

**STATE OF LOUISIANA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

<b>IN THE MATTER OF:</b>	* <b>Settlement Tracking No.</b>
	* <b>SA-AE-08-0040</b>
<b>SHINTECH LOUISIANA, LLC</b>	* *
<b>AI # 126578</b>	* <b>Enforcement Tracking No</b>
	* <b>AE-P-08-0069</b>
<b>PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT</b>	* *
<b>LA. R.S. 30:2001, <u>ET SEQ.</u></b>	*

**SETTLEMENT**

The following Settlement is hereby agreed to between Shintech Louisiana, 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 limited liability company that owns and/or operates a polyvinyl chloride production facility in Plaquemine, Iberville Parish, Louisiana (“the Facility”).

**II**

On June 19, 2008, the Department issued to Respondent a Penalty Assessment, Enforcement No. AE-P-08-0069, in the amount of \$1,504.41, which was based upon the following findings of fact:

The Respondent owns and/or operates the Plaquemine PVC Plant, a polyvinyl chloride production plant located at 26270 Louisiana Highway 405 in Plaquemine, Iberville Parish, Louisiana. The facility currently operates under multiple permits including Title V Permit No. 1280-

00118-V0, issued on July 27, 2005, and the Administrative Amendment there to issued on March 21, 2006.

On or about August 23, 2007, a file review of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

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

- A. The Department has no record that the Respondent submitted the 2006 Semiannual Monitoring Report by the March 31, 2007, due date in violation of General Condition K of Title V Permit No. 1280-00118-V0 and LAC 33:III.501.C.4.
- B. The Department has no record that the Respondent submitted the 2006 Annual Compliance Certification by the March 31, 2007, due date in violation of General Condition M of Title V Permit No. 1280-00118-V0 and LAC 33:III.501.C.4.

On September 13, 2007, an Expedited Penalty Agreement and Notice of Potential Penalty, Enforcement Tracking Number XP-AE-07-0258, was issued to the Respondent.

### III

In addition, Shintech self-disclosed to DEQ that there are 6 similar events that were not subject to any current DEQ enforcement action which include:

1. 2007 Annual Compliance Certification
2. 2007 1<sup>st</sup> Semiannual Monitoring Report
3. 2007 2<sup>nd</sup> Semiannual Monitoring Report
4. 2006 1<sup>st</sup> Semiannual Monitoring Report
5. 2005 Annual Compliance Certification
6. 2005 2<sup>nd</sup> Semiannual Monitoring Report

### IV

In response to the Penalty Assessment, Respondent made a timely request for a hearing

V

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

VI

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FOUR THOUSAND NINE HUNDRED AND NO/100 DOLLARS (\$4,900.00), of which Three Hundred Twenty-two and 86/100 Dollars (\$322.86) represents DEQ'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 DEQ as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VII

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

VIII

This agreement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any

right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

IX

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

X

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

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.

SHINTECH LOUISIANA, LLC

BY: *D.V.*  
(Signature)

DAVID V. WISE  
(Print)

TITLE: VICE PRESIDENT

THUS DONE AND SIGNED in duplicate original before me this 3 day of April, 20 09, at Port Allen, La.

*Cheryl D Block*  
NOTARY PUBLIC (ID # 52901)  
Cheryl D Block  
(Print)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
Harold Leggett, Ph.D., Secretary

BY: *Peggy M. Hatch*  
Peggy M. Hatch, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 4th day of September, 20 09, at Baton Rouge, Louisiana.

*Christopher A. Ratcliff*  
NOTARY PUBLIC (ID # 10149)  
Christopher A. Ratcliff  
(Print)

Approved: *Peggy M. Hatch*  
Peggy M. Hatch, Assistant Secretary