

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

K/D/S PROMIX, L.L.C.

AI # 42929

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

* Settlement Tracking No.
* SA-AE-22-0097
*
* Enforcement Tracking Nos.
* AE-PP-20-00153
* AE-PP-20-00153A
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SETTLEMENT

The following Settlement is hereby agreed to between K/D/S Promix, L.L.C. (“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 liquefied petroleum gas (LPG) fractionation plant located in Belle Rose, Assumption Parish, Louisiana (“the Facility”).

II

On November 3, 2021, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. AE-PP-20-00153 (Exhibit 1).

On April 13, 2022, the Department issued to Respondent an Amended Notice of Potential Penalty, Enforcement Tracking No. AE-PP-20-00153A (Exhibit 2).

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 AND NO/100 DOLLARS (\$3,000.00), of which Eight Hundred Twenty-Three and 71/100 Dollars (\$823.71) 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, Amended 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 Assumption 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.

K/D/S PROMIX, L.L.C.

BY: [Signature]
(Signature)

Richard M. Fullmer
(Printed)

TITLE: Vice President

THIS DONE AND SIGNED in duplicate original before me this 4th day of April, 20 23, at Houston, Texas.

Brenda J. Mendez
NOTARY PUBLIC (ID #10264322)



(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Roger W. Gingles, Secretary

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


THIS DONE AND SIGNED in duplicate original before me this 6th day of July, 20 23, at Baton Rouge, Louisiana.

Jay L. Glorioso
NOTARY PUBLIC (ID # 66881)
Jay L. Glorioso
(stamped or printed)

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

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

NOTICE OF POTENTIAL PENALTY



Enforcement Tracking No.	AE-PP-20-00153	Certified Mail No.	7018 1130 0002 1720 3145
Agency Interest (AI) No.	42929	Contact Name	Madison Kirkland
Alternate ID No.	0200-00003	Contact Phone No.	225-219-3165
Respondent:	K/D/S PROMIX, L.L.C.	Facility Name:	Promix Fractionation Plant
	c/o C T Corporation System	Physical Location:	6225 LA Highway 996
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Belle Rose, LA, 70341
	Baton Rouge, LA 70816	Parish:	Assumption

This NOTICE OF POTENTIAL PENALTY is issued 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 30:2050.3(B).

FINDINGS OF FACT

An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.

I.	The Respondent owns and/or operates a liquefied petroleum gas (LPG) fractionation plant located at 6225 Louisiana Highway 996 in Belle Rose, Assumption Parish, Louisiana. The facility operates or has operated under the following Title V Air Permits:		
	Title V Air Permit No.	Date Issued	Expiration Date
	0200-00003-V5	February 19, 2016	February 19, 2021
	0200-00003-V6	May 4, 2018	February 19, 2021
	0200-00003-V6AA	June 14, 2019	February 19, 2021
	0200-00003-V7	April 8, 2021	April 8, 2026

	Date of Violation	Description of Violation
II.	Inspection(s) 8/15/2019	The Respondent failed to timely submit a seven (7) day written notification report for the unauthorized discharge that required notification to the single point of contact (SPOC) under LAC 33:1.3923. Specifically, on or about August 15, 2019, the Respondent experienced a power outage from the third party power provider, Incident No. T192802. The power outage caused the loss of a fan blower to the 08-Plant Flare (EQT0003), which caused the opacity from EQT0003 to exceed 20% for eight (8) hours. According to Specific Requirement 27 of Title V Permit No. 0200-0003-V6AA, the Respondent is required to notify SPOC as soon as possible after the start of burning of pressure releases for control of process upsets in excess of six (6) hours. The Respondent did timely submit the initial notification required by LAC 33:1.3923; however, the Respondent failed to timely submit the seven (7) day written follow-up report. This is a violation of Specific Requirement 27 of Title V Permit No. 0200-0003-V6AA, LAC 33:1.3925.A, LAC 33:III.501.C.4, and La. 30:2057(A)(2). On or about March 17, 2020, the Respondent submitted a follow-up written notification to the Department for Incident No. T-192802. This deviation was also reported in the Title V 2019 2 nd Semiannual Monitoring Report dated March 18, 2020.
III.	Inspection(s) 3/13/2020	During the inspection, an approximate 250-gallon gasoline tank was located near the parking area by the office buildings, which was not listed in Title V Permit No. 0200-00003-V6AA. Additionally, the Respondent stated in the Title V 2020 1 st Semiannual Monitoring Report dated September 23, 2020, the failure to submit a permit application to the Department for a 265-gallon diesel storage tank and a 305-gallon gasoline storage tank. Each failure to obtain approval from the Department prior to operating the sources as an insignificant activity are violations of LAC 33:III.501.B.5 and La. R.S. 30:2057(A)(2). On April 21, 2020, the Respondent submitted a case-by-case insignificant activity notification for the 265-gallon diesel storage tank and the 305-gallon gasoline storage tank. On May 27, 2020, the Department approved the insignificant activities.
IV.	File Review 10/8/2020	The Respondent failed to timely submit a seven (7) day written notification report for the unauthorized discharge that required notification to the single point of contact (SPOC) under LAC 33:1.3923. Specifically, on or about August 15, 2019, the Respondent experienced a power outage from the third party power provider, Incident No. T192802. The power outage caused the loss of a fan blower to the 08-Plant Flare (EQT0003), which caused the opacity from EQT0003 to exceed 20% for eight (8) hours. According to Specific Requirement 27 of Title V Permit No. 0200-0003-V6AA, the Respondent is required to notify SPOC as soon as possible after the start of burning of pressure releases for control of process upsets in excess of six (6) hours. The Respondent did timely submit the initial notification required by LAC 33:1.3923; however, the Respondent failed to timely submit the seven (7) day written follow-up report. This is a violation of Specific Requirement 27 of Title V Permit No. 0200-0003-V6AA, LAC 33:1.3925.A, LAC 33:III.501.C.4, and La. 30:2057(A)(2). On or about March 17, 2020, the Respondent submitted a follow-up written notification to the Department for Incident No. T-192802. This deviation was also reported in the Title V 2019 2 nd Semiannual Monitoring Report dated March 18, 2020.

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 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. 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. 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.
- V. 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.

CONTACTS AND SUBMITTAL OF INFORMATION

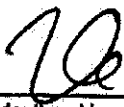
<i>Enforcement Division:</i>	<i>Physical Address (if hand delivered):</i>
Louisiana Department of Environmental Quality Office of Environmental Compliance Air Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Madison Kirkland	Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

HOW TO REQUEST CLOSURE OF THIS NOTICE OF POTENTIAL PENALTY

To expedite closure of the NOTICE OF POTENTIAL PENALTY, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.

- The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7.
- The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
- The settlement offer amount may be entered on the attached "NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE" 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.

If you have questions or need more information, you may contact Madison Kirkland at (225) 219-3165 or Madison.Kirkland@la.gov.



 Lourdes Iturralde
 Assistant Secretary
 Office of Environmental Compliance

Date: 11-3-2021

c: K/D/S Promix, L.L.C.
 Damien T. Watt, Field Environmental Scientist
 P.O. Box 4324
 Houston, TX 77210

Attachment(s)
 - Request to Close



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

NOTICE OF POTENTIAL PENALTY
REQUEST TO SETTLE (OPTIONAL)

Enforcement Tracking No.	AE-PP-20-00153	Contact Name	Madison Kirkland
Agency Interest (AI) No.	42929	Contact Phone No.	225-219-3165
Alternate ID No.	0200-00003	Contact Email	Madison.Kirkland@la.gov
Respondent:	K/D/S PROMIX, L.L.C.	Facility Name:	Promix Fractionation Plant
	c/o CT Corporation System	Physical Location:	6225 LA Highway 996
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Belle Rose, LA, 70341
	Baton Rouge, LA 70816	Parish:	Assumption

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<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.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-PP-20-00153), 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-PP-20-00153), 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.
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-PP-20-00153) 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

If you have questions or need more information, you may contact Madison Kirkland at (225) 219-3165 or Madison.Kirkland@la.gov.



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

APR 13 2022

CERTIFIED MAIL (7020 1290 0001 0463 1781)
RETURN RECEIPT REQUESTED

K/D/S PROMIX, L.L.C.
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: AMENDED NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-20-00153A
AGENCY INTEREST NO. 42929**

Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED NOTICE OF POTENTIAL PENALTY** is hereby served on **K/D/S PROMIX, L.L.C. (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Elisabeth Pigott at (225) 219-3378 or Elisabeth.Pigott@la.gov.

Sincerely,

A handwritten signature in black ink that reads "Angela Marse".

Angela Marse
Administrator
Enforcement Division

AM/EHP/ehp
Alt ID No. 0200-00003

c: K/D/S Promix, L.L.C.
Damien T. Watt, Field Environmental Scientist
P.O. Box 4324
Houston, TX 77210



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

IN THE MATTER OF

**K/D/S PROMIX, L.L.C.
ASSUMPTION PARISH
ALT ID NO. 0200-00003**

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

*	
*	
*	ENFORCEMENT TRACKING NO.
*	
*	AE-PP-20-00153A
*	
*	AGENCY INTEREST NO.
*	
*	42929
*	
*	

AMENDED NOTICE OF POTENTIAL PENALTY

The Louisiana Department of Environmental Quality (the Department) hereby amends the **NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-PP-20-00153** issued to **K/D/S PROMIX, L.L.C. (RESPONDENT)** on November 3, 2021 in the above-captioned matter as follows:

I.

The Department hereby amends Findings of Fact Paragraph IV. to read as follows:

“In the 2020 Title V 1st Semiannual Monitoring Report dated September 23, 2020, the Respondent reported the failure to operate within the Best Available Control Technology (BACT) box 30-day rolling average for nitrogen oxides (NOx) emissions. Specifically, from May 2, 2020 to May 12, 2020, for 231 hours out of the 4,358 hours of operation, the South Heater (EQT0002) operated at a range of 5.29 lbs/hr to 5.36 lbs/hr for NOx emissions, which exceeded the BACT Box NOx 30-day rolling average of 5.28 lbs/hr. The Respondent stated the cause of the exceedance was due to a failure of the connector on the register that controls the oxygen, which resulted in the disconnection of the register from the oxygen control mechanism. This is a violation of 40 CFR 60.49b(c), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Specific Requirement 9 of Title V Permit No. 0200-00003-V6AA, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2). In correspondence

dated September 23, 2020, the Respondent stated in order to prevent recurrence, operations has since repaired the connector and added the connectors to the preventative maintenance schedule.”


II.

The Department incorporates all of the remainder of the original **NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-PP-20-00153** and **AGENCY INTEREST NO. 42929** as if reiterated herein.

III.

This **AMENDED NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 13th day of April, 2022.



Celena J. Cage
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: Elisabeth Pigott