

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	Settlement Tracking No.
	*	SA-AE-22-0082
AIR LIQUIDE LARGE INDUSTRIES U.S. LP	*	
	*	Enforcement Tracking No.
AI # 1093	*	AE-PP-14-00913
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, <u>ET SEQ.</u>	*	

SETTLEMENT

The following Settlement is hereby agreed to between Air Liquide Large Industries U.S. LP (“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 partnership that owned and/or operated a steam utility located in Geismar, Ascension Parish, Louisiana (“the Facility”).

II

On June 30, 2017, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. AE-PP-14-00913 (Exhibit 1).

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal

statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of THREE THOUSAND NINE HUNDRED AND NO/100 DOLLARS (\$3,900.00), of which Eight Hundred Fifty-One and 29/100 Dollars (\$851.29) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

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

VI

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

VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set

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

VIII

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.

IX

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 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.

X

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).

XI

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

XII

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.

AIR LIQUIDE LARGE INDUSTRIES U.S. LP

BY: [Signature]
(Signature)

John Brouil

(Printed)

TITLE: Plant Manager

THUS DONE AND SIGNED in duplicate original before me this 12th day of January, 2023, at Gasman, LA.

[Signature]

NOTARY PUBLIC (ID # _____)

Margaret Carroll

LA Notary ID # 48906

Commission Is For Life

(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Roger W. Gringles, Secretary

BY: [Signature]
Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 31st day of May, 2023, at Baton Rouge, Louisiana.

[Signature]

NOTARY PUBLIC (ID # 66881)

Jay L. Glorioso

(stamped or printed)

Approved: [Signature]
Celena J. Cage, Assistant Secretary

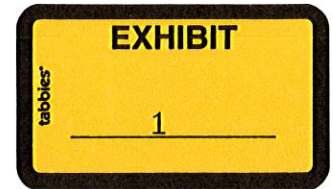
JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 30, 2017



CERTIFIED MAIL (7014 0510 0002 3595 2840)
RETURN RECEIPT REQUESTED

AIR LIQUIDE LARGE INDUSTRIES U.S. LP
c/o Capitol Corporate Services, Inc.
Agent for Service of Process
8550 United Plaza Building II, Suite 305
Baton Rouge, LA 70809

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-14-00913
AGENCY INTEREST NO. 1093**

Dear Sir:

On or about February 28, 2014 and October 14, 2016, an inspection and subsequent file review, respectively, of **GEISMAR UTILITY SERVICES** (the facility), a steam utility, owned and/or operated by **AIR LIQUIDE LARGE INDUSTRIES U.S. LP (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 4266 Louisiana Highway 73 in Geismar, Ascension Parish, Louisiana. The Respondent previously operated the facility under Title V Air Permit No. 0180-00002-V1, issued June 23, 2010, and No. 0180-00002-V2, issued May 29, 2013. The facility currently operates under Title V Air Permit No. 0180-00002-V3, issued on December 17, 2015.

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 inspection and subsequent file review:

- A. In the 2015 Annual Compliance Certification, the Respondent reported the failure to properly maintain the 03-05 Emergency Engine-Fire House Engine (EQT 11). Specifically, the report stated the Respondent failed to change the oil and filter, failed to inspect the air filter, and failed to inspect hoses and belts between April 13, 2015 and December 31, 2015. The failure to maintain the engine as depicted in the permit is a violation of Specific Requirements 18, 19, and 20 of Title V Permit No. 0180-00002-V2, Specific Requirements 17, 18, and 19 of Title V Permit No. 0180-00002-V3, LAC 33:III.501.C.4, and

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La. R.S. 30:2057(A)(2). On February 23, 2016, upon discovery of the deviation, the Respondent conducted the necessary equipment maintenance.

- B. During the inspection conducted February 28, 2014, the Department noted that the facility had not performed an emissions test on Boilers No.1/No. 2 (EQT 0001) and Boiler No. 3 (EQT 0002). In the 2013 Annual Compliance Certification, the Respondent reported this as a deviation, stating that the stack test was not conducted because biofuel off gas was used for a period of 23 days from October 3, 2012 through October 25, 2012. Failure to conduct a performance/emissions test within 180 days after initial combustion of biofuel off gas is a violation of Specific Requirements 59 and 63 of Title V Permit No. 0180-00002-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

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.

Prior to the issuance of any additional appropriate enforcement action, 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 Christopher Clement at (225) 219-3748 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

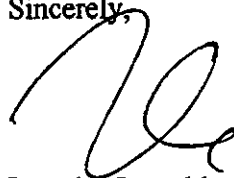
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations 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 this statement.

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

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To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/CGC/cgc
Alt ID No. 0180-00002

c: Air Liquide Large Industries U.S. LP
Geismar Utility Services
P.O. Box 488
Geismar, LA 70734