

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

OCCIDENTAL CHEMICAL CORPORATION

AI # 1137, 3400, 3544

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

* **Settlement Tracking No.**
* **SA-AE-20-0111**
*
* **Enforcement Tracking Nos.**
* **AE-CN-18-00474**
* **AE-CN-18-00474A**
* **AE-CN-17-00240**
*
*
* **Docket No. 2020-6909-DEQ**
* **Docket No. 2020-6910-DEQ**
*

SETTLEMENT

The following Settlement is hereby agreed to between Occidental Chemical Corporation (“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 facilities located in St. Charles Parish, Ascension Parish, and St. James Parish, Louisiana (“the Facilities”).

II

On March 15, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-18-00474 (Exhibit 1).

On February 14, 2020, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-18-00474A (Exhibit 2).

On March 15, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-17-00240 (Exhibit 3).

The following violations, although not cited in the foregoing enforcement action(s), are included within the scope of this settlement:

In the 2018 Title V Annual Compliance Certification dated March 27, 2019 (in Agency Interest No. 1137, Permit No. 2520-00007-V7), the Respondent reported exceeding the maximum hourly emission rate for C/A II Chlorine Neutralization System (GRP0007). Specifically, the Respondent reported that on or about November 7, 2018, the Respondent's chlorine gas sparger on the Vent Gas Absorber Tank No. 2 (EQT0044) broke, which caused the Respondent to emit 0.559 lbs/hr above the permitted maximum hourly rate of 0.445 lbs/hr for chlorine. This is a violation of Title V Permit No. 2520-00007-V7, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

In the 2019 1st Semiannual Monitoring Report dated September 30, 2019 (in Agency Interest No. 1137, Permit No. 2598-V6), the Respondent reported the failure to maintain minimum data availability of 90% of operating time. Specifically, the Respondent reported that on February 26, 2019, the CO analyzer digital output board failed and on March 14, 2019 the CO analyzer was replaced with a RATA certified unit. This is a violation of General Condition V of 40 CFR Part 70 and in violation of LAC 33:III.535.A.

III

In response to the Consolidated Compliance Orders & Notices of Potential Penalty, Respondent made timely requests for hearings.

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 THIRTY-NINE THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$39,700.00), of which Two Thousand Eight Hundred Sixty-Four and 53/100 Dollars (\$2,864.53) 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).

VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Orders & Notices of Potential Penalty, 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. It is expressly understood and agreed, however, that neither the paragraph that was removed by the Amended Consolidated Compliance Order & Notice of Potential Penalty, nor portions of the inspection reports related thereto, shall be considered for purposes of determining Respondent's compliance history.

VII

This agreement shall be considered a final order of the Secretary for all purposes, including,

but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VIII

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

IX

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. Charles Parish, Ascension Parish, and St. James Parish, Louisiana. The advertisement, in form and wording 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.

**OCCIDENTAL CHEMICAL
CORPORATION**

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**
Chuck Carr Brown, Ph.D., Secretary

BY: _____
Lourdes Iturralde, 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:  _____
Lourdes Iturralde, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

March 15, 2019

CERTIFIED MAIL (7014 0510 0001 7431 7151)
RETURN RECEIPT REQUESTED

OCCIDENTAL CHEMICAL CORPORATION

c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-18-00474
AGENCY INTEREST NOS. 1137, 3400**

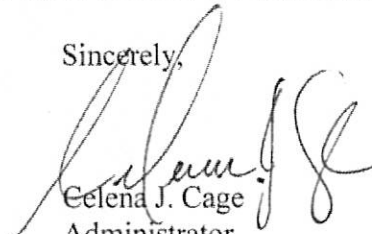
Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **OCCIDENTAL CHEMICAL CORPORATION (RESPONDENT)** for the violations described therein.

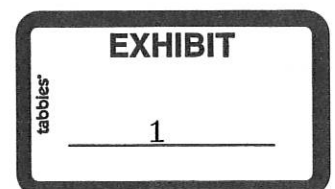
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Madison Kirkland at 225-219-3165 or Madison.Kirkland@la.gov.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/MLK/mlk
Alt ID Nos. 2520-00007, 0180-00011
Attachment



c: Occidental Chemical Corporation
Sharon Caughman
P.O. Box 227
Geismar, LA 70734-0227

Occidental Chemical Corp – Taft Plant
Rick Ritter, Plant Manager
266 LA Hwy 3142
Hahnville, LA 70057

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

OCCIDENTAL CHEMICAL CORPORATION
MULTI PARISHES
ALT ID NOS. 2520-00007, 0180-00011

ENFORCEMENT TRACKING NO.

AE-CN-18-00474

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

AGENCY INTEREST NOS.

1137, 3400

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **OCCIDENTAL CHEMICAL CORPORATION (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Taft Plant (Agency Interest No. 1137, the Facility), a chloro-alkali plant and adjacent cogeneration facility, located at 266 Louisiana Highway 3142, in Hahnville, St. Charles Parish, Louisiana. The Facility currently operates or previously operated under the following Air Quality Permits:

UNIT	PERMIT NO.	ISSUE DATE	EXPIRATION DATES
Cogeneration Plant	2598-V6	November 6, 2015	November 6, 2020
Chloro-Alkali Plant	2520-00007-V7	June 18, 2015	June 18, 2020
Combined Cycle Units	PSD-LA-633(M-3)	November 6, 2015	-
Chlor-Alkali Plant (Diesel Engines)*	3074-V0	May 18, 2009	May 18, 2014
Taft Co-Generation Plant	2598-IV3	November 6, 2015	November 6, 2020
	2598-IR0	June 22, 2010	Not Applicable

*incorporated into Title V Permit No. 2520-00007-V5

II.

On or about September 18, 2018, a file review of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

While the Department's investigation is not yet complete, the following violation was noted during the course of the file review:

In accordance with Specific Requirement Nos. 3, 25, 48 of Title V Air Permit No. 2598-V5, the Respondent is required to monitor fuel sulfur content of its pipeline natural gas once per year. According to the Respondent's 2013 Title V 2nd Semiannual Monitoring Report dated March 18, 2014, an administrative oversight caused there to be no sulfur analysis for any of the three (3) natural gas supply streams sampled on November 13, 2013. The sulfur analysis for two (2) of the three (3) gas streams took place in January of 2014 and the third took place in February of 2014. Failure to sample sulfur content of pipeline natural gas once per year is a violation of 40 CFR 60.334(h)(1), 40 CFR 63.334(h)(3), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Specific Requirement Nos. 3, 25 and 48 of Title V Permit No. 2598-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

III.

The Respondent owns and/or operates the Geismar Plant (Agency Interest No. 3400, the Facility), an industrial organic and inorganic chemicals manufacturing facility, located at 8318 Ashland Road in Geismar, Ascension Parish, Louisiana. The Facility currently operates or previously operated under the following Air Quality Permits:

UNIT	PERMIT NO.	ISSUE DATE	EXPIRATION DATE
Offsites Areas	2923-V4	February 22, 2017	February 22, 2022
Chlorinated Organics Unit	2924-V4	March 29, 2018	March 29, 2023
Caustic and Chlorine Process Unit	2921-V3	October 20, 2016	November 8, 2017
	2921-V4	March 29, 2018	March 29, 2023
F-1 Hex Furnace**	2922-V0	March 28, 2007	March 28, 2012
Methanes Process Unit	3101-V0	January 3, 2013	January 3, 2018
	3101-V1	September 13, 2018	September 13, 2023
5CP Process Unit*	3125-V1	December 29, 2016	December 2, 2018
EDC Process Unit	3100-V1	November 4, 2016	January 31, 2019
4CPe Process Unit	3134- V0	December 22, 2015	December 22, 2020
*3125-V2 Public Notice on draft 11/28/2018 ** incorporated in Title V Permit No. 2923-V2			

IV.

On or about September 30, 2014, October 7, 2014, October 9, 2014, August 22, 2017, August 28, 2017, and August 31, 2017, the Department conducted inspections to determine the degree of compliance with the Act and the Air Quality Regulations. Additionally, on or about August 1, 2016, June 11, 2018, and September 18, 2018, subsequent file reviews of the Respondent's facility were performed to determine the degree of compliance with the Act and the Air Quality Regulations.

While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspections and file reviews:

A. The Respondent reported the following deviations from fugitive emission requirements:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	FUGITIVE REQUIREMENT	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
a	2nd Half 2013 Semiannual Monitoring Report (3/20/2014)	3101-V0	Methane Fugitive Emissions FUG004	7/13/2013 9/27/2013 10/24/2013	Open ended valves or lines shall be sealed with caps, blind flange, plug or second valve at all times	Routine inspection discovered each open ended line	Specific Requirement 119
b	2nd Half 2013 Semiannual Monitoring Report (3/20/2014)	2923-V3	Utilities Fugitive FUG006	9/28/2013 10/24/2013 11/21/2013			Specific Requirement 188
c		2924-V1	Perc Unit Fugitive Emissions FUG005	12/05/2013			Specific Requirement 1292
d			EDC Unit FUG003	11/6/2013			Specific Requirement 1108
e	1st Half 2014 Semiannual Monitoring Report (9/24/2014)	2923-V3	Utilities Fugitive FUG006	4/3/2014			Specific Requirement 188
f	2nd Half 2014 Semiannual Monitoring Report (3/20/2015)	3100-V0	Utilities Fugitive FUG005	9/18/2014			Specific Requirement 405
g		3101-V0	Methane Fugitive Emissions FUG004	9/23/2014 10/23/2014			Specific Requirement 119
h	1st Half 2015 Semiannual Monitoring Report (9/22/2015)	3101-V0	Methane Fugitive Emissions FUG004	2/7/2015			Specific Requirement 119
i		3100-V0	Utilities Fugitive FUG005	4/16/2015			Specific Requirement 405
j	2nd Half 2015 Semiannual Monitoring Report (3/20/2016)	2921-V2	Chlorine Unit Fugitives FUG007	11/9/2015			Specific Requirement 75
k	1st Half 2016 Semiannual Monitoring Report (9/20/2016)	3101-V0	Methane Fugitive Emissions FUG004	1/25/2016			Specific Requirement 119

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	FUGITIVE REQUIREMENT	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
l	1st Half 2016 Semiannual Monitoring Report (9/20/2016)	3100-V0	Utilities Fugitive FUG005	3/3/2016	Open ended valves or lines shall be sealed with caps, blind flange, plug or second valve at all times	Routine inspection discovered each open ended line	Specific Requirement 405
m		3125-V0	5CP Unit Fugitives FUG002	4/15/2016			Specific Requirement 98
n		3100-V0	EDC Unit Fugitives FUG003	4/15/2016			Specific Requirement 199
o	2nd Half 2016 Semiannual Monitoring Report (3/20/2017)	3125-V1	5CP Unit Fugitives FUG002	10/13/2016			Specific Requirement 66
p	1st Half 2017 Semiannual Monitoring Report (9/20/2017)	2921-V3	Chlorine Unit Fugitives FUG007	1/13/2017			Specific Requirement 74
q		3101-V0	Methane Fugitive Emissions FUG004	6/14/2017			Specific Requirement 119
r	2nd Half 2017 Semiannual Monitoring Report (3/20/2018)	3100-V1	Utilities Fugitive FUG005	7/31/2017			Specific Requirement 396

Each failure to seal open-ended lines or valves with a cap, blind flange, a plug or second valve is a violation of 40 CFR 63.167, which language has been adopted as a Louisiana regulation in LAC 33:III.5122, each Specific Requirement of the respective Title V Permit as indicated in the table above, LAC 33:III.501.C.4, La R.S. 30:2057(A)(1) and 30:2057(A)(2).

B. The Respondent reported the following releases:

	REPORT (date)	INCIDENT DATE (duration)	POLLUTANTS RELEASED	QUANTITY REPORTED (unit)	REPORTED CAUSE	CORRECTIVE ACTION
a	Unauthorized Discharge Notification Report T-153800 (2/18/2014)	2/11/2014	Chlorine	261.2 lbs.	A chlorine low pressure evacuation piping system developed a leak due to external corrosion. In electronic correspondence dated 6/7/2017 the Respondent reported that the release point was not a permitted source, and that the incident was preventable.	The release started at approximately 11:20 and ended at approximately 11:40 on February 11, 2014. The leak was stopped by utilizing alternative evacuation sources, and the low pressure chlorine evacuation piping system was immediately taken out of service for inspection and repair. The low pressure chlorine evacuation piping system passed the pneumatic pressure test following repairs, ensuring the integrity of the system.

	REPORT (date)	INCIDENT DATE (duration)	POLLUTANTS RELEASED	QUANTITY REPORTED (unit)	REPORTED CAUSE	CORRECTIVE ACTION
b	Unauthorized Discharge Notification Report T-153990 (2/26/2014)	2/19/2014	Chlorine	61.3 lbs.	A small leak developed on the rupture disk holder on the outlet of the TW-709 chlorine absorber. In electronic correspondence dated 6/7/2017 the Respondent reported that the release point was not a permitted source, and that the incident was preventable.	The release started at approximately 4:34 and ended at approximately 5:11 on February 19, 2014. The chlorine feed was removed from the absorber tower. The absorber tower was isolated and taken out of service for inspection and repair. The Respondent stated in the report dated February 26, 2014, that maintenance and operating procedures would be updated to prevent a recurrence.
c	Unauthorized Discharge Notification Report T-155912 (5/16/2014)	5/10/2014	Chlorine	35.7 lbs.	The release of chlorine was caused by a failed sight glass on the Membrane Snift Compressor Knockout Drum. The sight glass has been removed from the process. In electronic correspondence dated 6/7/2017 the Respondent reported that the release point was not a permitted source, and that the incident was preventable.	The release started at approximately 10:10 and ended at approximately 10:16 on May 10, 2014. The sight glass was isolated from the chlorine process and removed from service.
d	Unauthorized Discharge Notification Report T-167650 (12/7/2015)	12/2/2015	Chlorine	14 lbs.	A plugged tap on the chlorine vent system to the incinerator caused a control valve to close, this resulted in backpressure which caused a pressure safety valve (PSV) on an ancillary piece of equipment to lift. The second release point involved a malfunctioning rupture disk holder located below a PSV within the absorber process.	The release started at approximately 18:30 and ended at approximately 18:55 on December 2, 2015. The unit was shutdown, the rupture disk holder was replaced, and the plugged tap for the transmitter was cleaned and remained on a set preventative maintenance schedule.
e	Unauthorized Discharge Notification Report T-169445 (3/24/2016)	3/18/2016	Chlorine	18.6 lbs.	A leak developed on the discharge of the Membrane Chlorine compressor from a tubing fitting associated with the Dry Gas Membrane Analyzer that quantified the amount of hydrogen in the chlorine gas. The Respondent reported that the release was not a permitted source and that the incident was preventable.	The release started at approximately 20:45 and ended at approximately 22:10 on March 18, 2016. The immediate action to prevent recurrence was replacement of the tubing fitting. The Respondent stated in the report dated March 24, 2016, as part of the incident investigation, the material of construction and inspection frequency would be reviewed and updated as needed.

	REPORT (date)	INCIDENT DATE (duration)	POLLUTANTS RELEASED	QUANTITY REPORTED (unit)	REPORTED CAUSE	CORRECTIVE ACTION
f	Unauthorized Discharge Notification Report T-171977 (8/8/2016)	8/1/2016	Sulfur Dioxide	1,753 lbs	At 2:40 p.m. a tank that stores liquid acid, spent sulfuric acid tank (ST-703) lifted off its platform and landed on adjacent tanks about 125 feet away. A reaction occurred in the tank because an overabundance of sodium sulfite entered into the tank in two ways, which caused sulfur dioxide gas to form. The expanding gas raised the pressure to levels that were beyond the tanks capacity. Specifically, the Respondent was trying to take equipment that was upstream out of operation. To do this, they had to change the process of how sulfite was added to the tank. Additionally, a newly installed pump was used to add sulfite to the tank. This pump had flow rate properties that were different from the previously used pumps. An operator utilized the pump as if it was the old pump, resulting in an excess amount of sodium sulfite added to the tank. Approximately 1,753 lbs of sulfur dioxide was released to atmosphere. The Respondent reported that the release point was not a permitted source, and that the incident was preventable.	The release started at approximately 14:40 and ended at approximately 15:40 on August 1, 2016. As a result of the incident, approximately 90 gallons (1273 lbs) of spent sulfuric acid was released to the ground. The material flowed into internal drainage ditches near the release. An earthen levee was installed in an internal ditch, downstream of the release, to prevent any offsite migration. The impacted area was flushed with copious amounts of water and vacuum trucks were utilized to recover the material. Approximately 75,000 gallons of material were recovered and introduced into the facility's permitted waste water treatment facility for processing. The Management of Change (MOC) process was being enhanced to add an additional layer of technical review, where appropriate, for all system modifications. The spent sulfuric acid system was modified to limit the volume of sodium sulfite that can be introduced into the system and to also ensure proper mixing.
ne	Unauthorized Discharge Notification Report T-184784 (5/25/2018)	10/25/2017 -11/2/2017	Ethylene Dichloride	1,226 lbs.	During an engineering review, conducted on April 22, 2018, of the Ethylene Dichloride Storage Tank ST-17 vent header system, it was identified that the recorded tank pressure was cycling based on the nitrogen addition without a flow being recorded in the vent header system. Emissions occurred to the atmosphere from the storage tank due to migration through perforations where external corrosion had occurred primarily at the weld of the tank roof to the tank top ledge. This corrosion is believed to be a result of standing water collecting on this weld. Approximately 1,226 lbs of Ethylene Dichloride was released from October 25, 2017 to November 2, 2017. The Respondent reported that the release point was not from a permitted source and that the incident was preventable.	The Respondent completed tank repairs, and actions to prevent future similar releases are being implemented.

Each release is a violation of LAC 33:III.905, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

- C. On or about April 22, 2018, the Respondent conducted an engineering review, that revealed on or about October 25, 2017 to November 2, 2017, a release of Ethylene Dichloride (EDC) from the EDC Storage Tank ST-17 (EQT0083) exceeded the reportable quantity, which triggered a 24 hour notification requirement. On May 18, 2018, at approximately 11:10, the Respondent contacted the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC) and reported the release. Additionally, on or about May 25, 2018, the Respondent submitted an unauthorized discharge report to the Department. The failure to notify within 24 hours of learning of discharge is a violation of Specific Requirement 535 of Title V Permit No. 3100-V1, LAC 33:III.501.C.4, LAC 33:I.3917, and La. R.S. 30:2057(A)(2). The failure to submit a written report within seven (7) calendar days of learning of discharge is a violation of Specific Requirement 536 of Title V Permit No. 3100-V1, LAC 33:III.501.C.4, LAC 33:I.3925, and La. R.S. 30:2057(A)(2).
- D. Specific Requirement Nos. 1384, 1387 and 1391 of Title V Permit No. 2924-V1, require the submission of an annual report covering the annual throughput for Capped Source Tanks. The required submission date of each report is no later than March 31st following the reporting year. Specifically, the Respondent failed to submit the annual throughput for Capped Source Tanks reports for the 2014, 2015, 2016, and 2017 reporting years. The failure to submit each report in a timely manner is a violation of Specific Requirement Nos. 1384, 1387, 1391 of Title V Permit No. 2924-V1, LAC 33:III.501.C.4, and La R.S. 30:2057(A)(2).

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Act, Air Quality Regulations, and all effective permits.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the 2014, 2015, 2016 and 2017 Annual Reports covering the annual throughput for Capped Source Tanks, as mentioned in paragraph IV. D of the Findings of Fact.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: **Madison Kirkland**
Re: **Enforcement Tracking No. AE-CN-18-00474**
Agency Interest Nos. 1137, 3400

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. AE-CN-18-00474
Agency Interest Nos. 1137, 3400

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Division of Administrative Law (DAL) Procedural Rules. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in

an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Madison Kirkland at (225) 219-3165 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

IV.

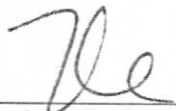
The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations.

The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 15th day of March, 2019.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Madison Kirkland

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

CONSOLIDATED COMPLIANCE ORDER &
 NOTICE OF POTENTIAL PENALTY
 REQUEST TO CLOSE



Enforcement Tracking No.	AE-CN-18-00474	Contact Name	Madison Kirkland
Agency Interest (AI) No.	1137, 3400	Contact Phone No.	225-219-3165
Alternate ID No.	2520-00007, 0180-00011	Contact Email	Madison.Kirkland@la.gov
Respondent:	OCCIDENTAL CHEMICAL CORPORATION	Facility Name:	Taft Plant and Oxy-Chem-Geismar Plant
	c/o C T Corporation System	Physical Location:	Multi
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Multi
	Baton Rouge, LA 70816	Parish:	St. Charles and Ascension

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph III of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs II and III of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

_____	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:I.Subpart1.Chapter7.
_____	In order to resolve any claim for civil penalties for the violations in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-18-00474), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
_____	In order to resolve any claim for civil penalties for the violations in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-18-00474), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$_____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$_____ • Beneficial Environmental Project (BEP) component (optional)= \$_____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
	The Respondent has reviewed the violations noted in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-18-00474) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:		
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Madison Kirkland		

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 14, 2020

CERTIFIED MAIL (7016 2140 0000 5132 9694)
RETURN RECEIPT REQUESTED

OCCIDENTAL CHEMICAL CORPORATION

c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-18-00474A
AGENCY INTEREST NOS. 1137 & 3400**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **OCCIDENTAL CHEMICAL CORPORATION (RESPONDENT)** for the violation described therein.

Any questions concerning this action should be directed to Madison Kirkland at (225) 219-3165 or Madison.Kirkland@la.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/MLK/mlk
Alt ID Nos. 2520-000007 & 0180-00011
Attachment

EXHIBIT

tabbies
2

c: Occidental Chemical Corporation
Sharon Caughman
P.O. Box 227
Geismar, LA 70734-0227

Occidental Chemical Corp – Taft Plant
Rick Ritter, Plant Manager
266 LA Hwy 3142
Hahnville, LA 70057

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
OCCIDENTAL CHEMICAL CORPORATION	*	ENFORCEMENT TRACKING NO.
MULTI PARISHES	*	
ALT ID NOS. 2520-00007, 0180-00011	*	AE-CN-18-00474A
	*	
	*	AGENCY INTEREST NOS.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	1137, 3400
La. R.S. 30:2001, ET SEQ.	*	

**AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY**

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-18-00474** issued to **OCCIDENTAL CHEMICAL CORPORATION (RESPONDENT)** on March 15, 2019, in the above-captioned matter as follows:

I.

The Department hereby removes Paragraph IV.D of the Findings of Fact from the Compliance Order & Notice of Potential Penalty.

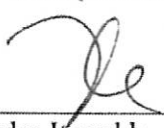
II.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-18-00474** and **AGENCY INTEREST NOS. 3400 and 1137** as if reiterated herein.

III.

This **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 14th day of February, 2020.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
Post Office Box 4312
Baton Rouge, LA 70821-4312
Attention: Madison Kirkland

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

March 15, 2019

CERTIFIED MAIL (7017 2400 0000 7556 7988)
RETURN RECEIPT REQUESTED

OCCIDENTAL CHEMICAL CORPORATION

c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-17-00240
AGENCY INTEREST NO. 3544**

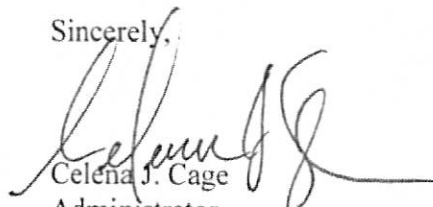
Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **OCCIDENTAL CHEMICAL CORPORATION (RESPONDENT)** for the violations described therein.

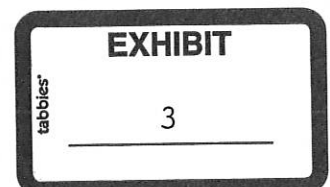
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Madison Kirkland at (225) 219-3165 or Madison.Kirkland@la.gov.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/MLK/mlk
Alt ID No. 2560-00019
Attachment



c: Occidental Chemical Corporation
Richard P. Bergeron II, Environmental Manager
7377 Highway 3214
Convent, LA 70723

II.

On or about August 26, 2014, August 28, 2014, and September 3, 2014, September 26, 2016, October 10, 2016, October 17, 2016, and October 21, 2016, inspections of the facility were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. Additionally, on or about November 5, 2018, the Department conducted a file review.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspections and subsequent file review:

- A. In the 2013 Title V 2nd Semiannual Monitoring Report dated March 20, 2014, the Respondent reported that from September 25, 2013 through October 9, 2013, the pH for FGD Scrubber 36C-2 (EQT0039) was lowered for a total of ten (10) hours during seven (7) consecutive days. EQT0039 scrubbing agent concentration pH shall be ≥ 6.9 s.u. except for no more than eight (8) hours per seven (7) calendar days when a pH of ≥ 5.0 s.u. may be used. This is a violation of Specific Requirement 106 of Title V Permit No. 2560-00019-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent stated in the 2013 Title V 2nd Semiannual Monitoring Report, the incident did not result in excess emissions.

- B. The Respondent reported the following deviations from fugitive emission requirements:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	FUGITIVE REQUIREMENT	REPORTED VIOLATION	REGULATORY or PERMIT REQUIREMENTS
1	2013 Title V 1 st Semiannual Monitoring Report (9/17/2013)	2560- 00019-V4	FT-631 Flow Transmitter FUG001	1/31/2013	Re-monitoring inspection within 3 months after repair of a leaking component	A leaking component was discovered visually and repaired the same day however, confirmation of monitoring by Method 21 was not conducted as required. Component was monitored and found to be repaired on the same day.	Specific Requirement 170 40 CFR 63.174(c)(1)(i)
2	2013 Title V 1 st Semiannual Monitoring Report (9/17/2013)	2560- 00019-V4	EDC Stripper Eductor Drum Sampling System FUG001	3/14/2013	Open ended valves or lines shall be sealed with caps, blind flanges, plugs or second valves at all times	A plug was found missing from a 3/4 inch drain valve. The valve was plugged and the incident was reviewed with all operating technicians and supervisors.	Specific Requirement 140 40 CFR 63.167
3	2013 Title V 1 st Semiannual Monitoring Report (9/17/2013)	2560- 00019-V4	Second Stage Acid Drum 6C-5 FUG001	5/24/2013	Open ended valves or lines shall be sealed with caps, blind flanges, plugs or second valves at all times	During a routine inspection of LDAR tags and blind flange. An open ended line was found downstream of a valve. Specifically, the open end was on a two inch line on process vessel (6C-5) and was observed as not securely bolted. The open ended line was immediately addressed by operations.	Specific Requirement 140 40 CFR 63.167

Each failure to meet fugitive emission requirements is a violation of Title V Permit No. 2560-00019-V4 and associated requirement(s) listed above, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

C. The Respondent reported the following violations from permitted requirements:

REPORT (date)	EMISSION POINT	INCIDENT DATE (duration)	REQUIREMENT	REPORTED CAUSE	REGULATORY and PERMIT SPECIFIC REQUIREMENTS
2015 2 nd Semiannual General Condition K, R, and XI Report (3/30/2016)	Boiler F-6 (EQT0006)	9/26/2015	Operate the closed vent system and control device in accordance with the operating plan submitted to the Department in accordance with 40 CFR 60.113b(c)(1) of this section.	The facility operates two process vent control devices which are normally operated simultaneously. Each control device is capable of handling the entire vent loading of the facility. Control device F-5 was out of service for inspection and repair. On 9/26/2015, F-6 control device, which was handling all vent streams, tripped offline. The automatic vent minimization shutdown system did not operate instantaneously as designed. This resulted in excess pressure and the subsequent activation of a high pressure trigger that shut down the process unit. To prevent process safety valves from relieving and routing a high concentration VOC stream to the atmosphere, a process valve downstream of the vent gas absorber was opened to relieve excess pressure. In electronic correspondence dated November 9, 2018, the Respondent stated the incident was deemed preventable. Specifically, the cause of the boiler trip was a faulty contactor in a relay, which tells the control system the natural gas main is satisfied. Following the event, function shutdown testing revealed a faulty card on a vent system control valve that did not immediately trigger shut down as designed. This lead to system over pressurization. The faulty card was replaced and the system was retested to confirm proper functionality. The incident resulted in approximately 4.8 pounds (lbs) of 1,2- dichloroethane and 56.76 lbs of ethylene chloride.	Specific Requirement 55 40 CFR 60.113b(c)(2)
	EDC Storage Tank 20D-1 (EQT0020)		VOC (volatile organic compounds), Total $\geq 95\%$ control efficiency.		Specific Requirement 86 LAC 33:III.2103.E.1
	EDC Storage Tank 20D-2 (EQT0021)				Specific Requirement 91 LAC 33:III.2103.E.1
	EDC Storage Tank 20D-3 (EQT0022)				Specific Requirement 96 LAC 33:III.2103.E.1
	EDC Storage Tank 20D-11 (EQT0023)		Equipment with a closed vent system and control device. Design the closed vent system to collect all VOC vapors and gases discharged from the storage vessel and operate with no detectable emissions.		Specific Requirement 100 40 CFR 60.112b(a)(3)
			VOC, Total $\geq 95\%$ control efficiency.		Specific Requirement 104 LAC 33:III.2103.E.1
	EDC Storage Tank 20D-12 (EQT0024)		Equipment with a closed vent system and control device. Design the closed vent system to collect all VOC vapors and gases discharged from the storage vessel and operate with no detectable emissions.		Specific Requirement 109 40 CFR 60.112b(a)(3)
			VOC, Total $\geq 95\%$ control efficiency.		Specific Requirement 113 LAC 33:III.2103.E.1
	EDC Storage Tank 6D-1A (EQT0025)		Equipment with a closed vent system and control device. Design the closed vent system to collect all VOC vapors and gases discharged from the storage vessel and operate with no detectable emissions.		Specific Requirement 118 40 CFR 60.112b(a)(3)
			VOC, Total $\geq 95\%$ control efficiency.		Specific Requirement 123 LAC 33:III.2103.E.1
	Wet Rework Tank 6D-7 (EQT0028)		VOC, Total $\geq 95\%$ control efficiency.		Specific Requirement 129 LAC 33:III.2103.E.1
	EDC Storage Tank 6D-1B (EQT0061)		Equipment with a closed vent system and control device. Design the closed vent system to collect all VOC vapors and gases discharged from the storage vessel and operate with no detectable emissions.		Specific Requirement 150 40 CFR 60.112b(a)(3)
		VOC, Total $\geq 95\%$ control efficiency.	Specific Requirement 157 LAC 33:III.2103.E.1		
Entire Facility (UNF0001)	9/26/2015	Install air pollution control facilities whenever practically, economically, and technologically feasible. When facilities have been installed on a property, use them and diligently maintain them 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.	Specific Requirement 277 LAC 33:III.905		

	REPORT (date)	EMISSION POINT	INCIDENT DATE (duration)	REQUIREMENT	REPORTED CAUSE	REGULATORY and PERMIT SPECIFIC REQUIREMENTS
b	2015 2 nd Semiannual General Condition K, R, and XI Report (3/30/2016)	Cathode Electric Oven 2F-1 (EQT0014)	10/20/2015	Permittee shall comply with all applicable manufacturing and fabricating standards.	A review of inspection records indicated several instances where inspection of potential sources of asbestos were conducted but not during daylight hours as required by 40 CFR 61.144(b)(3). Retrained supervisor who has oversight and control of the process to provide frequent review of visual monitoring records to ensure compliance and timely notification of any deviations. Additionally, retrained personnel on inspection protocol to ensure visible emissions monitoring is conducted during daylight hours as required	Specific Requirement 81 LAC 33:III.5151.E 40 CFR 61.144
		Cell Renewal Glove Box Vent (EQT0035)				Specific Requirement 138 LAC 33:III.5151.E 40 CFR 61.144
c	2016 2 nd Semiannual General Condition K, R, and XI Report (3/23/2017)	50-02.2 Detroit Diesel S. Firewater 33G-1B (CRG0001)	12/31/2016	Change oil and filter every 500 hours of operation or annually, whichever comes first. 40 CFR 63 Subpart ZZZZ.	Electronic and hard copy maintenance records did not verify activity was performed. The Respondent modified maintenance work orders to include very clear instructions on requirements for both activities and record retention. Additionally, the maintenance preventative maintenance (PM) type was change in SAP to a "Critical PM" which also ensures scheduled PMs are completed on time and hard copy records maintained.	Specific Requirements 1, 2, and 3 40 CFR 63.6603(a) 40 CFR 63.6601
				Equipment/operational data monitored by visual inspection/determination annually or every 1,000 hours of operation, whichever comes first. Inspect air cleaner, and replace as necessary per 40 CFR 63 Subpart ZZZZ.		
				Equipment/operational data monitored by visual inspection/determination annually or every 500 hours of operation, whichever comes first. Inspect all hoses and belts, and replace as necessary per 40 CFR 63 Subpart ZZZZ.		
d		50-02.3 Detroit Diesel S. Firewater 33G-2A (CRG0001)		Change oil and filter every 500 hours of operation or annually, whichever comes first. 40 CFR 63 Subpart ZZZZ.		Specific Requirements 1, 2, and 3 40 CFR 63.6603(a) 40 CFR 63.6601
				Equipment/operational data monitored by visual inspection/determination annually or every 1,000 hours of operation, whichever comes first. Inspect air cleaner, and replace as necessary per 40 CFR 63 Subpart ZZZZ.		
				Equipment/operational data monitored by visual inspection/determination annually or every 500 hours of operation, whichever comes first. Inspect all hoses and belts, and replace as necessary per 40 CFR 63 Subpart ZZZZ.		
e		50-02.4 Detroit Diesel S. Firewater 33G-2B (CRG0001)	Equipment/operational data monitored by visual inspection/determination annually or every 1,000 hours of operation, whichever comes first. Inspect air cleaner, and replace as necessary per 40 CFR 63 Subpart ZZZZ.		Specific Requirements 2 and 3 40 CFR 63.6603(a) 40 CFR 63.6601	
			Equipment/operational data monitored by visual inspection/determination annually or every 500 hours of operation, whichever comes first. Inspect all hoses and belts, and replace as necessary per 40 CFR 63 Subpart ZZZZ.			

	REPORT (date)	EMISSION POINT	INCIDENT DATE (duration)	REQUIREMENT	REPORTED CAUSE	REGULATORY and PERMIT SPECIFIC REQUIREMENTS
f	2016 2 nd Semiannual General Condition K, R, and XI Report (3/23/2017)	50-02.5 Kubota HESS Generator 74K-1 (CRG0001)	12/31/2016	<p>Change oil and filter every 500 hours of operation or annually, whichever comes first. 40 CFR 63 Subpart ZZZZ.</p> <p>Equipment/operational data monitored by visual inspection/determination annually or every 1,000 hours of operation, whichever comes first. Inspect air cleaner, and replace as necessary per 40 CFR 63 Subpart ZZZZ.</p> <p>Equipment/operational data monitored by visual inspection/determination annually or every 500 hours of operation, whichever comes first. Inspect all hoses and belts, and replace as necessary per 40 CFR 63 Subpart ZZZZ.</p>	<p>Electronic and hard copy maintenance records did not verify activity was performed. The Respondent modified maintenance work orders to include very clear instructions on requirements for both activities and record retention. Additionally, the maintenance preventative maintenance (PM) type was change in SAP to a "Critical PM" which also ensures scheduled PMs are completed on time and hard copy records maintained.</p>	<p>Specific Requirements 1, 2, and 3 40 CFR 63.6603(a) 40 CFR 63.6601</p>

Each failure to operate according to permitted requirements is a violation of Title V Permit No. 2560-00019-V5 and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(2).

- D. In the 2016 2nd Semiannual General Condition K, R, and XI Report, dated March 23, 2017, the Respondent reported the failure to seal open ended valves and lines with caps, blind flanges, plugs or second valves. Specifically, on September 7, 2016, the Respondent discovered an upstream valve on ethylene dichloride (EDC) Storage Tanks 20D-11 and 20D-12 Sampling Systems (FUG0001) was not closed, following sampling activities. Upon discovery, the valve was immediately closed and system pressure bled off. This is a violation of Specific Requirement 190 of Title V Permit No. 2560-00019-V5, 40 CFR 63.167, which language has been adopted as a Louisiana regulation in LAC 33:III.5122, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- E. In the 2017 Revised 2nd Semiannual General Condition K, R, and XI report dated April 23, 2018, the Respondent reported the exceedance of 1,2-dichloroethane permitted emissions. Specifically, according to information contained in the report the Respondent submitted an application to modify Title V Permit 2560-00019-V5 on or about November 30, 2015, which did not include a wide enough range of actual data for a new emissions estimate and erroneously reduced emission limits from 0.215 tons per year (tpy) to 0.048 tpy. The Respondent was issued Title V Permit No. 2560-00019-V6 on August 2, 2017. The Respondent is permitted 0.048 tpy of 1,2-dichloroethane on CAP 01-05, Boiler Emissions CAP (GRP0005) and emitted 0.096 tpy in 2017. This exceedance is a violation of Title V Permit No. 2560-00019-V6, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2). In correspondence dated March 8, 2019, the Respondent stated an application to modify the permit should be submitted in July of 2019; however, during this time the Respondent shut the unit down for maintenance of the absorber scrubber (GRP0005) and diverted chlorine from

the rail cars back to the suction of the chlorine compressor rather than using the scrubber system (EQT0003).

- F. In the 2017 Revised 2nd Semiannual General Condition K, R, and XI report dated April 23, 2018, the Respondent reported the exceedance of chlorine permitted emissions. Specifically, according to information contained in the report the Respondent submitted an application to modify Title V Permit 2560-00019-V5 on or about November 30, 2015, the modification did not consider all site sources of loading for this scrubber and erroneously reduced emission limits from 0.187 tpy to 0.01 tpy. The Respondent was issued Title V Permit No. 2560-00019-V6 on August 2, 2017. The Respondent is permitted 0.01 tpy of chlorine on 3D-4 A & B Emergency Cl2 Neutralization Tanks Scrubber (EQT0003) and emitted 0.014 tpy in 2017. This exceedance is a violation of Title V Permit No. 2560-00019-V6, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2). In correspondence dated March 8, 2019, the Respondent stated an application to modify the permit should be submitted in July of 2019; however, during this time the Respondent shut the unit down for maintenance of the absorber scrubber (GRP0005) and diverted chlorine from the rail cars back to the suction of the chlorine compressor rather than using the scrubber system (EQT0003).

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Act, Air Quality Regulations, and all applicable permits.

II.

To submit to the Air Permits Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, an air permit modification application, if necessary, to address the permit limit exceedances cited in the violations cited in Findings of Fact paragraphs II.E and II.F. In addition, the Respondent shall submit a copy of this documentation to the Enforcement Division.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Madison Kirkland
Re: Enforcement Tracking No. AE-CN-17-00240
Agency Interest No. 3544

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. AE-CN-17-00240
Agency Interest No. 3544

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Division of Administrative Law (DAL) Procedural Rules. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Madison Kirkland at (225) 219-3165 or Madison.Kirkland@la.gov within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 15th day of March, 2019.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Madison Kirkland

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

CONSOLIDATED COMPLIANCE ORDER &
 NOTICE OF POTENTIAL PENALTY
 REQUEST TO CLOSE



Enforcement Tracking No.	AE-CN-17-00240	Contact Name	Madison Kirkland
Agency Interest (AI) No.	2544	Contact Phone No.	225-219-3165
Alternate ID No.	2560-00019	Contact Email	Madison.Kirkland@la.gov
Respondent:	Occidental Chemical Corporation	Facility Name:	Convent Facility
	c/o CT Corporation System	Physical Location:	7377 Louisiana Highway 3214
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Convent, LA 70723
	Baton Rouge, LA 70816	Parish:	St. James

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph III of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

_____	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.
_____	In order to resolve any claim for civil penalties for the violations in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-17-00240), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
_____	In order to resolve any claim for civil penalties for the violations in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-17-00240), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$_____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.
_____	<ul style="list-style-type: none"> • Monetary component = \$_____ • Beneficial Environmental Project (BEP) component (optional)= \$_____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
_____	The Respondent has reviewed the violations noted in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-17-00240) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:		
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Madison Kirkland		