

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CF INDUSTRIES NITROGEN, LLC

AI # 2245, 2416

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

\* Settlement Tracking No.  
\* SA-AE-20-0100  
\*  
\* Enforcement Tracking No.  
\* AE-CN-13-00590  
\*  
\*  
\*  
\*

SETTLEMENT

The following Settlement is hereby agreed to between CF Industries Nitrogen, 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 manufacturing facility located in Donaldsonville, Ascension Parish, Louisiana (“the Facility”).

II

On June 19, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-13-00590 (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 FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), of which Two Thousand Three Hundred Fifty-Five and 15/100 Dollars (\$2,355.15) 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 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.

#### 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 attached hereto.

## 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.

CF INDUSTRIES NITROGEN, LLC



BY: *Doug C. Barnard*  
(Signature)

Douglas C. Barnard  
(Printed)

TITLE: SUP, GC, and Sec

THUS DONE AND SIGNED in duplicate original before me this 25th day of May, 20 23, at Deerfield, IL.



Marianne Bradley  
NOTARY PUBLIC (ID # 799578)

Marianne Bradley  
(stamped or printed)

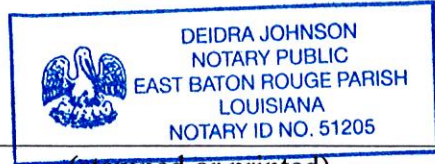
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Roger W. Gringles, Secretary

BY: *Celena J. Cage*  
Celena J. Cage, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 31st day of August, 20 23, at Baton Rouge, Louisiana.

Deidra Johnson  
NOTARY PUBLIC (ID # 51205)



(stamped or printed)  
Commission Expires Upon Death

Approved: *Celena J. Cage*  
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 19, 2018

CERTIFIED MAIL (7004 2510 0006 3852 9691)  
RETURN RECEIPT REQUESTED

**CF INDUSTRIES NITROGEN, LLC**  
c/o Corporation Service Company  
Agent for Service of Process  
501 Louisiana Ave.  
Baton Rouge, LA 70802

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-CN-13-00590  
AGENCY INTEREST NO. 2245, 2416**

Dear Sir(s):

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 **CF INDUSTRIES NITROGEN, LLC (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](mailto:madison.kirkland@la.gov).

Sincerely,

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

Celena F. Cage  
Administrator  
Enforcement Division

CJC/MLK/mlk  
Alt ID No. 0180-00004, 0180-00009

c: CF Industries Nitrogen, LLC  
P.O. Box 468  
Donaldsonville, LA 70346



**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE**

<b>IN THE MATTER OF</b>	*	
	*	
<b>CF INDUSTRIES NITROGEN, LLC</b>	*	<b>ENFORCEMENT TRACKING NO.</b>
<b>ASCENSION PARISH</b>	*	
<b>ALT ID NOS. 0180-00004, 0180-00009</b>	*	<b>AE-CN-13-00590</b>
	*	
	*	<b>AGENCY INTEREST NOS.</b>
<b>PROCEEDINGS UNDER THE LOUISIANA</b>	*	
<b>ENVIRONMENTAL QUALITY ACT,</b>	*	<b>2245, 2416</b>
<b>La. R.S. 30:2001, ET SEQ.</b>	*	

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **CF INDUSTRIES NITROGEN, LLC (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 Donaldsonville Nitrogen Complex (the complex) located at 39018 Louisiana Highway 3089 in Donaldsonville, Ascension Parish, Louisiana. The complex consisted of the facilities associated with Agency Interest Nos. 2245 and 2416. The facilities and their associated operating permits were consolidated with the issuance of Title V Air Permit No. 0180-00004-V9 on July 15, 2013. The Respondent transferred ownership of the complex associated with Agency Interest No. 2245 from Terra Mississippi Nitrogen, Inc. on or about October 1, 2010. This complex produces anhydrous ammonia and urea from natural gas, air and water. The complex associated with Agency Interest No. 2416 produces nitrogen based compounds such as ammonia, granular urea and urea ammonium nitrate. The complex operated and/or operates under the following permits:

Permit No.	Issuance Date	Description	Rescission Date
0180-00004-V17	12/28/2017	Part 70 Operating Permit Minor Modification	-
PSD-LA-772 (M2)	12/28/2017	Modification to PSD-LA-772 (M1)	-
0180-00004-V16	06/30/2017	Part 70 Operating Permit Minor Modification	-
0180-00004-V15	12/5/2016	Part 70 Operating Permit Minor Modification	-
PSD-LA-744 (M2)	12/5/2016	Modification to PSD-LA-744 (M1)	-
PSD-LA-772 (M1)	12/5/2016	Modification to PSD-LA-772 AA	-
0180-00004-V14	1/21/2016	Part 70 Operating Permit Minor Modification	-
0180-00004-V13	11/30/2015	Part 70 Operating Permit Minor Modification	-
0180-00004-V12	10/5/2015	Part 70 Operating Permit Minor Modification	-
PSD-LA-758 Rev 1	10/5/2015	Minor Modification to PSD-LA-758 AA	12/5/2016
0180-00004-V11	3/27/2015	Part 70 Operating Permit Minor Modification	-
PSD-LA-757 AA-2	3/27/2015	Administrative Amendment to PSD-LA-757 AA-1	12/5/2016
PSD-LA-758 AA	3/27/2015	Administrative Amendment to PSD-LA-758	12/5/2016
PSD-LA-772 AA	3/27/2015	Administrative Amendment to PSD-LA-772	-
0180-00004-V10	4/21/2014	Part 70 Operating Permit Significant Modification	-
PSD-LA-757 AA-1	2/18/2014	Administrative Amendment to PSD-LA-757 AA	12/5/2016
PSD-LA-757 AA	12/20/2013	Administrative Amendment to PSD-LA-757	12/5/2016
0180-00004-V9	7/15/2013	Part 70 Operating Permit Renewal and Major Modification – Consolidate Agency Interest Nos. 2245 and 2416 and Title V Permit Nos. 0180-00009 and 0180-00004	-
PSD-LA-772	7/15/2013	Construction of Expansion Project	-
0180-00009-V2	7/23/2012	Part 70 Operating Permit Major Modification	-
PSD-LA-757	7/23/2012	Construction of No. 2 Ammonia Plant Debottlenecking Project	12/5/2016
0180-00004-V8	4/4/2012	Part 70 Operating Permit Major Modification	-
PSD-LA-758	4/4/2012	Construction of No. 1 Urea Boiler Replacement Project	12/5/2016
0180-00004-V7	7/26/2011	Part 70 Operating Permit Minor Modification	-
PSD-LA-744 (M1)	6/10/2011	Administrative Amendment to PSD-LA-744 (M1)	-
PSD-LA-744 (M1)	12/15/2010	Minor Modification to PSD-LA-744	-
0180-00004-V6	12/15/2010	Part 70 Operating Permit Minor Modification	-
0180-00009-V1	6/16/2009	Part 70 Operating Permit Renewal and Modification	-
PSD-LA-744	3/3/2009	Construction of Energy Retrofit Project	-
PSD-LA-594 (M1)	1/12/2009	Administrative Amendment to PSD-LA-594 (M1)	-
PSD-LA-594 (M1)	6/7/2007	Modification to PSD-LA-594	-
PSD-LA-594	4/29/1996	Construct and Operate No. 4 Urea Plant, No. 3 Nitric Acid Plant, and No. 2 Urea Ammonium Nitrate Plant	-

## II.

On or about May 3, 2011, May 9, 2011, March 13, 2012, May 21, 2014, May 23, 2014, June 13, 2014, December 14, 2015, May 2, 2016, May 9-10, 2016, and May 23, 2016, the Department conducted



inspections for the complex to determine compliance with the Air Quality Regulations. Additionally, the Department conducted a file review for the complex on or about December 21, 2017.

While the Department's investigation is not yet complete, the following violations were discovered during the course of the inspections and file review:

- A. In the 2012 Title V 1<sup>st</sup> Semiannual Monitoring Report submitted to the Department on or about September 28, 2012, and 2012 Title V Annual Compliance Certification submitted to the Department on or about March 26, 2013, for Agency Interest No. 2245, the Respondent reported a failure to maintain greater than or equal to three (3) feet tank condensate level during loading of aqua ammonia for ID-26a Aqua Ammonia System with Vent Scrubber (EQT0010). Specifically, for 251.9 hours from January 1, 2012, through June 30, 2012, and for 47.12 hours from July 1, 2012, through July 22, 2012, the tank condensate level dropped below three (3) feet during aqua ammonia loading operations. This is a violation of Specific Requirement 20 of Title V Air Permit No. 0180-00009-V1, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2). This specific requirement was removed in Title V Air Permit No. 0180-00009-V2 issued on July 23, 2012.
- B. In the 2012 Title V 1<sup>st</sup> Semiannual Monitoring Report submitted to the Department on or about September 28, 2012, and 2012 Title V Annual Compliance Certification submitted to the Department on or about March 26, 2013, for Agency Interest No. 2245, the Respondent reported operation of equipment at the complex without being included in the permit. Specifically, 2-76 Alkanol Amine Tank was operated at the complex from the time ownership of the complex was transferred to the Respondent in October 2010 until it was included as EQT0040 in Title V Air Permit No. 0180-00009-V2 issued on July 23, 2012. Operation of the equipment without being included in permit is a violation of LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- C. In the 2012 Title V 1<sup>st</sup> Semiannual Monitoring Report submitted to the Department on or about September 28, 2012, for Agency Interest No. 2245, the Respondent reported nitrogen oxides (NOx) hourly emissions rate exceedances for ID-02 Primary Reformer Stack Vent (Ammonia Plant No. 2) (EQT0014). Specifically, on or about January 16, 2012, the HPPGU Unit was taken out of service for repair of pump 202-J which caused the maximum NOx emissions rate from EQT0014 to be exceeded. Additionally, on or about February 27, 2012, the HPPGU Unit was taken out of service to change the thrust plate on 103-J which caused the maximum NOx emissions rate from EQT0014 to be exceeded. Each exceedance of the permit limits is a violation of Title V Air Permit No. 0180-00009-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- D. In the 2012 Title V Annual Compliance Certification submitted to the Department on or about March 26, 2013, for Agency Interest No. 2245, the Respondent reported a carbon monoxide (CO) exceedance above permitted emission limits for PIC-5 Ammonia Plant No. 2 Start-up Vent (EQT0021) in 2012. A subsequent file review of the complex's 2012 Emissions Inventory submitted by the Respondent revealed for EQT0021 CO emissions of 6.27 tons per year with permit limits of 4.09 and 0.04 tons per year in Title V Air Permit No. 0180-00009-V1 and Title V Air Permit No. 0180-00009-V2, respectively. This exceedance of the permit limits is a violation of Title V Air Permit No. 0180-00009-V1, Title V Air Permit No. 0180-00009-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Additionally, the Respondent has taken appropriate actions to maintain continuous operations and minimize start-ups by implementing a project as requested in the permit modification for Title V Air Permit No. 0180-00009-V2 issued on July 23, 2012, which decreased the CO emission limits from 4.09 tons per year to 0.04 tons per year. The goal of the project was to increase the overall ammonia production and reduce the energy consumption per ton of product produced.
- E. In the 2013 Title V Annual Compliance Certification submitted to the Department on or about March 27, 2014, for Agency Interest No. 2416, the Respondent reported failures to submit timely and complete permit applications prior to the construction and/or operation of the following emissions sources: 64-75 No. 2 Urea Nitrogen Sewer Tank, 65-75 No. 3 & 4 Ammonia Plants Oil/Water Separator, 66-75 No. 2 Urea Plant Oil/Water Separator #304, 67-75 No. 2 Urea Plant Oil/Water Separator #305, 24-95 No. 4 Urea Plant Oil/Water Separator and 25-95 No. 4 Urea Process Condensate Tank. Each permitting failure is a violation of LAC 33:III.501.C.1, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- F. In the 2013 Title V Annual Compliance Certification submitted to the Department on or about March 27, 2014, for Agency Interest No. 2416, the Respondent reported that the following emissions sources were operated at the complex without a permit: 64-75 No. 2 Urea Nitrogen Sewer Tank, 65-75 No. 3 & 4 Ammonia Plants Oil/Water Separator, 66-75 No. 2 Urea Plant Oil/Water Separator #304, 67-75 No. 2 Urea Plant Oil/Water Separator #305, 24-95 No. 4 Urea Plant Oil/Water Separator and 25-95 No. 4 Urea Process Condensate Tank. The sources were operated without a permit until included as EQT0190, EQT0191, EQT0192, EQT0193, EQT0197 and EQT0198, respectively, in Title V Air Permit No. 0180-00004-V9 issued on July 15, 2013. Each operation without a permit is a violation of LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- G. In the 2013 Title V Annual Compliance Certification submitted to the Department on or about March 27, 2014, for Agency Interest No. 2416, the Respondent reported a monitoring failure for 3-75 No. 3 Ammonia Plant Reformer (EQT0058). Specifically, the Respondent reported that the oxygen (O<sub>2</sub>), NO<sub>x</sub> and CO continuous emissions monitoring system (CEMS) did not meet the data availability requirements for the month of July 2013. The data availability was reported as being less than 90 percent. This is a violation of Specific Requirements 52, 53 and 54 of Title V Air Permit No. 0180-00004-V9, LAC 33:III.2201.H.2.b, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- H. In the 2013 Title V Annual Compliance Certification submitted to the Department on or about March 27, 2014, for Agency Interest No. 2416, the Respondent reported that equipment was operating as insignificant activities at the complex without being including in the insignificant activities list. Specifically, a tank inventory conducted to update emissions revealed several tanks not included in the insignificant activities list. Each failure to list sources as insignificant activities is a violation of LAC 33:III.501.B.5, La R.S. 30:2057(A)(1) and 30:2057(A)(2). On or about December 12, 2011, the Respondent submitted a permit modification application for Title V Permit No. 0180-00004-V8 to reflect the updated list of insignificant activities. The insignificant activities list was updated in Title V Permit No. 0180-00004-V9 issued July 15, 2013.
- I. In the 2014 Title V 1<sup>st</sup> Semiannual Monitoring Report submitted to the Department on or about September 24, 2014, for Agency Interest No. 2416, the Respondent reported a NO<sub>x</sub> hourly emissions rate exceedance for 10-95 No. 4 Urea Boiler (EQT0021). Specifically, on or about March 13, 2014, the firing rate of EQT0021 was increased to make up for loss of steam from the No. 3 Nitric Acid Unit resulting in an exceedance of the NO<sub>x</sub> hourly permit limit of 37.47 pounds per hour (lbs/hr) for approximately one (1) hour. This exceedance of the permit limits is a violation of Title V Air Permit No. 0180-00004-V9, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- J. In the 2014 Title V Annual Compliance Certification submitted to the Department on or about March 30, 2015, for Agency Interest No. 2416, the Respondent reported a monitoring failure for 1-65 No. 1 Ammonia Plant Reformer (EQT0010). Specifically, the Respondent reported that the O<sub>2</sub>, NO<sub>x</sub> and CO CEMS did not meet the data availability requirements for the month of September 2014. The data availability was reported as being less than 90 percent. This is a violation of Specific Requirements 4, 5, and 6 of Title V Air Permit No. 0180-00004-V10, LAC 33:III.2201.H.2.b, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

- K. In the 2014 Title V Annual Compliance Certification submitted to the Department on or about March 30, 2015, for Agency Interest No. 2416, the Respondent reported a NO<sub>x</sub> exceedance of the annual permit limits for 47-75 Complex Urea/UAN Ammonia Pipeline Flare (EQT0071). Specifically, the certification stated NO<sub>x</sub> emissions of 0.02 tons per year (tpy) for 2014 with a permit limit of 0.01 tpy. This exceedance of the permit limits is a violation of Title V Air Permit No. 0180-00004-V10, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Additionally, the Respondent received a modified Title V Permit (0180-00004-V11) on March 27, 2015 to increase the allowable operating hours, as well as potential emissions for 47-75 Complex Urea/UAN Ammonia Pipeline Flare (EQT0071).
- L. In the 2014 Title V Annual Compliance Certification submitted to the Department on or about March 30, 2015, for Agency Interest No. 2416, the Respondent reported a CO exceedance of the annual permit limits for EQT0071. Specifically, the certification stated CO emissions of 0.02 tpy for 2014 with a permit limit of 0.01 tpy. This exceedance of the permit limits is a violation of Title V Air Permit No. 0180-00004-V10, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Additionally, the Respondent received a modified Title V Permit (0180-00004-V11) on March 27, 2015 to increase the allowable operating hours, as well as potential emissions for 47-75 Complex Urea/UAN Ammonia Pipeline Flare (EQT0071).
- M. In the 2015 Title V 1<sup>st</sup> Semiannual Monitoring Report submitted to the Department on or about July 27, 2015, for Agency Interest No. 2416, the Respondent reported a NO<sub>x</sub> hourly emissions rate exceedance for 1-91 No. 3 Urea Boiler (EQT0017). Specifically, on or about January 13, 2015, the NO<sub>x</sub> hourly permit limit of 12.28 lbs/hr was exceeded for approximately one (1) hour due to the pulling in of condensate containing ammonia blowing down near the boiler. This exceedance of the permit limits is a violation of Title V Air Permit No. 0180-00004-V10, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- N. In the 2015 Title V Annual Compliance Certification submitted to the Department on or about March 28, 2016, for Agency Interest No. 2416, the Respondent reported a monitoring failure for 1-67 No. 2 Ammonia Plant Reformer (EQT0011). Specifically, the Respondent reported that the O<sub>2</sub>, NO<sub>x</sub> and CO CEMS did not meet the data availability requirements for the month of August 2015. The data availability was reported as being less than 90 percent. This is a violation of Specific Requirements 15, 16 and 17 of Title V Air Permit No. 0180-00004-V11, LAC 33:III.2201.H.2.b, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

Additionally, the Respondent is evaluating options, such as purchasing an analyzer with an alternate span to meet the data availability requirement during future start-ups.

- O. In the 2016 Title V 1<sup>st</sup> Semiannual Monitoring Report submitted to the Department on or about September 12, 2016, for Agency Interest No. 2416, the Respondent reported a failure to maintain pH less than 3.0 standard units for 38-13 No. 4 Nitric Acid Clean Condensate Tank (EQT0186). Specifically, on or about April 23, 2016, through April 25, 2016, for approximately 36 hours, pH readings were swinging due to plant operating conditions after the most recent startup. This is a violation of Specific Requirement 699 of Title V Air Permit No. 0180-00004-V14, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2). Additionally, the Respondent corrected the action by calibrating the pH probes, returning them to service, and lowering the pH alarm.
  
- P. In the 2016 Title V 1<sup>st</sup> Semiannual Monitoring Report submitted to the Department on or about September 12, 2016, for Agency Interest No. 2416, the Respondent reported a failure to maintain scrubber flow rate greater than or equal to 10.00 gallons per minute (g/min) for 37-13 No. 4 Nitric Acid Plant Tank (EQT0187). Specifically, on or about March 12, 2016, for approximately seven (7) hours, feed pumps to the No. 4 Nitric Acid Plant Scrubber (T-503) went down resulting in no flow over the scrubber. This is a violation of Specific Requirement 703 of Title V Air Permit No. 0180-00004-V14, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2). Additionally, the Respondent corrected the action by lowering the tank level set point that caused the pumps to trip and the tone of the audible alarm has been changed to be more distinct.

III.

The Respondent reported the following releases at the complex to the Department in Unauthorized Discharge Reports:

Permit No.	Date	Incident No.	Pollutant	Amount	Description	Corrective Actions
AI# 2416 Permit No. 0180-00004- V12	11/2/2015	T-167103	Ammonia	371 lbs.*	At approximately 11:15 AM, when preparing for work on the suction flange to pump P-101A, a contract worker loosened the flange bolts while the line was still pressurized. The pump was isolated by placing a water spray on the flange, and the flare was de-pressurized to stop the discharge	Operations personnel responded upon immediate discovery by placing water sprays on the affected equipment to contain the ammonia vapors. Operations personnel isolated and de-pressured the pump to stop the discharge.

Permit No.	Date	Incident No.	Pollutant	Amount	Description	Corrective Actions
AI# 2416 Permit No. 0180-00004- V6	4/19/2011	T-130791	Ammonia	1550 lbs.	During shut down, drain line for Urea Reactor (R-101) was being flushed to empty the vessel. Prior to emptying the vessel, the bleed valve was flushed to ensure the bleed valve was closed however, the bleed valve was clogged. While emptying the vessel through the process block valve, the bleed valve became unplugged causing a release.	Refresher training on the applicable written standard operating procedures (SOPs) were conducted because, the operator believed the valve was closed when the SOPs would have discovered that the valve was in an open position.
AI# 2416 Permit No. 0180-00004- V6	4/18/2011	T-130639	Ammonia	414 lbs.	During start up, a discharge block valve on the Ammonia Pipeline Injection Pump 504-JA was opened. Because the suction block valve was not opened, an increase in pump suction pressure occurred resulting in a pressure safety valve opening.	Refresher training on the applicable written standard operating procedures (SOPs) were conducted because the discharge would not have occurred if the operator had followed the unit's written SOPs for the work being performed.
* Total of 2 Unauthorized Discharges that occurred on 11/2/2015						

Each failure to properly operate or maintain a control device is a violation of LAC 33:III.905, La. R.S. 30:2057(A)(1) and 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 and Air Quality Regulations, including, but not limited to, all terms and conditions of any effective air permits.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes the exceedance amounts as mentioned above in Findings of Fact subparagraphs II.I, II.K II.L, and II.M.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes installation and beginning operation dates for the equipment mentioned above in Findings of Fact subparagraphs II.E and II.F.

IV.

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-13-00590**  
**Agency Interest Nos. 2245, 2416**

**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-13-00590**  
**Agency Interest Nos. 2245, 2416**

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 Department's Rules of Procedure. 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

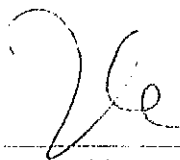


amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement 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 19<sup>th</sup> day of June, 2018.



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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-13-00590	Contact Name	Madison Kirkland	
Agency Interest (AI) Nos.	2245, 2416	Contact Phone No.	225-219-3165	
Alternate ID Nos.	0180-00004, 0180-00009			
Respondent:	CF Industries Nitrogen, LLC	Complex Name:	Donaldsonville Nitrogen Comple>	
	c/o Corporation Service Company Agent for Service of Process	Physical Location:	39018 LA Hwy. 3089	
	501 Louisiana Ave.	City, State, Zip:	Donaldsonville, LA 70346	
	Baton Rouge, LA 70802	Parish:	Ascension Parish	
STATEMENT OF COMPLIANCE				
STATEMENT OF COMPLIANCE		Date Completed	Copy Attached?	
A written report was submitted in accordance with Paragraph II, III, and IV 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, III and IV of the "Order" portion of the COMPLIANCE ORDER.				
All necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER.		N/A	N/A	
All necessary documents were submitted to the Department within 90 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER.		N/A	N/A	
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the complex 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)				
<i>(check the applicable option)</i>				
<input type="checkbox"/>	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.Chapter 7.			
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-13-00590), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.			
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-13-00590), 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"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• <b>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM-</b> the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</li> </ul>			
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-13-00590) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.			

CERTIFICATION STATEMENT		
<p><i>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 complex or any other complex I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.</i></p>		
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		