

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

PINNACLE POLYMERS, LLC

AI # 30922

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

* **Settlement Tracking No.**
* **SA-AE-23-0009**
*
* **Enforcement Tracking Nos.**
* **AE-CN-15-00853**
* **AE-PP-21-00478**
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SETTLEMENT

The following Settlement is hereby agreed to between Pinnacle Polymers, 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 polypropylene manufacturing plant located in Garyville, St. John the Baptist Parish, Louisiana (“the Facility”).

II

On October 20, 2016, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-15-00853 (Exhibit 1).

On September 21, 2021, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. AE-PP-21-00478 (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 TWENTY SIX THOUSAND TWO HUNDRED AND 48/100 DOLLARS (\$26,200.48), of which Two Thousand One Hundred Forty and 65/100 Dollars (\$2,140.65) 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, 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 St. John the Baptist 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.

PINNACLE POLYMERS, LLC

BY: Deneice Bercegeay
(Signature)

Deneice Bercegeay
(Printed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 21st day of September, 20 23, at Charyville, LA.

Felicia Thompson
NOTARY PUBLIC (ID # 58214)



Felicia Thompson
(stamped or printed)

Lifetime Commission

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Roger W. Gingles, Secretary

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

THUS DONE AND SIGNED in duplicate original before me this 5th day of December, 20 23, at Baton Rouge, Louisiana.

Jay Glorioso
NOTARY PUBLIC (ID # 65881)
OFFICIAL SEAL
JAY GLORIOSO
NOTARY ID # 65881
STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE
My Commission is for Life

(stamped or printed)

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

October 20, 2016

CERTIFIED MAIL (7014 0510 0002 3595 4974)
RETURN RECEIPT REQUESTED

PINNACLE POLYMERS, LLC
c/o Thomas Lejeune
Agent for Service of Process
One Pinnacle Avenue
Garyville, LA 70051

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-15-00853
AGENCY INTEREST NO. 30922**

Dear Sir:

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 **PINNACLE POLYMERS, 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 Richard LeBlanc at 225-219-3165.

Sincerely,

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

Celena J. Cage
Administrator
Enforcement Division

CJC/RDL/rdl
Alt ID No. 2580-00030
Attachment



c: Pinnacle Polymers, LLC
c/o Pieter Swanepoel, Vice President of Operations
PO Drawer E
Garyville, LA 70051

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

IN THE MATTER OF	*	
	*	
PINNACLE POLYMERS, LLC	*	ENFORCEMENT TRACKING NO.
ST. JOHN THE BAPTIST PARISH	*	
ALT ID NO. 2580-00030	*	AE-CN-15-00853
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	30922
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **PINNACLE POLYMERS, 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 Polypropylene Production Plant (facility), a polypropylene producing facility, located at 1 Pinnacle Avenue in Garyville, St. John the Baptist Parish, Louisiana. The facility currently operates under Minor Source Air Permit No. 2580-00030-3, issued September 23, 2015. The facility previously operated under Air Permit No. 2580-00030-02, issued November 30, 2006.

II.

On or about September 7, 2016, a file review of the Respondent's facility was conducted to determine the Respondent's degree of compliance with the Act and the Air Quality Regulations.

While the department's review is not yet complete, the following violations were noted during the course of the file review:

- A. The Respondent failed to submit annual polypropylene production rate reports for the following reporting years: 2010, 2011, 2012, 2013, 2014 and 2015. Each failure to submit the report as required prior to September 23, 2015, is a violation of Minor Source Air Permit No. 2580-00030-02 Specific Requirement 91. Each failure to submit the report as required after September 23, 2015, is a violation of Minor Source Air Permit No. 2580-00030-03 Specific Requirement 48. Each failure is also a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- B. In correspondence submitted March 31, 2011, the Respondent reported an exceedance of the facility's permitted emissions limit for volatile organic compounds (VOCs) from 12-97 Propopylene Plant Fugitives (FUG0001). Specifically, the facility was permitted to emit 21.07 tons per year of VOCs from FUG0001 and actual emissions for the 2010 reporting year were 22.43 tons. The reported cause of this exceedance was 2,963 un-monitored flanges which accounted for 13.29 tons of the facility's VOCs emissions for the 2010 reporting year. Exceeding the emissions limit is a violation of Minor Source Air Permit No. 2580-00030-02 Emission Rates for Criteria Pollutants, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- C. The Respondent failed to provide in the reports listed below the facts for the delay of repair for equipment in VOC service at the facility's G-1 process unit:

Reporting Period	Date Report Submitted
September 2010 - February 2011	March 30, 2011
March 2011 - August 2011	September 15, 2011
September 2011 - February 2012	March 15, 2012
March 2012 - August 2012	October 4, 2012
March 2013 - August 2013	September 24, 2013
March 2014 - August 2014	September 4, 2014
September 2014 - February 2015	March 20, 2015
March 2015 - August 2015	September 8, 2015
September 2015 - February 2016	March 15, 2016

Each failure to provide facts for delay of repair for equipment in VOC service prior to September 23, 2015, is a violation of Minor Source Air Permit No. 2580-00030-02 Specific Requirement 69. Each failure to provide facts for delay of repair for equipment in VOC service after September 23, 2015, is a violation of Minor Source Air Permit No. 2580-00030-03 Specific Requirement 27. Each failure is also a violation of LAC 33:III.3003, which incorporates by reference 40 CFR 60.487(c)(vii); LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

- D. The Respondent is required to submit semiannual monitoring reports for equipment in VOC service at the facility in accordance with the requirements of LAC 33:III.2121. The Department has no record that this report was submitted for the period of September 2012 through February of 2013 for process unit G-1. The failure to submit this report is a violation of Minor Source Air Permit No. 2580-00030-02 Specific Requirement 69; LAC 33:III.3003, which incorporates by reference 40 CFR 60.487(a); LAC 33:III.2121.F; LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- E. The Respondent failed to provide in the reports listed below the facts for the delay of repair for equipment in VOC service at the facility's G-2 process unit:

Reporting Period	Date Report Submitted
October 2010 - March 2011	May 16, 2011
October 2011 - March 2012	April 11, 2012
April 2014 - September 2014	October 21, 2014
October 2014 - March 2015	April 8, 2015
April 2015 - September 2015	October 12, 2015

Each failure to provide facts for delay of repair for equipment in VOC service prior to September 23, 2015, is a violation of Minor Source Air Permit No. 2580-00030-02 Specific Requirement 74. Each failure to provide facts for delay of repair for equipment in VOC service after September 23, 2015, is a violation of Minor Source Air Permit No. 2580-00030-03 Specific Requirement 31. Each failure is also a violation of LAC 33:III.3003, which incorporates by reference 40 CFR 60.487(c)(vii); LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

- F. The Respondent is required to submit semiannual monitoring reports for equipment in VOC service at the facility in accordance with the requirements of LAC 33:2121. The Department has no record that this report was submitted for the period of April 2011 through September 2011 for process unit G-2. The failure to submit this report is a violation of Minor Source Air Permit No. 2580-00030-02 Specific Requirement 74; LAC 33:III.3003, which incorporates by reference 40 CFR 60.487(a); LAC 33:III.2121.F; LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- G. The Respondent failed to submit the facility's 2014 Annual Criteria Pollutant Emissions Inventory Certification Statement in a timely manner. Specifically, this certification statement was due to be submitted no later than April 30, 2015, and was postmarked on May 14, 2015. The failure to submit this Certification Statement in a timely manner is a violation of Minor Source Permit No. 2580-00030-02 Specific Requirement 100, LAC 33:III.919.f.1.d, 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 Air Quality Regulations, including, but not limited to, submitting timely and complete reports and certifications to the Department.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the 2010, 2011, 2012, 2013, 2014 and 2015 annual polypropylene production reports, as specified by Specific Requirement 91 of Minor Source Air Permit No. 2580-00030-02 and Specific Requirement 48 of Minor Source Air Permit No. 2580-00030-03.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the semiannual reports for equipment in VOC service for the period of September 2012 through February 2013 for process unit G-1 and for the period of April 2011 through September 2011 for process unit G-2 as specified by Minor Source Air Permit No. 2580-00030-02 Specific Requirements 69 and 74, respectively.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, facts for the delay of repair for equipment in VOC service at the facility's G-1 and G-2 process units according to LAC 33:III.3003, which incorporates by reference 40 CFR 60.487(c)(vii), for the reports mentioned above in Findings of Fact subparagraphs II.C and II.E.

V.

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: Richard LeBlanc
Re: Enforcement Tracking No. AE-CN-15-00853
Agency Interest No. 30922

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-15-00853
Agency Interest No. 30922

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 Richard LeBlanc 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.

IV.

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

Baton Rouge, Louisiana, this 20th day of October, 2016.



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: Richard LeBlanc



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-21-00478	Certified Mail No.	7020 1290 0001 0463 1675
Agency Interest (AI) No.	30922	Contact Name	Mark E. Brown
Alternate ID No.	2580-00030	Contact Phone No.	(225) 219-3782
Respondent:	Pinnacle Polymers, LLC	Facility Name:	Polypropylene Manufacturing Plant
	c/o Stacy St. Pierre	Physical Location:	One Pinnacle Avenue
	Agent for Service of Process		
	One Pinnacle Avenue	City, State, Zip:	Garyville, LA 70051
Garyville, LA 70051	Parish:	St. John the Baptist	

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 polypropylene manufacturing plant located at One Pinnacle Avenue in Garyville, St. John the Baptist Parish, Louisiana. The facility currently operates under Synthetic Minor Source Air Permit No. 2580-00030-06, issued on November 5, 2020. The facility previously operated under Synthetic Minor Source Air Permit No. 2580-00030-05, issued on February 24, 2017.
	Date of Violation	Description of Violation
II.	Inspection(s) 9/27/16 – 9/29/16	In July 2012 and July 2015, the Respondent contracted a third-party to conduct compliance audits to evaluate compliance with the provisions of 40 CFR 68 Subpart D and to verify that procedures and practices required by the Chemical Accident Prevention Provisions (CAPP) are adequate and being followed. Both compliance audits documented the following findings: 1) facility siting and human factors were not considered in the 2009 Process Hazard Analysis (PHA); nor were they reviewed under any previous PHA, and 2) the PHA failed to identify incidents with potential for catastrophic consequences since the previous PHA. At the time of the Department's inspection, these compliance audit findings were not resolved. Each failure to promptly determine and document an appropriate response to each of the findings of the compliance audit and document that deficiencies have been corrected is a violation of 40 CFR 68.79(d), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). In electronic correspondence dated October 19, 2017, the Respondent stated the 2019 PHA will address facility siting, human factors, and incidents in the covered process. In electronic correspondence dated June 12, 2018, the Respondent disclosed that a consultant addressed facility siting and human factors in 2017, and the catastrophic consequence incidents were included in the facility's current PHA.
III.	Inspection(s) 4/28/21	The Respondent failed to record the time of operation and the reason the engine was in operation for Emergency Fire Pumps A & B (CRG 0002). During the inspection, a facility representative stated that a maintenance check is performed for both firewater pumps each week, but the check did not include recording the operating times. The Department's inspector confirmed that neither pump exceeded the permitted hourly limits. Both pumps were brought into service in March 2020. Each failure to record engine operating times and the reason for operating is a violation of 40 CFR 60.4214(b), which language has been adopted as a Louisiana regulation in LAC 33:III.3003.A, Specific Requirement 24 of Synthetic Minor Source Air Permit No. 2580-00030-06, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In correspondence dated July 7, 2021, the Respondent stated that the fire pump weekly inspection sheet has been updated to include the operating hour records. Additionally, the hours are tracked in the production rate and emissions inventory log. In electronic correspondence dated August 17, 2021, the Respondent disclosed that the reason for running the engine is now also logged.

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.
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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 Mark E. Brown at (225) 219-3782 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


Enforcement Division:	Physical Address (if hand delivered):
Louisiana Department of Environmental Quality Office of Environmental Compliance Air Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Mark E. Brown	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 Mark E. Brown at (225) 219-3782, or mark.brown@la.gov.



 Lourdes Iturralde
 Assistant Secretary
 Office of Environmental Compliance

Date: 9-21-2021

Attachment
 - Request to Settle

cc: Pinnacle Polymers, LLC
 c/o Pieter Swanepoel, Vice President of Operations
 PO Drawer E
 Garyville, LA 70051

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-21-00478	Contact Name	Mark E. Brown
Agency Interest (AI) No.	30922	Contact Phone No.	(225) 219-3782
Alternate ID No.	2580-00030		
Respondent:	Pinnacle Polymers, LLC	Facility Name:	Polypropylene Manufacturing Plant
	c/o Stacy St. Pierre	Physical Location:	One Pinnacle Avenue
	Agent for Service of Process		
	One Pinnacle Avenue	City, State, Zip:	Garyville, LA 70051
Garyville, LA 70051	Parish:	St. John the Baptist	

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-21-00478, 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-21-00478, 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-21-00478, 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: Mark E. Brown

If you have questions or need more information, you may contact Mark E. Brown at (225) 219-3782, or mark.brown@la.gov.