Respondent requested that the applicable requirements of Subparts III, NNN, and RRR be included as requirements in the facility's permit.

In correspondence dated July 8, 2008, the Respondent notified the Department that preliminary stack test results on the catalytic oxidizer inlet duct and outlet stack for formaldehyde, methanol, and dimethyl ether were received on July 7, 2008. The stack test was performed as a step to demonstrate compliance with the requirements of Subpart III. According to the correspondence, the Respondent reviewed the stack test results on July 8, 2008, and noted that the results indicate potential exceedances of the emission limits established in the facility's permit. The correspondence stated that 'While Praxair is reviewing these results . . . Praxair's

management ordered the plant to be shut down [on July 8, 2008] as part of its commitment to environmental compliance in all of its operations.' The correspondence also requested a meeting with the Department to discuss any potential emission exceedances.

On or about July 11, 2008, the Respondent's representatives met with members of the Department to discuss the potential emission exceedances that were reported in the July 8, 2008 correspondence. During the meeting, the Respondent's representatives explained that the catalytic oxidizer had been operated according to the manufacturer's specifications so the potential emission exceedances were not anticipated. In addition, the Respondent's representatives stated that the stack testing company might have used incorrect factors to calculate the results. As a result, the Respondent's representatives said that they did not plan to submit the stack test results to the Department until the data was corroborated. The Respondent's representatives requested a permit modification or an Order with interim limits to reconcile the potential emission exceedances. The Department's representatives informed the Respondent's representatives that the Department needs to know the emission rates from the Catalytic Converter in order to issue such items.

On or about July 23, 2008, the Respondent's representatives met with members of the Department to discuss the stack test results. According to the Respondent, the results indicated that the Catalytic Converter at the Formaldehyde Plant was achieving an 85% emission reduction efficiency rather than the required 98% reduction efficiency. The Respondent submitted a request for an ATC a replacement Catalytic Converter to reconcile the emission exceedances. The Department issued an ATC for a new Catalytic Converter on or about July 25, 2008.

On or about July 30, 2008, the Respondent's attorney met with members of the Department to discuss the potential request for interim authorization to operate the

Formaldehyde Plant prior to the installation and operation of the replacement Catalytic Converter to provide product to customers.

Another ATC was issued on August 15, 2008, for the current Catalytic Converter (3-93) and a new Thermal Oxidizer (3-93a). This ATC was issued to install a thermal oxidizer to reduce emissions to be able to operate until the Respondent could replace the Catalytic Converter completely. The Department issued an ATC on or about July 25, 2008 for the new Catalytic Converter proposed (1-08). The ATC also included a new start up heater (1-08a).

In correspondence dated September 8, 2008, the Respondent informed the Department. that the facility is now a major source of HAPs and will comply with 40 CFR 63 Subparts A, F, G, H, which supersede Subpart III, Subpart NNN, Subpart RRR.

Based on the information provided by the Respondent through correspondence, reports and meetings afore mentioned, the following are noted violations:

A. A letter dated April 28, 2008, summarizing the April 24, 2008, meeting, stated that "There is no documentation in Praxair and LC files of an initial stack test, but the air emissions from the HCHO [Geismar] Plant have been accurately represented in the permit since the original permit was issued in 1993. The plant was designed to meet the 98% (by weight) reduction in total organic compounds (TOC), and the plant has been operated according to design. On this basis, no violation of the permit or air pollutant standards is believed to have occurred." Each failure to monitor, test, report and keep records in accordance with applicable portions of Subpart III is a violation of 40 CFR 60.613, 40 CFR 60.614, and 40 CFR 60.615, respectively, which language has been adopted as a Louisiana Regulation in LAC 33:III.3003, as well as La. R.S. 30:2057(A)(2).

B. A letter dated April 28, 2008, noted that the Methanol Plant is subject to Subpart RRR, and Subpart NNN. The letter explained that "As part of Praxair's ongoing review of its operations and permit requirements, we determined that the initial notifications and an initial stack test for the methanol flare were not submitted to the LDEQ by Liquid Carbonic in 1994. The plant, constructed in 1993, began operation in 1994 with the vent streams going to a flare; therefore, no violation of our air permit or air pollutant

standards is believed to have occurred." From the purchase of the facility by the Respondent in 1996, each failure to monitor, test, report, and keep records in accordance with applicable portions of Subpart NNN is a violation of 40 CFR 60.663, 40 CFR 60.664, and 40 CFR 60.665, respectively, which language has been adopted as a Louisiana Regulation in LAC 33:III.3003, as well as La. R.S. 30:2057(A)(2). In addition, each failure to monitor, test, and report and keep records in accordance with applicable portions of Subpart RRR is a violation of 40 CFR 60.703, 40 CFR 60.704, and 40 CFR 60.705, respectively, which language has been adopted as a Louisiana Regulation in LAC 33:III.3003, as well as La. R.S. 30:2057(A)(2).

C. On or about July 23, 2008, the Respondent's representatives met with members of the Department to discuss the final stack test results. The results reportedly indicated that the catalytic oxidizer at the Formaldehyde Plant was achieving an 85% emission reduction efficiency rather than the required 98% reduction efficiency for VOC. According to 40 CFR 60.612(a), the Catalytic Converter is required to reduce emissions of TOC (minus methane and ethane) by 98 weight-percent, or to a TOC (minus methane and ethane) concentration of 20 ppmv on a dry basis corrected to 3 percent oxygen, whichever is less stringent. If a boiler or process heater is used to comply with this paragraph, then the vent stream shall be introduced into the flame zone of the boiler or process heater. The following table shows the stack test results:

Pollutants	Permitted Max lb/hr	Results from Stack Test lb/hr
Formaldehyde	0.0029	0.57
Methanol	0.10	0.25

Each failure to operate the facility in accordance with all terms and conditions of the facility's permit is a violation of General Condition I of Permit No. 0180-00031-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

D. The Respondent operated the facility as a major source of hazardous air pollutants (HAPs) while operating under minor source Air Permit Number 0840-00031-V2. The Respondent is subject to the following criteria for a major source applicability which is found in the definition at 40 CFR 63.2 and is incorporated by reference into LAC 33:III.502.A, as follows: *Major source* is any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per

> year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence. The Respondent's failure to obtain a Part 70 permit prior to operating the facility as a major source of HAPs is a violation of LAC 33:III.507.A.1 and La R.S. 30: 2057(A)(2)."

On June 23, 2009, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-08-0166A, which amended Consolidated Compliance Order & Notice of Potential Penalty Enforcement No. AE-CN-08-0166 as follows:

The Department added the following paragraphs to the Findings of Fact Section to read as follows:

"XIII.

The Respondent requested on or about March 3, 2009, an update to the Authorization to Construct/Approval to Operate (ATC) issued to them on July 25, 2008. The Department issued the ATC on April 7, 2009.

XIV.

According to a letter dated May 21, 2009, the Respondent states that all requirements of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-08-0166, have been completed. A chronology of steps taken by the Respondent to come into compliance was attached to the letter. The Department concurs that all the requirements of the CONOPP, Enforcement No. AE-CN-08-0166,h ave been completed. The Department also recognizes that the Respondent needs interim limits to operate until the issuance of the modified Title V Permit."

The Department amended Paragraph II.A of the Compliance Section to read as follows:

"II.

A. If the Respondent chooses to emit any air contaminant in the state of Louisiana, the following interim limitations shall apply:

Pollutant	Average Emission Lbs/hr	Max Emission Rate lb/hr	Annual Emissions tons per year
Nitrogen Oxides	0.29	0.35	1.29
Carbon Monoxide	5.47	6.56	23.95
Particulate Matter	0.02	0.03	0.10
VOCs	2.03	2.44	8.91
Sulfur Dioxide	0.002	0.002	0.008
Methanol	0.100	0.12	0.44
Formaldehyde	0.120	0.14	0.53

The Respondent shall operate under the terms and conditions of the Title V Permit No. 0180-00031-V2 for reporting, and monitoring until issuance of the permit (renewal application May 12, 2008) or unless otherwise notified in writing by the Department. The Respondent shall at all times properly operate and maintain all facilities and systems of control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of these interim limitations. These interim limits shall be in affect until the issuance of the new permit of unless notified in writing by the Department."

The Department incorporated all of the remainder of the original Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-08-0166 and Agency Interest No. 2218 as if reiterated therein.

On or about April 15, 2009 and January 11, 2011, file reviews were performed to determine the degree of compliance with the Act and the Air Quality Regulations. The following, listed below and the descriptions thereof in the applicable reports, are not part of any issued enforcement action; however, they are nonetheless incorporated into and made part of this settlement agreement.

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

A. According to the Respondent's Annual Compliance Report for the 2007 calendar year dated March 31, 2008, the Respondent exceeded maximum lbs/hr permit

limit NO_x four (4) times in the 2008 calendar year. This limit is 65.62lbs. Each exceedance permit limit is a violation of Title V Permit No. 0180-00031-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

B. According to the Respondent's Annual Compliance Report for the 2007 calendar year dated March 31, 2008, the Respondent exceeded maximum lbs/hr permit limit NH_3 forty-four (44) times in the 2008 calendar year. This limit is 2.15lbs/hr. Each exceedance is a violation of Title V Permit No. 0180-00031-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

C. According to the Respondent's Annual Compliance Report for the 2007 calendar year dated March 31, 2008, the Respondent exceeded maximum lbs/hr permit limit of CO thirty-three (33) times in the 2007 calendar year. This limit is 32.75lbs/hr. Each exceedance is a violation of Title V Permit No. 0180-00031-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

D. According to the Respondent's Annual Compliance Report for the 2008 calendar year dated March 31, 2009, the Respondent exceeded maximum lbs/hr permit limit NO_x .once in the 2008 calendar year. This limit is 65.62lbs/hr. Exceeding the permit limit is a violation of Title V Permit No. 0180-00031-V2, LAC 33:III.501.C.4,
La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

E. According to the Respondent's Annual Compliance Report for the 2008 calendar year dated March 31, 2009, the Respondent exceeded maximum lbs/hr permit limit NH_3 eighty-three (83) times in the 2008 calendar year. This limit is 2.15lbs/hr. Each exceedance is a violation of Title V Permit No. 0180-00031-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

F. According to the Respondent's Annual Compliance Report for the 2008 calendar year dated March 31, 2009, the Respondent exceeded maximum lbs/hr permit limit of CO forty-seven (47) times in the 2008 calendar year. This limit is 300lbs/hr. Each exceedance is a violation of Title V Permit No. 0180-00031-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

G. According to the Respondent's Annual Compliance Report for the 2008 calendar year dated March 31, 2009, the Respondent exceeded the maximum hourly rate for methanol, formaldehyde, DME, and VOC for Emission Source No. RLP0007. This occurred for 24 hours. Each exceedance for each chemical is a violation of Title V Permit No. 0180-00031-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

H. According to the Respondent's Annual Compliance Report for the 2008 calendar year dated March 31, 2009, the Respondent exceeded the annual tons per year rate for methanol, formaldehyde, DME, and VOC for Emission Source No. RLP0007. This occurred between July 7, 2008 and December 31, 2008. Each exceedance for each chemical is a violation of Title V Permit No. 0180-00031-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

I. According to the Respondent's Annual Compliance Report for the 2008 calendar year dated March 31, 2009, the Respondent exceeded the annual tons per year rate

for methanol, formaldehyde, and VOC for Emission Source No. FUG0001 and FUG0002. This occurred between July 7, 2008 and December 31, 2008. Each exceedance for each chemical is a violation of Title V Permit No. 0180-00031-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

J. According to the Respondent's Annual Compliance Report for the 2008 calendar year dated March 31, 2009, the Respondent failed to operate the Catalytic Converter at the 98% reduction rate of VOC as required by the regulations. This lasted for 24 hours. This is a violation of Title V Permit No. 0180-00031-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

K. According to the Respondent's Annual Compliance Report for the 2008 calendar year dated March 31, 2009, the Respondent failed to sample the heat exchanger system Emission Point No. (EQT0033) for the month of November. This is a violation of Title V Permit No. 0180-00031-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

L. According to the 2009 First Semiannual Monitoring Report dated September 29, 2009, the Respondent exceeded the ammonia maximum hourly limit for the Reformer Flue Gas Stack, Unit 6 (EQT0036) forty-one (41) times between January and June 2009. Each exceedance is a violation of Title V Permit No. 0180-00031-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

M. According to the 2009 First Semiannual Monitoring Report dated September 29, 2009, the Respondent exceeded the formaldehyde maximum hourly limit for the Tank Farm Flare (EQT0009) eighty (80) times between January and June 2009. Each exceedance is a violation of Title V Permit No. 0180-00031-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

N. According to the 2009 First Semiannual Monitoring Report dated September 29, 2009, the pilot for Unit 6 Main Flare (EQT 0010) was not present for forty-eight (48) hours between May 4 and May 11, 2009, which resulted in the CO maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V2, LAC 33:501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

O. According to the 2009 First Semiannual Monitoring Report dated September 29, 2009, the pilot for Unit 6 Main Flare (EQT0020) was not present for twelve (12) hours which resulted in the CO maximum hourly emission rate to be exceeded. This occurred between June 24-25, 2009. Each exceedance is a violation of Title V Permit No. 0180-00031-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

P. According to the 2009 Second Semiannual Monitoring Report dated March 31, 2010, the pilot for the Tank Farm Flare (EQT0009) was not present for four (4) hours on August 19, 2009. This resulted in the formaldehyde maximum limit to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Failure to have a flame present is a violation of 40 CFR 63.127(a)(2) which language has been adopted as a Louisiana Regulation in LAC

33:III.5122. This is also a violation of Specific Requirement 37 of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

Q. According to the 2009 Second Semiannual Monitoring Report dated March 31, 2010, the pilot for the Tank Farm Flare (EQT0009) was not present for three (3) hours on September 4, 2009. This resulted in the formaldehyde maximum limit to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Failure to have a flame present is a violation of 40 CFR 63.127(a)(2) which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Specific Requirement 37 of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

R. According to the 2009 Second Semiannual Monitoring Report dated March 31, 2010, the pilot for the Tank Farm Flare (EQT0009) was not present for four (4) hours on October 2, 2009. This resulted in the formaldehyde maximum limit to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Failure to have a flame present is a violation of 40 CFR 63.127(a)(2) which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Specific Requirement 37 of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

S. According to the 2009 Second Semiannual Monitoring Report dated March 31, 2010, during the startup of the Methanol Unit (EQT0019) after a turnaround the pilot for the Methanol Flare was not present for nineteen (19) hours which resulted in the methanol maximum hourly emission rate to be exceeded. This occurred on November 21-22, 2009. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Failure to have a flame present is a violation of 40 CFR 63.114(a)(2) which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Specific Requirement 69 of Title V Permit No. 0180-00031-V3, L AC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

T. According to the 2009 Second Semiannual Monitoring Report dated March 31, 2010, the pilot for the Methanol Flare (EQT0019) was not present for two (2) hours which resulted in the methanol maximum hourly emission rate to be exceeded. This occurred on December 14, 2009. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Failure to have a flame present is a violation of 40 CFR 63.114(a)(2) which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Specific Requirement 69 of Title V Permit No. 0180-00031-V3, L AC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

U. According to the 2009 Second Semiannual Monitoring Report dated March 31, 2010, on July 7, 2009, the Respondent exceeded ammonia emissions for one (1) hour at the Reformer Flue Gas Stack Unit 6 (EQT0036) due to a process control

malfunction. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

V. According to the 2009 Second Semiannual Monitoring Report dated March 31, 2010, the Respondent exceeded the ammonia maximum hourly emissions rate at the Reformer Flue Gas Stack Unit 6 (EQT0036) due to customer rate change. The exceedance was for one (1) hour on July 12, 2009. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

W. According to the 2009 Second Semiannual Monitoring Report dated March 31, 2010, the Respondent exceeded the ammonia maximum hourly emissions rate at the Reformer Flue Gas Stack Unit 6 (EQT0036) due to analyzer malfunction. The exceedance was for one (1) hour on September 4, 2009. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

X. According to the 2009 Second Semiannual Monitoring Report dated March 31, 2010, the Respondent exceeded the ammonia maximum hourly emissions rate at the Reformer Flue Gas Stack Unit 6 (EQT0036) for two (2) hours on September 10, 2009. The cause of the deviation was not determined. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

Y. According to the 2009 Second Semiannual Monitoring Report dated March 31, 2010, the Respondent exceeded the ammonia maximum hourly emissions rate at the Reformer Flue Gas Stack Unit 6 (EQT0036) for one (1) hour on September 22, 2009. The cause of the deviation was due to CEMS malfunction. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

Z. According to the 2009 Second Semiannual Monitoring Report dated March 31, 2010, the Respondent exceeded the ammonia maximum hourly emissions rate at the Reformer Flue Gas Stack Unit 6(EQT0036) for four (4) hours on September 23, 2009. The cause of the deviation was due to CEMS malfunction. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

AA. Accordin g to the 2009 Second Semiannual Monitoring Report dated March 31, 2010, the Respondent exceeded the ammonia maximum hourly emissions rate at the Reformer Flue Gas Stack Unit 6 (EQT0036) due to the customer rate change. The exceedance was for one (1) hour on December 3, 2009. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

BB. According to the 2009 Second Semiannual Monitoring Report dated March 31, 2010, between July and December 2009 when either CEMS were inoperable, the ammonia emissions at the Reformer Flue Gas Stack Unit 6 (EQT0036) were calculated using a different calculation methodology than stated in Specific Requirement # 126 of Title V Permit No. 0180-00031-V3, and Specific

Requirement #146 of Title V Permit No. 0180-00031-V2. The method used provides a conservative estimation of the actual emissions. The total hours of this deviation is fifty (50) hours. Failing to calculate ammonia emissions according to the permit is a violation of Specific Requirement #126 of Title V Permit No. 0180-00031-V3, Specific Requirement #146 of Title V Permit No. 0180-00031-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

CC. According to the 2009 Annual Compliance Certification dated March 31, 2010, between January and June 2009 when either CEMS were inoperable, the ammonia emissions at the Reformer Flue Gas Stack Unit 6 (EQT0036) were calculated using a different calculation methodology than stated in Specific Requirement # 146 of the permit. The method used provides a conservative estimation of the actual emissions. The total hours of this deviation is 112 hours. Failing to calculate ammonia emissions according to Specific Requirement #146 is a violation of Title V Permit No. 0180-00031-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

DD. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for Unit 1 Cold Box West Flare (EQT 0006) was not present for three (3) hours on January 6, 2010, which resulted in the carbon monoxide maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

EE. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for Unit 1 Cold Box West Flare (EQT 0006) was not present for ten (10) hours on January 6, 2010, which resulted in the carbon monoxide maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

FF. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for Unit 1 Cold Box West Flare (EQT 0006) was not present for one (1) hour on June 1, 2010, which resulted in the carbon monoxide maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

GG. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for Unit 1 Cold Box West Flare (EQT 0006) was not present for two (2) hours on June 2, 2010, which resulted in the carbon monoxide maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

HH. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for CO Flare (EQT 0007) was not present for one (1) hour on March 10, 2010, which resulted in the carbon monoxide maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and

30:2057(A)(2).

II. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for CO Flare (EQT 0007) was not present for one (1) hour on March 11, 2010, which resulted in the carbon monoxide maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

JJ. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for CO Flare (EQT 0007) was not present for six (6) hours on May 1-2, 2010, which resulted in the carbon monoxide maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

KK. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for CO Flare (EQT 0007) was not present for one (1) hour on June 1-2, 2010, which resulted in the carbon monoxide maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

LL. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for CO Flare (EQT 0007) was not present for one (1) hour on June 2, 2010, which resulted in the carbon monoxide maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

MM. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for CO Flare (EQT 0007) was not present for one (1) hour on June 7, 2010, which resulted in the carbon monoxide maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

NN. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for CO Flare (EQT 0007) was not present for three (3) hours on June 7, 2010, which resulted in the carbon monoxide maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

OO. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for CO Flare (EQT 0007) was not present for one (1) hour on June 15, 2010, which resulted in the carbon monoxide maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

PP. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for CO Flare (EQT 0007) was not present for one (1) hour on June 16, 2010, which resulted in the carbon monoxide maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

QQ. According to the 2010 First Semiannual Monitoring Report dated September 30,

2010, the pilot for CO Flare (EQT 0007) was not present for one (1) hour on June 16, 2010, which resulted in the carbon monoxide maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

RR. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for the Tank Farm Flare (EQT0009) was not present for two (2) hours on May 7, 2010, which resulted in the formaldehyde/VOC maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Failure to have a flame present is a violation of 40 CFR 63.127(a)(2) which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Specific Requirement 37 of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

SS. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for the Tank Farm Flare (EQT0009) was not present for two (2) hours on June 3, 2010, which resulted in the formaldehyde/VOC maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Failure to have a flame present is a violation of 40 CFR 63.127(a)(2) which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Specific Requirement 37 of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

TT. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for the Tank Farm Flare (EQT0009) was not present for three (3) hours on June 22, 2010, which resulted in the formaldehyde/VOC maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Failure to have a flame present is a violation of 40 CFR 63.127(a)(2) which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Specific Requirement 37 of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

UU. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for the Tank Farm Flare (EQT0009) was not present for one (1) hour on June 23, 2010, which resulted in the formaldehyde/VOC maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Failure to have a flame present is a violation of 40 CFR 63.127(a)(2) which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Specific Requirement 37 of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

VV. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for the Tank Farm Flare (EQT0009) was not present for one (1) hour on June 25, 2010, which resulted in the formaldehyde/VOC maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Failure to have a flame present is a violation of 40 CFR 63.127(a)(2) which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Specific Requirement 37 of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

WW. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, during the startup of the Methanol Unit (EQT0019) the pilot was not present for one (1) day on April 10, 2010, which resulted in themethanol/VOC maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Failure to have a flame present is a violation of 40 CFR 63.114(a)(2) which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Specific Requirement 69 of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

XX. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, during the startup of the Methanol Unit (EQT0019) the pilot was not present for2.6 days on May 15-18, 2010, which resulted in themethanol/VOC maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Failure to have a flame present is a violation of 40 CFR 63.114(a)(2) which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Specific Requirement 69 of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

YY. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, during the startup of the Methanol Unit (EQT0019) the pilot not present for eighteen (18) hours on June 30, 2010, which resulted in themethanol/VOC maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Failure to have a flame present is a violation of 40 CFR 63.114(a)(2) which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Specific Requirement 69 of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

ZZ. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for Unit 6 Main Flare (EQT0020) was not present for seven (7) hours on June 22, 2010, which resulted in the CO maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

AAA. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for Unit 1 Main Flare (EQT0023) was not present for twenty-two (22) hours on May 15-16, 2010, which resulted in the CO maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

BBB. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for Unit 1 Main Flare (EQT0023) was not present for one (1) day on May 16, 2010, which resulted in the CO maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

CCC. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the pilot for Unit 1 Main Flare (EQT0023) was not present for nine (9) hours on May 17, 2010, which resulted in the CO maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

DDD. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the Respondent exceeded the ammonia maximum hourly emissions rate at the Reformer Flue Gas Stack Unit 6 (EQT0036) due to customer rate change. The exceedance was for one (1) hour on January 11, 2010. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

EEE. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the Respondent exceeded the ammonia maximum hourly emissions rate at the Reformer Flue Gas Stack Unit 6 (EQT0036) due to customer rate change. The exceedance was for one (1) hour on January 26, 2010. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

FFF. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, the Respondent exceeded the ammonia maximum hourly emissions rate at the Reformer Flue Gas Stack Unit 6 (EQT0036) due to customer rate change. The exceedance was for one (1) hour on March 17, 2010. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

GGG. According to the 2010 First Semiannual Monitoring Report dated September 30, 2010, between January and June 2010 when either CEMS were inoperable, the ammonia emissions at the Reformer Flue Gas Stack Unit 6 (EQT0036) were calculated using a different calculation methodology than stated in Specific Requirement # 127 of the permit. The method used provides a conservative estimation of the actual emissions. The total hours of this deviation is 42 hours. Failing to calculate ammonia emissions according to Specific Requirement #127 is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

HHH. According to the 2010 Second Semiannual Monitoring Report dated February 9, 2011, between July and December 2010 when either CEMS were inoperable, the ammonia emissions at the Reformer Flue Gas Stack Unit 6 (EQT0036) were calculated using a different calculation methodology than stated in Specific Requirement # 127 of the permit. The method used provides a conservative estimation of the actual emissions. The total hours of this deviation is 28 hours. Failing to calculate ammonia emissions according to Specific Requirement #127 is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, LAC and La. R.S. 30:2057(A)(2).

III. According to the 2010 Second Semiannual Monitoring Report dated February 9, 2011, the Respondent exceeded the ammonia maximum hourly emissions rate at the Reformer Flue Gas Stack Unit 6 (EQT0036) due to customer rate change. The exceedance was for one (1) hour on November 20, 2010. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

JJJ. According to the 2010 Second Semiannual Monitoring Report dated February 9, 2011, the Respondent exceeded the ammonia maximum hourly emissions rate at the Reformer Flue Gas Stack Unit 6 (EQT0036) due to customer rate change. The exceedance was for two (2) hours on October 22, 2010. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

KKK. According to the 2010 Second Semiannual Monitoring Report dated February 9, 2011, the pilot for Unit 6 Main Flare (EQT0020) was not present for three (3) hours on December 8, 2010, which resulted in the CO maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

LLL. According to the 2010 Second Semiannual Monitoring Report dated February 9, 2011, the pilot for Unit 6 Main Flare (EQT0020) was not present for two (2) hours on December 8, 2010, which resulted in the CO maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

MMM. According to the 2010 Second Semiannual Monitoring Report dated February 9, 2011, the pilot for Unit 6 Main Flare (EQT0020) was not present for three (3) hours on August 29, 2010, which resulted in the CO maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

NNN. According to the 2010 Second Semiannual Monitoring Report dated February 9, 2011, the pilot for Unit 6 Main Flare (EQT0020) was not present for four (4) hours on August 9, 2010, which resulted in the CO maximum hourly emission rate to beexceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

OOO. According to the 2010 Second Semiannual Monitoring Report dated February 9, 2011, the pilot for Unit 6 Main Flare (EQT0020) was not present for one (1) hour

on July 22 2010, which resulted in the CO maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

PPP. According to the 2010 Second Semiannual Monitoring Report dated February 9, 2011, the pilot for Unit 6 Main Flare (EQT0020) was not present for fifteen (15) hours on July 21, 2010, which resulted in the CO maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

QQQ. According to the 2010 Second Semiannual Monitoring Report dated February 9, 2011, the pilot for the Tank Farm Flare (EQT0009) was not present for thirty (30) minutes on July 8, 2010, which resulted in the formaldehyde/VOC maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, LAC 33:III.5109, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Failure to have a flame present is a violation of 40 CFR 63.127(a)(2) which language has been adopted as a Louisiana Regulation in LAC 33:III.5122. This is also a violation of Specific Requirement 37 of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

RRR. According to the 2010 Second Semiannual Monitoring Report dated February 9, 2011, the pilot for CO Flare (EQT 0007) was not present for three (3) hours on November 24, 2010, which resulted in the carbon monoxide maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

SSS. According to the 2010 Second Semiannual Monitoring Report dated February 9, 2011, the pilot for CO Flare (EQT 0007) was not present for four (4) hours on September 25, 2010, which resulted in the carbon monoxide maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

TTT. According to the 2010 Second Semiannual Monitoring Report dated February 9, 2011, the pilot for CO Flare (EQT 0007) was not present for four (4) hours on August 9, 2010, which resulted in the carbon monoxide maximum hourly emission rate to be exceeded. Each exceedance is a violation of Title V Permit No. 0180-00031-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-08-0166, Respondent made a timely request for a hearing.

IV

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

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TWENTY-THREE THOUSAND AND NO/100 DOLLARS ($23,000.00), of which Three Thousand and No/100 Dollars ($3,000.00) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement.

VI

Respondent, in addition to the amount specified in Paragraph V above and as part of this Settlement, agrees to expend the amount of $20,000.00 to implement and/or perform the following beneficial environmental projects:

A. Respondent agrees to donate the sum of $20,000.00 to St. Amant High School St. Amant, Louisiana, for its FFA program to construct a student/community outdoor agrisicence teaching facility designed to increase agriculture awareness within this community as well as the skills of students. The donation is to be delivered to the St. Amant High School FFA program within 10 days from notice of the Secretary's signature on the final settlement agreement.

B. Respondent shall submit a final report to include the date of delivery of the donation to the St. Amant High School FFA program and the total amount spent on the project listed above. The final report shall also contain a certification that the project was completed as described.

C. Upon completion of the project required under this Settlement, if Respondent does not spend the amount of $20,000.00, then it shall, in its final report, pay to the Department an amount equal to the difference between the amount of money agreed to be spent and the amount of money actually spent.

D. The total amount of money expended by Respondent on cash payments to the Department and on beneficial environmental projects, 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 permit record, the Consolidated Compliance Order & Notice of Potential Penalty, the Amended 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. The consideration of such documents for the sole purpose of determining Respondent's compliance history and the estoppels pertaining thereto, do not negate or render null and void Respondent's denials herein of 1) any violations, including statutory and regulatory violations, and 2) any liability for any fines, forfeitures and/or penalties, and such denials are, and shall remain, in full force and effect in all respects.

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 LSA- R. S. 30:2025(E) of the Act and the rules relating to beneficial environmental projects set forth in LAC 33:I.Chapter 25.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Ascension Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted 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.

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.

PRAXAIR, INC.

BY: _____
(Signature)

_____
(Print)

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