

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

TAMINCO US LLC

AI # 3263

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

* **Settlement Tracking No.**
* **SA-AE-22-0090**
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* **Enforcement Tracking Nos.**
* **AE-CN-18-00428**
* **AE-PP-21-00364**
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SETTLEMENT

The following Settlement is hereby agreed to between Taminco US 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 owned and/or operated an amine compound manufacturing facility located in St. Gabriel, Iberville Parish, Louisiana (“the Facility”).

II

On December 11, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-18-00428 (“CCO-NOPP”) (attached hereto as Exhibit 1).

On August 24, 2021, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. AE-PP-21-00364 (“NOPP”) (attached hereto as Exhibit 2).

The following violations, although not cited in the foregoing enforcement actions, are included within the scope of this settlement:

According to the Respondent's 1st 2021 Semiannual Monitoring Report, nine (9) open-ended lines (“OELs”) were discovered without a second sealing device during the reporting period. Three (3) OELs were discovered on 1/15/2021, one (1) OEL was discovered on 1/29/2021, one (1) OEL was discovered on 6/4/2021, three (3) OELs were discovered on 6/17/2021, and one (1) OEL was discovered on 6/20/2021 (collectively, the “Additional Alleged Violations”). The causes of the Additional Alleged Violations were likely due to maintenance and operational activities that did not return the components to a state of compliance following completion of operations or work activities. The OELs were equipped with a second valve, blind flange, capped or plugged, and the EHS Department was notified. Each failure to meet fugitive emission requirements is a violation of Specific Requirement 155 of Title V Air Permit No. 1280-00031-V16, LAC 33:III.2122.C.2.a., LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(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 SIXTY-FOUR THOUSAND AND NO/100 DOLLARS (\$64,000.00), of which Three Thousand Four Hundred Forty-Nine and 90/100 Dollars (\$3,449.90) 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 (CCO-NOPP), Notice of Potential Penalty(NOPP), Respondent's 1st 2021 Semiannual Monitoring Report 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 Iberville 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.

TAMINCO US LLC

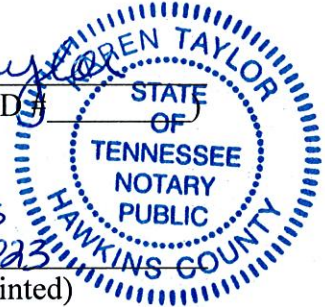
BY: David A. Woodmansee
(Signature)

David A. Woodmansee
(Printed)

TITLE: Vice President + Secretary

THUS DONE AND SIGNED in duplicate original before me this 23rd day of March, 20 23, at Kingsport, TN.

Karen Taylor
NOTARY PUBLIC (ID # 51205)
My comm. expires 4/29/2023
(stamped or printed)



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 21st day of June, 20 23, at Baton Rouge, Louisiana.

Dedra Johnson
NOTARY PUBLIC (ID # 51205)
Lifetime Commission

Dedra Johnson
(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

December 11, 2018

CERTIFIED MAIL (7012 2210 0001 1915 9654)
RETURN RECEIPT REQUESTED

TAMINCO US LLC
c/o Corporation Service Company
Agent for Service of Process
501 Louisiana Avenue
Baton Rouge, LA 70802

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-18-00428
AGENCY INTEREST NO. 3263**

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 **TAMINCO US 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 Alissa Cockerham at (225) 219-3785.

Sincerely,

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

Celena J. Cage
Administrator
Enforcement Division

CJC/ARC/arc
Alt ID No. 1280-00031
Attachment



c: Taminco US LLC
c/o Ivan Williams
P. O. Box 1
St. Gabriel, LA 70776-0001

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

IN THE MATTER OF

**TAMINCO US LLC
IBERVILLE PARISH
ALT ID NO. 1280-00031**

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

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* **ENFORCEMENT TRACKING NO.**
*
* **AE-CN-18-00428**
*
* **AGENCY INTEREST NO.**
*
* **3263**
*

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **TAMINCO US 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 Taminco US LLC St. Gabriel Facility (the facility), an amine compound manufacturing facility, located at 3790 Louisiana Highway 30 in St. Gabriel, Iberville Parish, Louisiana. The facility operates or has operated under the authority of the following Title V Air Permits:

PERMIT	ISSUE DATE	PERMIT EXPIRATION DATE
1280-00031-V10	November 16, 2011	November 16, 2016
1280-00031-V11	April 25, 2014	November 16, 2016
1280-00031-V12	December 22, 2015	November 16, 2016
1280-00031-V13	December 7, 2016	December 7, 2021
1280-00031-V14	April 27, 2017	December 7, 2021
1280-00031-V15	October 6, 2017	December 7, 2021

II.

On or about June 22, 2015, and June 24, 2015; June 27-29, 2017, and May 21, 2018, the Department performed inspections and a subsequent file review on October 5, 2018 of the Respondent's facility to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the inspections and subsequent file review:

- A. The Respondent failed to repair two (2) pumps (P-106A and P106B) within fifteen (15) days after discovery of leaks. The leaks were discovered on June 10, 2014, and monitored on June 27, 2014, after the repair work, which is seventeen (17) days after the leak was discovered. The failure to repair a leaking component within fifteen (15) calendar days after detection is a violation of Specific Requirement No. 184 of Title V Permit No. 1280-00031-V10, Specific Requirement No. 166 of Title V Permit No. 1280-00031-V11, LAC 33:III.2122.C.3.a, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). This violation was discovered during the Department's inspection conducted on June 22, 2015 and June 24, 2015.
- B. The Respondent failed to comply with the Process Hazard Analysis (PHA) requirements of the chemical accident prevention program regulations. Specifically, at the time of the inspection, all action items classified as "Action Required" were not completed within the two (2) year timeframe as specified in the facility's PHA policy. The Respondent's failure to resolve PHA recommendations in a timely manner is a violation of 40 CFR 68.67(e), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). This violation was discovered during the Department's inspections conducted on June 27, 2017 through June 29, 2017. The Respondent submitted documentation dated July 20, 2017, and July 26, 2018, to the Department in response to the inspection which stated the facility implemented the practice of meeting weekly approximately six (6) months before the action due date to track the recommendations to completion.
- C. The Respondent failed to update and revalidate the PHA at least every five (5) years. Specifically, the 2007 PHA was completed in December 2007 with a report revision date of January 2, 2008, and the 2013 PHA was completed on March 8, 2013 with the report being produced in July 2013. The Respondent's failure to update and revalidate

the PHA at least every five (5) years is a violation of 40 CFR 68.67(f), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). This violation was discovered during the Department's inspections conducted on June 27, 2017 through June 29, 2017. The Respondent submitted documentation dated July 20, 2017, and July 26, 2018, to the Department in response to the inspection which stated the facility adopted Eastman Chemical Company's policy to utilize the date of the last PHA team meeting, for the respective PHA, as the point of reference for determining compliance with the requirement to update and revalidate the PHA at least once every five (5) years. The PHA revalidation schedules will be tracked at the corporate level and Project Engineers will be responsible for monitoring the schedule to ensure the facility meets the requirement to update and revalidate the PHA once every five (5) years.

- D. The Respondent failed to provide refresher training to each employee at least every three (3) years. Specifically, at the time of the June 2017 inspection, five (5) employees had received refresher training late. The Respondent's failure to provide refresher training at least every three (3) years to each employee involved in operating a process is a violation of 40 CFR 68.71(b), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). The Respondent submitted documentation dated July 20, 2017, and July 26, 2018, to the Department in response to the inspection which stated the facility will implement a notification system which will provide the operator notice at the two (2) and a half year mark from his/her last refresher training. Accordingly, the operator will be supplied material for refresher training that will be required for completion.
- E. The Respondent failed to consult with the employee on the appropriate frequency of training. The failure of the owner or operator, in consultation with the employees involved in operating the process, to determine the appropriate frequency of refresher training is a violation of 40 CFR 68.71(b), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). This violation was discovered during the Department's inspections conducted on June 27, 2017 through June 29, 2017. The Respondent submitted documentation dated July 20, 2017, and July 26, 2018, to the Department in response to the inspection which stated the

facility will require all operators to sign the updated Operator Certification form to ensure employee consultation of the adequacy and appropriate frequency of training.

- F. The Respondent failed to have documentation to verify that employees understood their refresher training. The Respondent is required to provide documentation regarding how the Respondent ensures each employee understands the refresher training. The failure of the owner or operator to ascertain that each employee involved in operating a process has received and understood the training is a violation of 40 CFR 68.71(c), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). This violation was discovered during the Department's inspections conducted on June 27, 2017 through June 29, 2017. The Respondent submitted documentation dated July 20, 2017, and July 26, 2018, to the Department in response to the inspection which stated all operators will be required to sign the updated Operator Certification form to confirm that each employee involved in the operating process has received and understands the required training.
- G. The Respondent failed to document inspections and test on process equipment. Specifically, there was no documentation at the time of inspection to indicate preventative maintenance occurred every 180 days for Pumps 105 A/B and 134 A/B. The facility's pump policy states vibration monitoring would be conducted monthly. The Respondent could not provide vibration monitoring reports from March 2017 through June 2017 for Pumps 105 A/B and 134 A/B. The failure to document inspections and testing on process equipment is a violation of 40 CFR 68.73(d)(4), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). This violation was discovered during the Department's inspections conducted on June 27, 2017 through June 29, 2017. The Respondent submitted documentation dated July 20, 2017, and July 26, 2018, to the Department in response to the inspection which stated the Respondent would ensure performance of all such analyses going forward.
- H. The Respondent failed to implement written procedures to maintain the ongoing integrity of process equipment. Specifically, the thickness measurement inspections of five (5) pressure vessels exceeded six (6) years. According to facility policy, the frequency was not to exceed six (6) years. The failure to establish and implement

written procedures to maintain the on-going integrity of process equipment is a violation of 40 CFR 68.73(b), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). This violation was discovered during the Department's inspections conducted on June 27, 2017 through June 29, 2017. The Respondent submitted documentation dated July 20, 2017, and July 26, 2018, to the Department in response to the inspection which stated that in the future, external inspections will be completed and fully documented on a frequency that meets or exceeds American Petroleum Institute (API) 510 recommendations.

- I. The Respondent failed to follow recognized and generally accepted good engineering practices. Specifically, the Respondent failed to meet the following: 1.) API inspection intervals for the external visual inspection of pressure vessels, which frequency is not to exceed five (5) years or the half-life for one (1) component; 2.) the external visual inspection of class I piping, which frequency is not to exceed five (5) years for five (5) components; 3.) the thickness measurement of class I piping, which frequency is not to exceed five (5) years or remaining half-life for five (5) components; and 4.) the external visual inspections for pressure safety valves (PSVs), which frequency is not to exceed one (1) year for five (5) components. The list of each component is attached (see Attachment). The failure to maintain the frequency of inspections and tests of process equipment consistent with good engineering practices is a violation of 40 CFR 68.73(d)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). This violation was discovered during the Department's inspections conducted on June 27, 2017 through June 29, 2017. The Respondent submitted documentation dated July 20, 2017, and July 26, 2018, to the Department in response to the inspection which stated that in the future, external inspections will be completed and fully documented on a frequency that meets or exceeds API 510 recommendations.
- J. The Respondent failed to provide the 2014 external visual inspection report for piping circuit 2"-AM-1936. The failure to maintain records for each inspection and test that has been performed on process equipment for a period of five (5) years is a violation of 40 CFR 68.200, which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). The Respondent was unable to open

the external visual inspection reports in UltraPIPE for this circuit from January 2014. The electronic file was believed to be corrupt. This violation was discovered during the Department's inspections conducted on June 27, 2017 through June 29, 2017.

- K. The Respondent failed to verify training for Management of Change (MOC) 2016-20222-00671 prior to start-up. The MOC to increase the capacity of the Waste Water Treatment Facility was initiated on March 16, 2016. A requirement of a MOC is to train employees involved in operating a process and maintenance and contract employees whose job task will be affected by the change prior to start-up of the process. Documentation provided noted that operating procedures were approved on October 20, 2016; however, employees were trained on October 1, 2016, prior to the approval of the procedures. The failure to have employees involved in operating a process and maintenance and contract employees whose job tasks will be affected by a change in the process informed of, and trained in the change prior to start-up of the process or affected part of the process is a violation of 40 CFR 68.75(c), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). This violation was discovered during the Department's inspections conducted on June 27, 2017 through June 29, 2017. The Respondent submitted documentation dated July 20, 2017, and July 26, 2018, to the Department in response to the inspection which provided documentation to demonstrate verification of operator training prior to start-up.
- L. The Respondent failed to update the pump policy to show the appropriate preventative maintenance frequency for P-108 (MOC-15-157). The failure to update procedures or practices when a change occurred that resulted in a change to the operating procedures or practices is a violation of 40 CFR 68.75(e), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). This violation was discovered during the Department's inspections conducted on June 27, 2017 through June 29, 2017. The Respondent submitted documentation dated July 20, 2017, and July 26, 2018, to the Department in response to the inspection which stated the facility has updated the Mechanical Integrity Pumps and Compressors procedure to require approval of all changes to preventive maintenance frequencies through the MOC process, all affected personnel will be trained on the updated procedure.

- M. The Respondent's pre-startup safety review failed to confirm that construction and equipment is in accordance with design specifications prior to the introduction of regulated substances to a process. Specifically, three (3) action items for MOC 2016-020222-00671 remain open including the noise survey, new signage, and the review of design calculations and specifications. The failure of the pre-startup safety review to confirm the construction and equipment is in accordance with design specifications prior to the introduction of a regulated substance to a process is a violation of 40 CFR 68.77(b)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). This violation was discovered during the Department's inspections conducted on June 27, 2017 through June 29, 2017.
- N. The Respondent failed to develop and implement an emergency response program which includes procedures for the use of emergency response equipment and for its inspection, testing, and maintenance. The Respondent provided the Department with inspection reports. Areas of concerns noted in the inspection reports included, but were not limited to: 1.) lack of procedures for portable firefighting equipment; 2.) lack of a detailed maintenance/testing schedule; 3.) lack of a defined inspection/maintenance/testing criteria; and 4.) deficiencies with test records. The failure to develop and implement an emergency response program which includes the procedure for the use of emergency response equipment and for its inspection, testing, and maintenance, is a violation of 40 CFR 68.95(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S.30:2057(A)(2). This violation was discovered during the Department's inspections conducted on June 27, 2017 through June 29, 2017.
- O. The Respondent failed to provide annual training for all emergency response members. The following were noted concerning annual training for emergency response members: 1.) two (2) employees' training was given late; 2.) the annual emergency response training was past due for two (2) employees; 3.) one (1) employee had not received CPR training; and 4.) Emergency Brigade members were not being tested and training records were not being filed per person electronically and/or in their personnel file per the policy. The failure to develop and implement an emergency response

program which includes training for all employees in relevant procedures is a violation of 40 CFR 68.95(a)(3), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). This violation was discovered during the Department's inspections conducted on June 27, 2017 through June 29, 2017. The Respondent submitted documentation dated July 20, 2017, and July 26, 2018, to the Department in response to the inspection which stated the facility will arrange to complete training for the two (2) emergency response members who were prevented from participating in the April 2017 annual training. According to the Respondent's response, the training requirement for these members was completed at the next available training.

- P. The Respondent failed to submit written reports for an unauthorized discharge which occurred on April 14, 2016, LDEQ Incident No. T-169926, every sixty (60) days during the investigation of the unauthorized discharge until the investigation had been completed. The Department received a Discharge Notification Report dated April 20, 2016, which stated the reportable quantity for Monomethylamine (MMA) was exceeded and an incident investigation was underway to determine the cause of the bolting failure and to determine how this type of event could be avoided in the future. The Respondent did not submit a follow-up letter to the Department until April 25, 2018. The failure to submit written reports every sixty (60) days during an investigation of an unauthorized discharge until the investigation has been completed and the results of the investigation have been submitted is a violation of LAC 33:I.3925.A.3 and La. R.S. 30:2057(A)(2). This violation was discovered during the Department's inspection conducted on May 21, 2018.
- Q. The Department received verbal notification of a release of an unknown amount of mixed amines on April 14, 2016, LDEQ Incident No. T-169926. The Department received a written Unauthorized Discharge Notification Report dated April 20, 2016, which stated Monomethylamine (MMA), N-Methylaminoethanol (MMEA), and N-Methdiethanolamine (MDEA) were released. The facility discovered that a bolted pipe flange connection on the overhead line of Rx-2611 was leaking due to a failure of the bolts to hold tension on the flange. The report also stated that an incident investigation was underway to determine the cause of the bolting failure and to

determine how this type of event can be avoided in the future. The follow-up letter received by the Department on April 25, 2018, stated that "This vibration along with the less resilient bolts caused this leak. We do not believe the leak would have occurred but the effect of the vibrations in combination with the materials of construction issue." The follow-up letter also included updated release estimates for the chemicals released which were: 379 pounds of MMA, 363 pounds of MMEA, and 675 pounds of MDEA. The failure to identify hazards and design and maintain a safe facility is a violation of LAC 33:III.5907.A, and La. R.S. 30:2057(A)(2). This violation was discovered during the Department's inspection conducted on May 21, 2018.

R. The Respondent reported the following open-ended lines and/or valves (OELs):

Report	Date of Report	No. of OELs	Title V Permit No.	Specific Requirement No.
1 st Half 2015 Semiannual Potential Deviation Report	September 29, 2015	7	1280-00031-V11	164
1 st Half 2017 Semiannual Monitoring Report	September 28, 2017	10	1280-00031-V14	89
2 nd Half 2017 Semiannual Monitoring Report	March 27, 2018	7	1280-00031-V15	83

Each open-ended line is a violation of the applicable permit and associated requirement(s) listed above, LAC 33:III.2122.C.2.a, and La. R.S. 30:2057(A)(2).

- S. According to the Respondent's 2nd 2016 Semiannual Monitoring Report dated March 31, 2017, a pump was removed from service due to a volatile organic compounds (VOC) leak at the seal on December 20, 2016. The pump was properly locked out, but the suction and/or discharge valves/flanges did not have any secondary sealing devices, as per the Respondent's open-ended line policy. The suction and discharge flanges/piping were left with only a single block valve to prevent a leak of VOC material. The repaired pump arrived the same day the condition was discovered and maintenance installed the pump immediately. The failure to equip each open ended line with a second valve, blind flange, plug, or cap is a violation of Specific Requirement 72 of Title V Permit No. 1280-00031-V13, LAC 33:III.2122.C.2.a. and La. R.S. 30:2057(A)(2).
- T. According to the Respondent's 2nd 2016 Semiannual Monitoring Report dated March 31, 2017, the Semiannual Fugitive Emissions Report was not submitted to the

Department on or before September 30, 2016. The report was submitted to the Department on October 4, 2016. The failure to meet reporting requirements is a violation of Specific Requirement 94 of Title V Permit No. 1280-00031-V13, LAC 33:III.2122.G, and La. R.S. 30:2057(A)(2).

- U. According to the Respondent's 2nd 2016 Semiannual Monitoring Report dated March 31, 2017, the Respondent failed to submit notification to the Department within thirty (30) days after the date construction of tank TK-221 commenced. The construction on tank TK-221 commenced on July 1, 2016. A notification of commencement of construction dated April 18, 2017, was received by the Department on April 24, 2017. The failure to submit notification of the date of construction postmarked no later than thirty (30) days after such date is a violation of 40 CFR 60.7(a)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.3003.A, and La. R.S. 30:2057(A)(2).
- V. According to the Respondent's 2nd 2017 Semiannual Monitoring Report dated March 27, 2018, a pressure safety valve (PSV) in gas/vapor service, was not monitored by Method 21 of 40 CFR 60, Appendix A within five (5) days following a lift/reset on November 21, 2017. The Respondent is required to monitor by Method 21 within five (5) calendar days after venting to the atmosphere. The Respondent stated the contributing causes included PSV lifting around the Thanksgiving Holiday when no Environmental, Health, and Safety (EHS) staff capable of performing Method 21 monitoring were on site, and notification of PSV was not immediate to afford potential arrangement of Method 21 monitoring. The PSV was monitored on November 28, 2017 with a zero (0) emissions reading. No permit exceedances occurred as a result of the failure to perform the monitoring. The failure to conduct Method 21 monitoring within five (5) calendar days after venting to the atmosphere is a violation of Specific Requirement 97 of Title V Permit No. 1280-00031-V15, LAC 33:III.2122.D.3.a, 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.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, documentation to demonstrate that external visual inspections and tests as described in paragraph J of the Findings of Fact portion of this **COMPLIANCE ORDER** are being performed on process equipment in accordance with 40 CFR 68.73(d)(4).

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, documentation to demonstrate the open action items for MOC 2016-020222-00671 as described in paragraph M of the Findings of Fact portion of this **COMPLIANCE ORDER** have been completed.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, documentation to demonstrate all items listed in the inspection report dated June 27-29, 2017 as described in paragraphs N and O of the Findings of Fact portion of this **COMPLIANCE ORDER** regarding the inspection, testing, and maintenance of emergency response equipment, and training have been addressed.

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: Alissa Cockerham
Re: Enforcement Tracking No. AE-CN-18-00428
Agency Interest No. 3263

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-18-00428
Agency Interest No. 3263

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 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 Alissa Cockerham at (225) 219-3785 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.

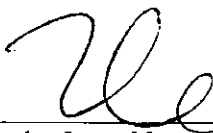
IV.

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 11th day of December, 2018.




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: Alissa Cockerham

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-18-00428	Contact Name	Alissa Cockerham
Agency Interest (AI) No.	3263	Contact Phone No.	(225) 219-3785
Alternate ID No.	1280-00031		
Respondent:	Taminco US LLC	Facility Name:	Taminco US LLC
	c/o Corporation Service Company	Physical Location:	3790 Highway 30
	Agent for Service of Process		
	501 Louisiana Avenue	City, State, Zip:	St. Gabriel, LA, 70776-0001
	Baton Rouge, LA, 70802	Parish:	Iberville

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph V 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, & IV of the "Order" portion of the COMPLIANCE ORDER.		
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)

- 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.
- In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00428), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
- In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00428), 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.**
- The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00428) 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: Alissa Cockerham		

Attachment

LAC 33:III.5901.A as described by 40 CFR 68.73(d)(2). The facility failed and generally accepted good engineering practices.

*Mail with
action*

AOC Observations: The facility failed to meet API inspection intervals in

1.) External visual inspection of pressure vessels [frequency not to exceed 5 years (API 510)]:

D-104 A:

Inspected 6/2006 and 6/2012, a year late; at the time of audit, this drum was past due for external visual inspection.

E-108 A:

Inspected 11/2009 and 7/2017, 2 years and 8 months late.

Note: Facility response includes external visual report performed in 7/17.

Q-102:

Inspected 5/2006 and 5/2012, a year late; was due for inspection again 5/2017.

T-103:

Last inspected in 9/2007, visual inspection is 5 years overdue.

T-101A: Inspected 5/2006 and 6/2012 1 year and 1 month late; due for inspection again in 6/2017.

2.) External visual inspection of class 1 piping [frequency not to exceed 5 years (API 570)]:

Circuit 2"-AM-300CSC-1936: Inspected 1/2008 and 1/2014, 1 year late.

Circuit 1.5"- AMM-300CSC-2609: Inspected 5/2007 and 6/2014, 2 years late and 1 month late.

Circuit 8"-AM-300SS-4015 (This circuit was incorrectly transcribed as 8"-AM-30055-4015 in the FIF by KAV): During audit, the facility could not provide documentation of external visual inspections.

Circuit 10"-AM-150CSC-2304: During audit, the facility could not provide documentation of external visual inspections.

Circuit 1"-AMM-CS300D-1819 (This circuit was incorrectly transcribed as 1"-AMM-C53001-1819 in the FIF by KAV): During audit, the facility could not provide documentation of external visual inspections.

3.) Thickness measurement of class 1 piping [frequency not to exceed 5 years or half remaining life (API 570)]:

Circuit 2"-AM-300CSC-1936:

Inspected in 6/1997, 1/2008, & 1/2014.

The 2008 inspection was 5.5 years late.

The 2014 inspection was one year late.

Circuit 1.5"- AMM-300CSC-2609:

Inspected in 7/1997, 5/2008, & 6/2014.

The 2008 inspection was 5 years 10 months late.

The 2014 inspection was one year late.

Based on 2014 inspection data, thickness measurement on CML 12 of this circuit was next due in 12/2016; at the time of the inspection, this CML was 6 months past due. Per API 570, frequency is not to exceed the lesser of 5 years or half remaining life. CML 12 thickness reading from 6/4/2014 inspection yielded a next inspection date of 12/3/2016 based on a calculated half remaining life of 2.5 years.

Circuit 8"-AM-300SS-4015 (This circuit was incorrectly transcribed as 8"-AM-30055-4015 in the FIF by KAV): During audit, the facility could not provide documentation of thickness monitoring inspections.

Circuit 10"-AM-150CSC-2304: During audit, the facility could not provide documentation of thickness monitoring inspections.

Circuit 1"-AMM-CS300D-1819 (This circuit was incorrectly transcribed as 1"-AMM-C53001-1819 in the FIF by KAV): During audit, the facility could not provide documentation of thickness monitoring inspections.

4.) External visual inspections for PSVs: 1115, 1188, 1193, 1229, & 1430 [frequency not to exceed one year]. External visual PSV inspections were provided for 11/2015 and 7/2017. An external visual PSV inspection for each PSV referenced above was due in 11/2016, but not completed until 7/2017, 8 months late.

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

AUG 24 2021

CERTIFIED MAIL (7014 0510 0001 7431 8035)
RETURN RECEIPT REQUESTED

TAMINCO US LLC
c/o United Agent Group, Inc.
Agent for Service of Process
1070-B West Causeway Approach
Mandeville, Louisiana 70471

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-21-00364
AGENCY INTEREST NO. 3263**

Dear Sir or Madam:

On or about June 3, 2019, November 20, 2019, and February 22, 2021, inspections, and a subsequent file review on July 7, 2021, of **TAMINCO ST. GABRIEL PLANT**, an amine compound manufacturing facility, owned and/or operated by **TAMINCO US LLC (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 3790 Louisiana Highway 30 in St. Gabriel, Iberville Parish, Louisiana. The Respondent operates or has operated under the authority of the following Title V Air Quality Permits:

PERMIT	ISSUE DATE
1280-00210-V15	October 6, 2017
1280-00210-V16	January 30, 2020
1280-00210-V16AA	June 15, 2021

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspections and subsequent file review:

A. The Respondent reported the following unauthorized releases:



Taminco US LLC
 AE-PP-21-00364
 Page 2

1.	11/27/2019 1/17/2020 2/20/2020	T-194331	11/20/2019 (23 minutes)	Monocethylamine (MEA)	1,097.1 lbs (100 lbs)	Following a planned outage, operations personnel commenced the startup of the CoPro Unit to produce MEA. An operator opened a block valve and requested the board operator to open a control valve to allow MEA to flow from the reactor vessel to the storage tank to facilitate the collection of an MEA sample. In the process of sample collection, the operator observed a vapor cloud on the east end of the process pad. The operator immediately requested that the board operator close the control valve. The operator manually closed the block valve and initiated the facility's fire alarm system. The emergency response team discovered MEA emanating from an open bleed valve at the E-143 decanter vessel. The Respondent determined 1,097.1 pounds of MEA were released to the atmosphere by evaporation and 2,535.6 pounds of MEA were treated in the plant wastewater treatment system. A root cause investigation determined that during the sample collection activity, the board operator opened a separate control valve to route MEA from the reactor vessel to the recycle tank. The pipe connecting the vessel and tank was equipped with the open bleed valve. The Respondent indicated the bleed valve was inadvertently left open after the completion of the work performed during the outage. The Respondent determined the release was preventable. To prevent reoccurrence, the Respondent reported they would immediately implement a practice to track open bleed valves on the blackboard in the control room, revise the operator pre-startup checklist to specifically include the inspection and closure of open bleed valves, revise the pressure check procedure to include all lines utilized for normal operation in the affected unit, and re-train all affected personnel to emphasize the importance of walking down a line prior to its return to service and on the revised checklist and procedure.
2.	3/1/2021 4/21/2021	T-20133	2/22/2021 (11 minutes)	Ammonia (NH ₃)	792.8 lbs (100 lbs)	On February 20, 2021 both the MIPA and CoPro Units were shut down for the transfer of equipment to a new Distributed Control System (DCS). The associated ammonia transfer line from the vendor was liquid-full and aligned to the NH ₃ vendor supply header per procedure. This alignment required routing of the ammonia through a bypass line, around a check valve, to allow for thermal expansion. Operations was notified of an odor in the southwest corner of the Tank Farm area by a contractor on February 22, 2021. Upon detection of the aforementioned odor, an operator responded to the area to investigate and discovered a small leak coming from a pipe and tubing connection on the NH ₃ transfer line. The operator made attempts to tighten the connection to stop the leak, but was unsuccessful. The operator began isolating the tubing but the fitting failed, and NH ₃ began releasing to the atmosphere from the pipe end and tubing end. The operator closed two (2) of the three (3) isolation valves on the NH ₃ transfer line before vacating the area to initiate the shelter-in-place siren and activate the emergency response team (ERT). The ERT responded and immediately placed firewater monitors on the leaking pipe and tubing to mitigate the leak. An ERT member closed the third isolation valve to stop the leak. The leak from the NH ₃ transfer line caused vapors to leave the site. The site was temporarily blocked by the St. Gabriel Parish Sheriff's Office at La. Highway 30, La. Highway 74, and La. Highway 3115. There were five (5) individuals who received medical treatment for potential exposure from the release. All were reported to have returned to work the same day. The Respondent estimated 792.8 lbs of NH ₃ was released to the atmosphere and 1,412.2 lbs of NH ₃ was absorbed by the firewater curtain and routed to the facility's wastewater treatment unit for biological treatment. The Respondent determined the release was preventable due to a follow-up investigation determination that a ferrule system was improperly installed at the connection of the pipe and tubing. The Respondent reported additional training for the proper installation and repair of tubing and incorporated a verification of skills process would be provided. Additionally, the Respondent reported that the procedure for maintaining NH ₃ in the transfer line while the MIPA and CoPro Units are shutdown would be evaluated.

Each failure to properly operate and maintain control equipment, any device or contrivance, operating procedure or abatement scheme used to prevent or reduce air pollution, whenever any

Taminco US LLC
 AE-PP-21-00364
 Page 3

emissions are being made is a violation of LAC 33:III.905.A and La R.S. 30:2057(A)(1), and 30:2057(A)(2).

B. The Respondent reported the following deviations from fugitive emission requirements (FUG 0001/13-76 Plant Fugitive Emissions):

	REPORT (DATE)	PERMIT NUMBER	INCIDENT DATES	DETAILS	REGULATORY PERMIT REQUIREMENTS
1.	2018 1st Semiannual Monitoring Report (9/27/2018)	1280-00031-V15	2/14/2018 2/28/2018 5/18/2018 6/29/2018	There were six (6) open-ended valves or lines (OELs) discovered without a plug during the 1 st half of 2018 reporting period. The Respondent reported the causes of the open-ended conditions were likely due to maintenance and operation activities that did not return the components to a state of compliance following completion of the activities. The OELs were equipped with a second valve, blind, flange, capped or plugged and the Respondent's Environmental Health & Safety (EHS) Department was notified. To help prevent recurrence, the Respondent developed a Power Point presentation focused on OELs which was presented to facility personnel at the September 2018 Safety Group Meetings.	Specific Requirement 83 LAC 33:III.2122.C.2.a
2.	2018 1 st Semiannual Monitoring Report (9/27/2018)	1280-00031-V15	1/1/2018 – 6/30/2018	There were five (5) flanged connectors in light liquid service which missed seven (7) quarterly monitoring events in the 1 st half of 2018 reporting period. After installation and tagging, the leak detection and repair (LDAR) technician was not notified of the LDAR components being placed into service. To help prevent recurrence, the LDAR technician put flanged connectors into monitoring routes upon installation and tagging to ensure effective tracking for placement into service.	Specific Requirement 93 LAC 33:III.2122.D.1.b.iii
3.	2018 1 st Semiannual Monitoring Report (9/27/2018)	1280-00031-V15	1/1/2018 – 6/30/2018	There were three (3) valves in light liquid service which were not monitored quarterly in the 1 st half of 2018. After installation and tagging, the LDAR technician was not notified of the LDAR components being placed into service. To help prevent recurrence, the LDAR technician put valves into monitoring routes upon installation and tagging to ensure effective tracking for placement into service.	Specific Requirement 89 LAC 33:III.2122.D.1.d.i
4.	2018 2 nd Semiannual Monitoring Report (3/26/2019)	1280-00031-V15	7/1/2018 – 12/31/2018	During the 2 nd Half of 2018 monitoring period, eight (8) OELs were equipped with either a second valve, blind flange, plug, or cap were discovered. The causes of the open-ended conditions were likely due to maintenance and operational activities that did not return the components to a state of compliance following completion. The OELs were immediately equipped with either a second valve, blind flange, plug, or cap. To help prevent recurrence, the Respondent developed a one-page document for shift and maintenance supervisors to review during their safety contact with personnel to place emphasis on OELs, and implemented practice of completing an Operations Pre-Startup checklist form prior to the return of a piece of equipment to service.	Specific Requirement 83 LAC 33:III.2122.C.2.a
5.	2019 1 st Semiannual Monitoring Report (9/26/2019)	1280-00031-V15	1/28/2019 2/1/2019 2/1/2019 2/13/2019 5/19/2019 5/23/2019	There were six (6) OELs discovered without a second sealing device during the 1 st Half of 2019. The causes of the open-ended conditions were likely due to maintenance and operational activities that did not return the components to a state of compliance following completion of the activities. The OELs were equipped with a second valve, blind flange, capped, or plugged and the EHS Department was notified. To help prevent recurrence, the EHS Department provided facility wide monthly topic PowerPoint training on the fugitive emissions program and the EHS Department discussed with each shift the requirements of the fugitive emissions programs and steps to ensure compliance.	Specific Requirement 83 LAC 33:III.2122.C.2.a

Taminco US LLC
 AE-PP-21-00364
 Page 4

	REPORT (C)	PERMIT NUMBER	INCIDENT DATE(S)	DETAILS	REGULATORY / PERMIT REQUIREMENTS
6.	2019 2 nd Semiannual Monitoring Report (3/30/2020)	1280-00031-V15	7/1/2019 – 12/31/2019	During the 2 nd Half of 2019 monitoring period, nine (9) OELs unequipped with either a second valve, blind flange, plug, or cap were discovered. The causes of the open-ended conditions were likely due to maintenance and operational activities that did not return the components to a state of compliance following completion. The OELs were immediately equipped with either a second valve, blind flange, plug, or cap. To help prevent recurrence, the Respondent has implemented a practice of completing an Operations Pre-Startup Checklist prior to the return of a piece of equipment to service. The form was revised to necessitate a check for OELs. In February 2020, the Respondent had all department safety groups present a PowerPoint overview of the OEL conditions and the requirement to equip all OELs with a second valve, a blind flange, a plug, or a cap.	Specific Requirement 83 LAC 33:III.2122.C.2.a
7.	2020 1 st Semiannual Monitoring Report (9/30/2020)	1280-00031-V15 & 1280-00031-V16	1/9/2020 1/9/2020 2/6/2020 3/11/2020 4/8/2020	During the 1 st Half of 2020 monitoring period, five (5) OELs were discovered without a second sealing device. The causes of the open-ended conditions were likely due to maintenance and operational activities that did not return the components to a state of compliance following completion. The OELs were equipped with a second valve, blind flange, capped, or plugged, and the EHS Department was notified. To help prevent recurrence, the Respondent has begun affixing tethered plugs and caps on OELs to ensure the removed cap or plug remains in the line of sight of the employee or contractor.	Specific Requirement 83 (V15) Specific Requirement 155 (V16) LAC 33:III.2122.C.2.a
8.	2020 2 nd Semiannual Monitoring Report (3/31/2021)	1280-00031-V16	7/1/2020 – 12/31/2020	During the 2 nd Half of 2020 monitoring period, eleven (11) OELs were discovered unequipped with either a second valve, blind flange, plug, or a cap. The causes of the open-ended conditions were likely due to maintenance and operational activities after which a closure device was not reinstalled. The OELs were immediately equipped with either a second valve, blind flange, plug, or cap. To help prevent recurrence, the facility is continuing its effort to affix tethered plugs and caps on OELs to ensure removed caps or plugs remain in the line of sight of the employee or contractor. This will help provide a visual reminder to secure the OEL upon completion of work and avoid the placement of the cap or plug on the ground where it could be lost or forgotten. Also, the facility has engaged a third party to evaluate organizational processes and practices to help the management team understand and improve human behavioral leadership and cultural drivers affecting performance.	Specific Requirement 155 LAC 33:III.2122.C.2.a

Each failure to meet fugitive emission requirements is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Alissa Cockerham at (225) 219-3785 or alissa.cockerham@la.gov within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

Taminco US LLC
AE-PP-21-00364
Page 5

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.

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.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. To expedite closure of this **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 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 "**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.

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

Sincerely,



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/ARC/arc
Alt ID No. 1280-00031

c: Taminco US LLC
c/o Morris Wright
P. O. Box 1
St. Gabriel, Louisiana 70776-0001

**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-21-00364	Contact Name	Alissa Cockerham
Agency Interest (AI) No.	3263	Contact Phone No.	(225) 219-3785
Alternate ID No.	1280-00031		
Respondent:	Taminco US LLC	Facility Name:	Taminco St. Gabriel Plant
	c/o United Agent Group, Inc. Agent for Service of Process	Physical Location:	3730 Louisiana Highway 30
	1070-B West Causeway Approach	City, State, Zip:	St. Gabriel, Louisiana 70776
	Mandeville, Louisiana 70471	Parish:	Iberville

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-21-00364), 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-21-00364), 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-21-00364) 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: Alissa Cockerham

SETTLEMENT AGREEMENTS

Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times (\text{Penalty Event Maximum} - \text{Penalty Event Minimum}))$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement.

Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

- Settlement Offers searchable in EDMS using the following filters
Media: Air Quality, Function: Enforcement, Description: Settlement
- Settlement Agreements Enforcement Division's website
specific examples can be provided upon request
- Penalty Determination Method LAC 33:I Chapter 7
- Beneficial Environmental Projects LAC 33:I Chapter 25
- FAQs
- Judicial Interest..... provided by the Louisiana State Bar Association

