

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

LINDE INC. F/K/A PRAXAIR, INC.

AI # 2218

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

* **Settlement Tracking No.**
* **SA-AE-22-0092**
*
* **Enforcement Tracking No.**
* **AE-CN-18-00478**
*
*
* **Docket No. 2021-0515-DEQ**
*

SETTLEMENT

The following Settlement is hereby agreed to between Linde Inc. f/k/a Praxair, Inc. (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a corporation that owns and/or operates an industrial gas and chemical manufacturing facility located in Geismar, Ascension Parish, Louisiana (“the Facility”).

II

On November 1, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-18-00478 (Exhibit 1).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing.

IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures

and/or penalties.

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FOURTEEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$14,500.00), of which One Thousand Four and 92/100 Dollars (\$1,004.92) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

Respondent further agrees that the Department may consider the inspection report(s), 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.

VII

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

VIII

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

IX

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

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in 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.

XI

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each

payment shall be accompanied by a completed Settlement Payment Form attached hereto.

XII

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

XIII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

LINDE INC. F/K/A PRAXAIR, INC.

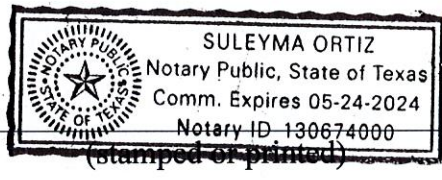
BY: *Todd Salerno*
(Signature)

TODD SALERNO
(Printed)

TITLE: EXECUTIVE DIRECTOR OF OPERATIONS

THUS DONE AND SIGNED in duplicate original before me this 28 day of June, 20 23, at The Woodlands, TX.

Suleyma G. Ortiz
NOTARY PUBLIC (ID # 13 0674000)

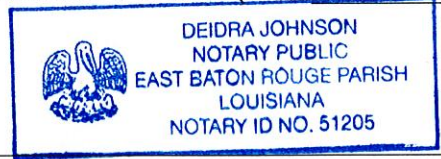


LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Roger W. Gingles, Secretary

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

THUS DONE AND SIGNED in duplicate original before me this 19th day of September, 20 23, at Baton Rouge, Louisiana.

Deidra Johnson
NOTARY PUBLIC (ID # 51205)



Approved: *Celena J. Cage*
Celena J. Cage, Assistant Secretary

(stamped or printed)
Lifetime Commission

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
ENFORCEMENT DIVISION **CONSOLIDATED COMPLIANCE ORDER**
POST OFFICE BOX 4312 **& NOTICE OF POTENTIAL PENALTY**
BATON ROUGE, LOUISIANA 70821-4312



Enforcement Tracking No.	AE-CN-18-00478	Certified Mail No.	7018 2290 0000 5826 1364
Agency Interest (AI) No.	2218	Contact Name	Christopher Clement
Alternate ID No.	0180-00031	Contact Phone No.	(225) 219-3748
Respondent:	PRAXAIR, INC.	Facility Name:	Geismar Plant
	c/o The Prentice-Hall Corporation System, Inc	Physical Location:	9154 Louisiana Highway 75
	Agent for Service of Process		
	501 Louisiana Avenue Baton Rouge, LA 70802	City, State, Zip:	Geismar, LA 70734
		Parish:	Ascension

This **CONSOLIDATED COMPLIANCE ORDER & 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 particularly by La. R.S. 30:2025(C), 30:2050.2 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 Praxair, Inc. - Geismar Plant (facility), an industrial gas and chemical manufacturing facility, located at 9154 Louisiana Highway 75, in Geismar, Ascension Parish, Louisiana. The facility is subject to 40 CFR 68 Program Level 3 Chemical Accident Prevention Provisions (CAPP) and operates or has operated under the following permits:

Title V Air Permit No.	Date Issued	Expiration Date
0180-00031-V9	June 14, 2019	June 14, 2024
0180-00031-V8	May 23, 2017	October 31, 2018
0180-00031-V7	November 3, 2015	October 31, 2018
0180-00031-V6	October 31, 2013	October 31, 2018
0180-00031-V5	May 12, 2011	July 21, 2014
0180-00031-V4	December 23, 2010	July 21, 2014
0180-00031-V3	July 21, 2009	July 21, 2014
0180-00031-V2	January 10, 2008	January 10, 2013
0180-00031-V1	July 18, 2003	July 18, 2008
0180-00031-V0	January 21, 1997	January 21, 2002

	Date of Violation	Description of Violation
II.	Inspection(s) October 3-5, 2017	The Respondent failed to have an accurate relief system design basis for each Pressure Safety (Relief) Valve (PSV). Specifically, documentation of relief system design basis for three PSV's was inaccurate or not available. PSV 5314 had relief system design basis calculations; however, they were inaccurate because they failed to account for inlet pressure drop. There were no relief system design basis calculations performed for PSV 802 A/B and PSV 099. This is a violation of Specific Requirement No. 265 of Title V Air Permit No. 0180-00031-V8, 40 CFR 68.65(d)(1)(iv), which language has been adopted as a Louisiana regulation in LAC 33.III.5901, LAC 33.III.501.C.4, and La. R.S. 30:2057(A)(2).
III.	Inspection(s) October 3-5, 2017	The Respondent failed to include information on ventilation system design in process safety information. Specifically, the process safety information for the control room ventilation unit only included a drawing, and there were no calculations to ensure the ventilation system provides sufficient air changes. Additionally, there was no documentation that the control room is explosion-proof. The material safety data sheet for Syngas by Air Products specifies ventilation systems should meet the National Electrical Code (NEC) requirements for Class 1, Group B areas. This is a violation of Specific Requirement No. 265 of Title V Air Permit No. 0180-00031-V8, 40 CFR 68.65(d)(1)(v), which language has been adopted as a Louisiana regulation in LAC 33.III.5901, LAC 33.III.501.C.4, and La. R.S. 30:2057(A)(2). During the inspection, the Respondent performed calculations for air changes per hour for the control room ventilation system.
IV.	Inspection(s) October 3-5, 2017	The Respondent failed to identify previous incidents in the 2009 revalidation Process Hazard Analysis (PHA). The PHA listed thirteen (13) action items; however, after further review, the Respondent stated that was an error and that there was only one (1) action item: Check safeguard PSXL-5133. The Respondent stated the person entering the information into the system did not know how to use the program, and therefore created the extra entries. However, the inspector discovered six (6) additional open action items: 1) verify temperature indicator TI-6043 2) consider toxic gas monitoring for cooling tower 3) check on high pressure protection for fuel to burner 4) review piping and instrumentation diagram (P&ID) for accuracy 5) two (2) valves labeled the same - V-1643A



		<p>6) consider adding nitrogen heater (E-5705)</p> <p>The Respondent could not find any documentation that the action items had been assigned, given due dates, or were addressed/completed. Further, the Respondent could not provide the risk ranking matrix for the action items. This is a violation of Specific Requirement No. 351 of Title V Air Permit No. 0180-00031-V3, 40 CFR 68.67(c)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5901, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Inspector reviewed the above action items with the Respondent's representative who agreed the above list were additional action items.</p>
V.	Inspection(s) October 3-5, 2017	The Respondent failed to perform a siting study during the 2009 revalidation PHA. This is a violation of Specific Requirement No. 351 of Title V Air Permit No. 0180-00031-V3, 40 CFR 68.67(c)(5), which language has been adopted as a Louisiana regulation in LAC 33:III.5901, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent conducted a full PHA in 2014 which clearly defined severity, likelihood, and risk ranking matrix, included a facility siting study and human factor analysis.
VI.	Inspection(s) October 3-5, 2017	The Respondent failed to consider human factors during the 2009 revalidation PHA. This is a violation of Specific Requirement No. 351 of Title V Air Permit No. 0180-00031-V3, 40 CFR 68.67(c)(6), which language has been adopted as a Louisiana regulation in LAC 33:III.5901, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent conducted a full PHA in 2014 which clearly defined severity, likelihood, and risk ranking matrix, included a facility siting study and human factor analysis.
VII.	Inspection(s) October 3-5, 2017	The Respondent failed to list or address the team's findings in the 2009 PHA. The Respondent could not provide evidence that they established a system to promptly address the team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; and develop a written schedule of when these actions are to be completed. This is a violation of Specific Requirement No. 351 of Title V Air Permit No. 0180-00031-V3, 40 CFR 68.67(e), which language has been adopted as a Louisiana regulation in LAC 33:III.5901, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
VIII.	Inspection(s) October 3-5, 2017	The Respondent failed to address action items in the 2014 PHA in a timely manner. The 2014 PHA was completed in December 2014 and the action items were not assigned or given due dates until December 2015. The regulations state that, "The owner or operator shall establish a system to promptly address the team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed..." Additionally, the Respondent's policy states that Level 2 risk ranked action items are unacceptable and should be mitigated with engineering or administrative actions to a risk level of 3 or less within 12 months. Once the four (4) identified Level 2 action items were assigned they were given due dates out an additional 12 to 19 months, instead of addressing them immediately. Therefore, the four (4) Level 2 action items were completed 8 to 19 months past the original 12 month time frame stated in the policy. This is a violation of Specific Requirement No. 354 of Title V Air Permit No. 0180-00031-V6, 40 CFR 68.67(e), which language has been adopted as a Louisiana regulation in LAC 33:III.5901, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
IX.	Inspection(s) October 3-5, 2017	The Respondent failed to provide records of inspections and tests on process equipment. Specifically, there was no record of ultrasonic thickness (UT) testing being performed on process piping prior to 2011. This piping is defined as class 2; per API 570, it is to be thickness tested every ten (10) years. All piping circuits selected for inspection had current ultrasonic thickness inspections; however, there was only one (1) round of UT inspection data available for the piping circuits. The facility has been registered with the Chemical Accident Prevention Provisions (CAPP) program since 1994, and should have conducted thickness measurement inspections in 2004. Piping Circuit 595-001-SG-01-DL was not thickness inspected until November 2015; all other piping circuits that were reviewed were not thickness inspected until August 2012. This is a violation of Specific Requirement No. 265 of Title V Air Permit No. 0180-00031-V8, 40 CFR 68.73(d)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5901, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
X.	Inspection(s) October 3-5, 2017	The Respondent failed to provide records of external inspections of T-008 and T-010 prior to 2014. Specifically, the Respondent could only provide records of the most current external inspections of T-008 and T-010 dated November 17, 2014. Per API 510, external inspections are to be performed every five (5) years. The facility has been registered with the CAPP program since 1994; therefore, previous external inspections should have been conducted in 1999, 2004, and 2009. This is a violation of Specific Requirement No. 265 of Title V Air Permit No. 0180-00031-V8, 40 CFR 68.73(d)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5901, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
XI.	Inspection(s) October 3-5, 2017	The Respondent failed to perform inspections and tests of process equipment at a frequency consistent with applicable manufacturers' recommendations and good engineering practices. The Respondent failed to perform visual inspections on PSV-5314 consistent with annual frequency. PSV 5314 was not inspected in 2016; it was visually inspected in April 2017. Additionally, preventative maintenance for the rod packing and bore clearance measurements were

		performed annually as found in the standard maintenance procedure, SMP-080, rather than quarterly as found in SMP-086, which is specific to equipment in a hydrogen and carbon monoxide (HYCO) facility. This is a violation of Specific Requirement No. 265 of Title V Air Permit No. 0180-00031-V8, 40 CFR 68.73(d)(3), which language has been adopted as a Louisiana regulation in LAC 33:III.5901, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
XII.	Inspection(s) October 3-5, 2017	The Respondent failed to ensure appropriate checks and inspections were performed to assure that equipment is installed properly and consistent with design specifications and the manufacturer's instructions. Specifically, piping in carbon monoxide service was not consistent with the facility's piping specification (HSG150L1). The use of threaded piping was identified as the root cause in a 2,800 pound liquid methane release on December 8, 2013. This type of piping was specifically excluded per note 20 of HSF150L1, Piping Design and Material Specification for Praxair HYCO Plants. This is a violation of Specific Requirement No. 265 of Title V Air Permit No. 0180-00031-V8, 40 CFR 68.73(f)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5901, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
XIII.	Inspection(s) October 3-5, 2017	The Respondent failed to establish a system to promptly address and resolve incident report findings and recommendations. Specifically, the incident investigation for the December 8, 2013, incident resulted in twenty-five (25) recommendations of which twenty-four (24) recommendations were implemented. The recommendation that was not completed was to add a step to clean and inspect the inlet strainers to LCH ₄ (liquid methane) pumps. This is a violation of Specific Requirement No. 354 of Title V Air Permit No. 0180-00031-V6, 40 CFR 68.81(e), which language has been adopted as a Louisiana regulation in LAC 33:III.5901, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
XIV.	Inspection(s) October 3-5, 2017	The Respondent failed to submit the information provided in 40 CFR 68.42(b) on each accident covered by 40 CFR 68.42(a) in the Risk Management Plan (RMP). Specifically, the RMP was not properly updated with the information from the December 8, 2013, incident. Because onsite property damage was significant, the incident meets the criteria in 40 CFR 68.42(a), and should have been included in the 5-year accident history of the RMP within six (6) months per 40 CFR 68.195(a). This is a violation of Specific Requirement No. 354 of Title V Air Permit No. 0180-00031-V6, 40 CFR 68.168, which language has been adopted as a Louisiana regulation in LAC 33:III.5901, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

ORDER

Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:

I.	To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Act, Chemical Accident Prevention Provisions, and Air Quality Regulations. This shall include, but not be limited to; correcting all of the violations described in the "Findings of Fact" portion.
II.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, documentation that demonstrates that an accurate relief system design basis for each PSV, as described in Findings of Fact Paragraph II, is available.
III.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, documentation that demonstrates that the control room is explosion proof and ventilation systems meet NEC requirements for Class 1, Group B areas, as described in Findings of Fact Paragraph III.
IV.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, documentation that demonstrates that UT testing has been performed on process piping, as described in Findings of Fact Paragraph IX.
V.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, documentation that demonstrates that the action items from the 2009 revalidation PHA have been assigned, given due dates, or were addressed/completed, as described in Findings of Fact Paragraph IV.
VI.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, documentation that demonstrates that preventative maintenance for the rod packing and bore clearance measurements has been conducted quarterly, as described in Findings of Fact Paragraph XI.
VII.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, documentation that demonstrates that Piping Design and Material Specifications are consistent with the facility's specifications, as described in Findings of Fact Paragraph XII.
VIII.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, documentation that demonstrates that all recommendations from the December 8, 2013, incident have been implemented, as described in Findings of Fact Paragraph XIII.
IV.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, documentation that demonstrates that information provided in 40 CFR 68.42(b) on each accident covered by 40 CFR 68.42(a) has been submitted in the Risk Management Plan, as described in Findings of Fact Paragraph XIV.
VV.	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 violation(s) 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 the Department at the address specified in this document.

RIGHT TO APPEAL

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.
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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 address specified in this document.
III.	Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Division of Administrative Law (DAL) Procedural Rules. The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.
IV.	This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.
V.	The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.
VI.	Civil penalties of not more than 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 Christopher Clement at (225) 219-3748 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.	The Department assesses civil penalties based on LAC 33:1.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.

CONTACTS AND SUBMITTAL OF INFORMATION

Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Air Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Christopher Clement	Hearing Requests: Department of Environmental Quality Office of the Secretary Post Office Box 4302 Baton Rouge, Louisiana 70821-4302 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. AE-CN-18-00478 Agency Interest No. 2218
Permit Division (if necessary): Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Air Permits Division	Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

**HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY**

- To appeal the **COMPLIANCE ORDER** portion, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **COMPLIANCE ORDER**.
- To request closure of this **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**, the Respondent must demonstrate compliance with the "Order" portion of this **COMPLIANCE ORDER** by completing the attached "**CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL REQUEST TO CLOSE**" form and returning it to the address specified.
- To expedite closure of the **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 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 Christopher Clement at (225) 219-3748 or Christopher.Clement@la.gov.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Date: _____

11-1-19

c: Praxair, Inc.
c/o Craig Robnik
P.O. Box 230
Gelsmar, LA, 70734

Attachment(s)

- Request to Close

ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER &
 POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY
 BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE



Enforcement Tracking No.	AE-CN-18-00478	Contact Name	Christopher Clement
Agency Interest (AI) No.	2218	Contact Phone No.	(225) 215-3748
Alternate ID No.	0180-00031		
Respondent:	PRAXAIR, INC.	Facility Name:	Geismar Plant
	c/o The Prentice-Hall Corporation System, Inc	Physical Location:	9154 Louisiana Highway 75
	Agent for Service of Process		
	501 Louisiana Avenue Baton Rouge, LA 70802	City, State, Zip: Parish:	Geismar, LA 70734 Ascension

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph VV 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 through VIV 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 facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<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 CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-18-00478), 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 CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-18-00478), 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. • 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 CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-18-00478) 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: Christopher Clement
