

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

SHINTECH LOUISIANA, LLC

AI # 126578

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

* **Settlement Tracking No.**
* **SA-AE-24-0076**
*
* **Enforcement Tracking Nos.**
* **AE-CN-15-01442**
* **AE-CN-19-00561**
* **WE-CN-23-00169**
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SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Shintech Louisiana, LLC (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a limited liability company that owns and/or operates a facility located in Plaquemine, Iberville Parish, Louisiana (“the Facility”).

II

On December 22, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-15-01442 (Exhibit 1).

On October 29, 2021, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-19-00561 (Exhibit 2).

On May 2, 2023, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-23-00169 (Exhibit 3).

III

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 THIRTY-THREE THOUSAND FOUR HUNDRED FIFTY-EIGHT AND 65/100 DOLLARS (\$33,458.65), of which Four Thousand Four Hundred Thirty-Five and 80/100 Dollars (\$4,435.80) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement Agreement.

IV

Respondent, in addition to the penalty amount specified in Paragraph III above and as part of this Settlement Agreement, agrees to expend the amount of THIRTY-FIVE THOUSAND AND NO/100 DOLLARS (\$35,000.00) to implement and/or perform the following beneficial environmental projects:

- A. Funding to the Louisiana State University Center for Energy Studies (LSU-CES) for the coordination of activities of the Baton Rouge Clean Air Coalition (BRCAC) for the calendar year of 2026.
- B. Respondent shall submit monthly reports regarding its progress on the projects. The first shall be due on the 5th of the month following the date the Department signs this Settlement Agreement. Monthly reports shall be submitted on the 5th of every month thereafter until the project is completed. Each such monthly report shall include a description of the project, tasks completed, tasks remaining, the percentage completed, and money expended on each project through the date of the report. Upon completion of all projects required under this Settlement Agreement, Respondent shall submit a final report to include a summary of all the information previously submitted and a

total amount spent on the projects listed above. It shall also contain a certification that the projects were completed as described.

- C. If Respondent does not spend the amount of \$35,000.00, then it shall, in its final report, propose additional projects for the Department's approval, or pay to the Department, in an amount equal to the difference between the amount of money agreed to be spent and the amount of money actually spent.
- D. The total amount of money expended by Respondent on cash payments to the Department and on beneficial environmental projects, 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 Orders & Notices of Potential Penalty and this Settlement Agreement 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 Settlement 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 Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VII

This Settlement Agreement 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 Agreement, the Department considered the factors for issuing civil penalties set forth in La. R.S. 30:2025(E) of the Act and the rules relating to beneficial environmental projects set forth in LAC 33:I.Chapter 25.

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 Agreement 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 Agreement 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 thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement Agreement is voidable at the option of the Department. The Respondent shall provide its tax identification number when submitting payment. 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 or by Electronic Funds Transfer (EFT) to the Department of Environmental Quality, in accordance with instructions provided to Respondent by the Financial Services Division. 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 Agreement.

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.

SHINTECH LOUISIANA, LLC

BY: _____
(Signature)

(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at _____.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

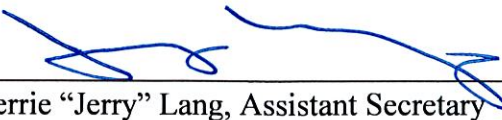
**LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**
Courtney J. Burdette, Secretary

BY: _____
Jerrie "Jerry" Lang, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved:  _____
Jerrie "Jerry" Lang, Assistant Secretary

BOBBY JINDAL
GOVERNOR

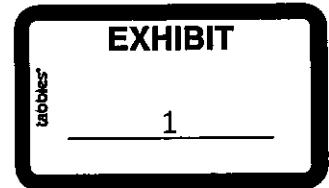


PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 22, 2015

CERTIFIED MAIL (7004 2510 0006 3853 5883)
RETURN RECEIPT REQUESTED



SHINTECH LOUISIANA, LLC
c/o Capitol Corporate Service, Inc.
Agent for Service of Process
8550 United Plaza Building II, Suite 305
Baton Rouge, LA 70809

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-15-01442
AGENCY INTEREST NO. 126578**

Dear Sir/Madam:

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 **SHINTECH LOUISIANA, LLC (RESPONDENT)** for the violation described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation 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 David Seymour at 225-219-3138.

Sincerely,

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

Celena J. Cage
Administrator
Enforcement Division

CJC/DGS/dgs
Alt ID No. 1280-00118
Attachment

c: Shintech Louisiana, LLC
c/o David Wise, Plant Manager
PO Box 358
Addis, LA 70710-0358

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

IN THE MATTER OF

**SHINTECH LOUISIANA, LLC
IBERVILLE PARISH
ALT ID NO. 1280-00118**

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

*	
*	
*	ENFORCEMENT TRACKING NO.
*	
*	AE-CN-15-01442
*	
*	AGENCY INTEREST NO.
*	
*	126578
*	

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **SHINTECH LOUISIANA, 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 Shintech Plaquemine Plant (facility), a polyvinyl chloride (PVC) and vinyl chloride monomer (VCM) producing facility, located at 26270 LA Highway 405 in a portion of Plaquemine, Iberville Parish, Louisiana. The facility contains the two production plants, Shintech Plaquemine Plant 1 (SPP-1), and Shintech Plaquemine Plant 2 (SPP-2). SPP-1 currently operates under Title V Air Permit No. 1280-00118-V6, issued November 16, 2015, and previously operated under Title V Air Permit No. 1280-00118-V5, issued September 25, 2013. SPP-2 currently operates under Title V Air Permit No. 3063-V4, issued April 17, 2014.

II.

The facility utilizes four (4) identical gas-fired thermal oxidizers (GTOs) to control process vents from PVC and VCM units. These GTOs are TRT 0001- M-5 GTOA (GTO M-5) and TRT0002-M-6

GTOB (GTO M-6) for SPP-1, and EQT 0126 - 2M-5 GTOA (GTO 2M-5) and EQT127 - 2M-6 GTOB (GTO 2M-6) for SPP-2. These GTOs are subject to 40 CFR 63 Subpart HHHHHHH (PVC MACT), which requires performance testing for process vent control devices in PVC service. PVC MACT requires that affected sources meet compliance by no later than April 17, 2015, and demonstrate compliance by no later than 180 days after this compliance date. In correspondence dated June 15, 2015, the Respondent submitted notification of intent to conduct performance testing for GTO M-5, GTO M-6, GTO 2M-5 and GTO 2M-6. In correspondence dated July 31, 2015, the Respondent submitted a waiver request which would allow the Respondent to conduct a performance test for only one (1) of the four (4) GTOs in service at the facility. On or about August 19, 2015, a pretest meeting between the Respondent and the Department was conducted to discuss this performance testing and the waiver request. In email correspondence dated August 26, 2015, the Department officially approved the Respondent's waiver request with the condition that performance tests be conducted for 50% of the GTO population at the facility, testing one (1) GTO from SPP-1 and one (1) GTO from SPP-2.

III.

On or about the week of August 24, 2015, the Respondent conducted a performance test for GTO M-5. This performance test was conducted at stress conditions in an attempt to identify the equipment's operating parameters. Specifically, the firebox temperature for GTO M-5 was operated approximately 100 degrees centigrade below the normal operating temperature. The results of this performance test showed that for two (2) of the three (3) runs conducted for GTO M-5, the PVC MACT emission limit for dioxins and furans was exceeded, causing the PVC MACT average emissions rate limit for dioxins and furans to be exceeded for GTO M-5.

IV.

On or about the week of September 28, 2015, the Respondent conducted a performance test for GTO 2M-5. Testing conditions for GTO 2M-5 were consistent with the testing conditions for GTO M-5 with the exception of the firebox temperature, which was increased from 875 degrees centigrade to 905 degrees centigrade. GTO 2M-5 was found to be in compliance with PVC MACT emissions limits.

V.

On or about December 14, 2015, a file review was conducted for 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 complete, the following violation was discovered during the course of the file review:

During a performance test conducted during the week of August 24, 2015, the Respondent exceeded the PVC MACT emission limit for dioxins and furans for GTO M-5. This is a violation of 40 CFR 63.11880(a), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Air Quality Regulations.

II.

To complete, as soon as is possible but no later than April 30, 2016, a final performance test for GTO M-5 in accordance with the requirements of PVC MACT. The Respondent shall submit notification to the Office of Environmental Services no less than thirty (30) days prior to conducting this performance test. The Respondent shall submit the results of this performance test to the Office of Environmental Services within sixty (60) days of completion.

III.

To route, in the event of an emergency shut-down of either GTO 2M-5 or GTO 2M-6, all PVC process vent streams to either GTO M-5 or GTO M-6 for control under the following operating conditions:

Operating Parameter	Basis	Control Device	Monitoring Frequency	Operating Limit
Flow to Control Device	N/A	Each Control Device	Continuous	N/A
Fire Box Temperature	Minimum Temperature	Thermal Oxidizers	Continuous	905 ° C
Influent Liquid Flow	Minimum Inlet Liquid Flow	Acid Gas Scrubbers	Continuous	245 gallons per minute
Pressure Drop	Minimum Pressure Drop	Acid Gas Scrubbers	Continuous	0.5 in H ₂ O
pH of Effluent Liquid	Minimum pH	Acid Gas Scrubbers	Continuous	7.7

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: David Seymour
Re: Enforcement Tracking No. AE-CN-15-01442
Agency Interest No. 126578

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. AE-CN-15-01442
Agency Interest No. 126578

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S.

49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed

regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact David Seymour at 225-219-3138 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

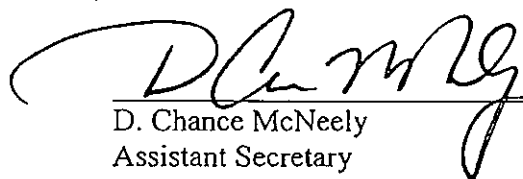
III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

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

Baton Rouge, Louisiana, this 22 day of December, 2015.



D. Chance McNeely
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: David Seymour

JOHN BEL EDWARDS
GOVERNOR

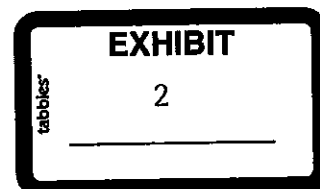


CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

OCT 29 2021

CERTIFIED MAIL (7019 1120 0000 2352 1091)
RETURN RECEIPT REQUESTED



SHINTECH LOUISIANA, LLC
c/o Capitol Corporate Services, Inc.
Agent for Service of Process
8550 United Plaza Building II, Ste. 305
Baton Rouge, LA 70809

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-19-00561
AGENCY INTEREST NO. 126578**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2031, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **SHINTECH LOUISIANA, 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 Karley Vinson at (225) 219-3024.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela Marse".

Angela Marse
Administrator
Enforcement Division

AM/KAV/kav
Alt ID No. 1280-00118
Attachment

c: **Shintech Louisiana, LLC**
c/o Timothy Bergeron – Environmental Manager
P.O. Box 358
Addis, LA 70710

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

IN THE MATTER OF

**SHINTECH LOUISIANA, LLC
IBERVILLE PARISH
ALT ID NO. 1280-00118**

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

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **AE-CN-19-00561**
*
* **AGENCY INTEREST NO.**
* **126578**
*

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **SHINTECH LOUISIANA, 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 Plaquemine Plant (the facility), located at 26270 Louisiana Highway 405 South in Plaquemine, Iberville Parish, Louisiana. The facility currently operates or has operated under the following Title V Air Permits:

Unit	Permit No.	Date Issued	Expiration Date
SPP-1 (VCM-1)	1280-00118-V0	July 27, 2005	July 27, 2010
SPP-1 (VCM-1)	1280-00118-V1	February 27, 2009	July 27, 2010
SPP-1 (VCM-1)	1280-00118-V2	March 1, 2010	July 27, 2010
SPP-1 (VCM-1)	1280-00118-V3	September 16, 2010	September 16, 2015
SPP-1 (VCM-1)	1280-00118-V4	May 9, 2012	September 16, 2015
SPP-1 (VCM-1)	1280-00118-V5	September 25, 2013	September 16, 2015
SPP-1 (VCM-1)	1280-00118-V6	November 16, 2015	November 16, 2020
SPP-1 (VCM-1)	1280-00118-V6 AA	January 8, 2016	November 16, 2020

Unit	Permit No.	Date Issued	Expiration Date
SPP-1 (VCM-1)	1280-00118-V7	May 2, 2018	November 16, 2020
SPP-1 (VCM-1)	1280-00118-V8	May 4, 2021	May 4, 2026
SPP-1 (VCM-1)	1280-00118-V8AA	October 5, 2021	May 4, 2026
SPP-2 (VCM-2)	3063-V0	July 10, 2008	July 10, 2013
SPP-2 (VCM-2)	3063-V1	May 20, 2010	July 10, 2013
SPP-2 (VCM-2)	3063-V2	July 31, 2012	July 10, 2013
SPP-2 (VCM-2)	3063-V3	September 25, 2013	September 25, 2018
SPP-2 (VCM-2)	3063-V4	April 17, 2014	September 25, 2018
SPP-2 (VCM-2)	3063-V5	January 30, 2017	September 25, 2018
SPP-2 (VCM-2)	3063-V6	March 19, 2020	March 19, 2025
HAPF-1	3064-V0	February 27, 2009	February 27, 2014
HAPF-1	3064-V1	June 29, 2012	February 27, 2014
HAPF-1	3064-V2	February 1, 2013	February 27, 2014
HAPF-1	3064-V3	February 26, 2014	February 26, 2019
HAPF-1	3064-V4	November 28, 2018	November 28, 2023
HAPF-2	3066-V0	June 29, 2010	June 29, 2015
HAPF-2	3066-V1	June 29, 2012	June 29, 2015
HAPF-2	3066-V2	February 1, 2013	June 29, 2015
HAPF-2	3066-V3	May 1, 2015	May 1, 2020
HAPF-2	3066-V4	January 22, 2020	January 22, 2025
PEP-1	3129-V0	December 4, 2014	December 4, 2019
PEP-1	3129-V1	June 11, 2015	December 4, 2019
PEP-1	3129-V2	June 20, 2016	December 4, 2019
PEP-1	3129-V3	February 28, 2018	December 4, 2019
PEP-1	3129-V3AA	May 17, 2018	December 4, 2019
PEP-1	3129-V4	December 12, 2019	December 12, 2024
HAPF-3	3110-V0	September 4, 2013	September 4, 2018
HAPF-3	3110-V1	April 15, 2014	September 4, 2018
HAPF-3	3110-V2	September 5, 2018	September 5, 2023
SPP-3 (VCM-3)	3164-V0	May 2, 2018	May 2, 2023
SPP-3 (VCM-3)	3164-V1	January 19, 2021	January 19, 2026
SPP-3 (VCM-3)	3164-V2	August 19, 2021	January 19, 2016
PEP-1	PSD-LA-788 (M-1)	June 20, 2016	

II.

On or about September 28, 2016, October 5-6, 2016, October 11-13, 2016, October 18-19, 2016, and November 10, 2016, inspections of the Respondent's facility were conducted 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 conducted October 18, 2021:

- A. The Respondent failed to comply with all operating requirements specified in the Hydrochloric Acid Production Furnace (HAPF-2) (EQT0182) Notification of Compliance. Specifically, the Respondent failed to maintain the chlorinated bottoms feedstock (CBF) waste feed pressure and atomizing air (fluid) pressure at or above 25 pounds per square inch gauge (psig) for the HAPF-2. The HAPF-2 Notification of Compliance dated November 25, 2014, established the minimum atomizing fluid pressure and minimum waste feed pressure as 25 psig. The inspections noted in Findings of Fact paragraph II revealed that the atomizing fluid pressure and the waste feed pressure for EQT0182 were below 25 psig for the hourly rolling average (HRA), as listed below:

Report (Date)	Date	Start Time	End Time	Total No. of Hours
Not reported*	November 13, 2015	-	-	-
Not reported*	December 5, 2015	-	-	-
2016 Title V Annual Compliance Certification for Title V Air Permit No. 3066-V3 (March 10, 2017)	March 5, 2016	00:00	02:00	2
2016 Title V Annual Compliance Certification for Title V Air Permit No. 3066-V3 (March 10, 2017)	April 18, 2016	18:00	20:00	2
2016 Title V Annual Compliance Certification for Title V Air Permit No. 3066-V3 (March 10, 2017)	April 20, 2016	19:00	21:00	2
2016 Title V Annual Compliance Certification for Title V Air Permit No. 3066-V3 (March 10, 2017)	May 18, 2016	19:00	22:00	3
2016 Title V Annual Compliance Certification for Title V Air Permit No. 3066-V3 (March 10, 2017)	June 7, 2016	09:00	18:00	9
2016 Title V Annual Compliance Certification for Title V Air Permit No. 3066-V3 (March 10, 2017)	June 7, 2016	18:00	19:00	1
2016 Title V Annual Compliance Certification for Title V Air Permit No. 3066-V3 (March 10, 2017)	June 8, 2016	12:00	14:00	2
2016 Title V Annual Compliance Certification for Title V Air Permit No. 3066-V3 (March 10, 2017)	June 10, 2016	17:00	18:00	1
2016 Title V Annual Compliance Certification for Title V Air Permit No. 3066-V3 (March 10, 2017)	June 11, 2016	10:00	12:00	2
2016 Title V Annual Compliance Certification for Title V Air Permit No. 3066-V3 (March 10, 2017)	June 17, 2016	06:00	09:00	3
2016 Title V Annual Compliance Certification for Title V Air Permit No. 3066-V3 (March 10, 2017)	June 17, 2016	15:00	18:00	3
2016 Title V Annual Compliance Certification for Title V Air Permit No. 3066-V3 (March 10, 2017)	June 17, 2016	23:00	24:00	1
2016 Title V Annual Compliance Certification for Title V Air Permit No. 3066-V3 (March 10, 2017)	June 20, 2016	15:00	19:00	4
2016 Title V Annual Compliance Certification for Title V Air Permit No. 3066-V3 (March 10, 2017)	June 21, 2016	16:00	24:00	9
2016 Title V Annual Compliance Certification for Title V Air Permit No. 3066-V3 (March 10, 2017)	September 20, 2016	06:00	13:00	7

*These instances were identified during the Department's review of records during the inspection.

Each failure to comply with all operating requirements specified in the HAPF-2 Notification of Compliance is a violation of 40 CFR 63.1207(j)(1)(ii), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Specific Requirement Nos. 9, 10, and 11 of Title V Air Permit No. 3066-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In the 2016 Title V Annual Compliance Certification for Title V Air Permit No. 3066-V3 dated March 10, 2017, the Respondent stated that the CBF feed and atomizing pressures were being restored into the Unit before pressure was reached, and the feed limit was less than 25 psig. Further, the Respondent stated that the CBF feed rates were increased during startup and the startups were coordinated to begin earlier in the hour to allow for a more favorable average calculation. In the Response to Warning Letter AE-L-19-00561 dated July 19, 2019, the Respondent stated that HAPF-2 operational improvements have been implemented to prevent future occurrences and to continuously comply with the operating limits established in the Notification of Compliance Status. The Respondent also stated that they utilize multiple reviews of the operating data by operations, supervision, and the environmental department to ensure that the HAPF-2 unit operates within required parameters.

- B. The Respondent's 2015 Annual Compliance Certification for Title V Air Permit No. 3066-V3 dated March 7, 2016, and 2015 Second Semiannual Monitoring Report for Title V Air Permit No. 3066-V3 dated March 7, 2016, failed to identify instances of deviation from permitted operating requirements. Specifically, the Respondent failed to report that the atomizing fluid pressure and the waste feed pressure for EQT0182 were below 25 psig for the hourly rolling average (HRA) on November 13, 2015, and December 5, 2015; however, the Department identified these instances during the 2016 inspection. Each failure to identify all deviations in the aforementioned reports is a violation of Specific Requirement No. 66 of Title V Permit No. 3066-V3, LAC 33:III.535 General Conditions K and M, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

III.

On or about October 18, 2021, a file review of the Respondent's facility was conducted 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 file review:

- A. In the 2016 Title V Annual Compliance Certification for Title V Air Permit No. 1280-00118-V6 dated March 21, 2017, the Respondent reported that U-7A South Tank Yard Fire Water Pump Engine A (EQT0167), U-8A North Tank Yard Fire Water Pump Engine A (EQT0168), and

U-7B South Tank Yard Fire Water Pump Engine B (EQT0186) exceeded the 100 hours per year limit for maintenance checks and readiness testing of an emergency internal combustion engine (ICE). The Respondent stated that EQT0167 operated 36.2 hours in excess of the permitted limit, EQT0168 operated eight (8) hours in excess of the permitted limit, and EQT0186 operated 38.9 hours in excess of the permitted limit. Each exceedance of the permitted operating hours is a violation of 40 CFR 60.4211(e), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Specific Requirements 797, 808, and 928 of Title V Air Permit No. 1280-00118-V6AA, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

- B. The Respondent exceeded the NO_x maximum pounds per hour permit limit for 2U-8 Boiler C (EQT0226). In the 2017 First Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3063-V4/V5 dated September 26, 2017, the Respondent reported that on June 16, 2017, the selective catalytic reduction (SCR) ammonia pump to EQT0226 tripped, causing the NO_x to exceed the maximum pounds per hour permit limit of 3.05 pounds per hour for a period of five (5) hours. Each exceedance of the permitted emission limit is a violation of Title V Air Permit No. 3063-V4, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2). The Respondent reported in the 2017 First Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3063-V4/V5 dated September 26, 2017, that the ammonia flow was restored to the SCR ending the exceedance.
- C. The Respondent exceeded the Carbon Monoxide (CO) emission limit for the HAPF-2 (EQT0182). In the 2017 First Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3066-V3 dated September 26, 2017, the Respondent reported that on April 18, 2017, May 29, 2017, and May 31, 2017, CO exceeded the 100 parts per million by volume (ppmv) emission limit for EQT0182 due to insufficient CBF feed and atomizing air pressures during startup. The Notification of Compliance dated November 25, 2014, established the applicable emission standard for CO as 100 ppmv dry. Each failure to comply with all operating requirements specified in the HAPF-2 Notification of Compliance is a violation of 40 CFR 63.1207(j)(1)(ii), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Specific Requirement Nos. 9, 10, and 11 of Title V Air Permit No. 3066-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

- D. The Respondent failed to comply with all operating requirements specified in the Notification of Compliance. Specifically, the Respondent failed to maintain the CBF waste feed pressure and atomizing air (fluid) pressure at or above 25 psig for the HAPF-2 (EQT0182). The Notification of Compliance dated November 25, 2014, established the minimum atomizing fluid pressure and minimum waste feed pressure as 25 psig. The file review revealed that the atomizing fluid pressure and the waste feed pressure for EQT0182 were below 25 psig for the HRA, as listed below:

Report (Date)	Date	Start Time	End Time	Total No. of Hours
2017 First Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3066-V3 (September 26, 2017)	April 18, 2017	12:30	19:54	3.28
2017 First Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3066-V3 (September 26, 2017)	June 30, 2017	19:34	19:40	0.1

Each failure to comply with all operating requirements specified in the HAPF-2 Notification of Compliance is a violation of 40 CFR 63.1207(j)(1)(ii), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Specific Requirement Nos. 9, 10, and 11 of Title V Air Permit No. 3066-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In the 2017 First Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3066-V3 dated September 26, 2017, the Respondent stated that the CBF feed and atomizing pressures were being restored into the Unit before pressure was reached, and the CBF feed rates were increased to attain the required operating limits.

- E. The Respondent failed to permit Gasoline Tank TK-1002 as an emission source before commencement of operation of the equipment. In the 2017 Title V Annual Compliance Certification for Title V Permit No. 1280-00118-V6 dated March 26, 2018, the Respondent reported that due to the performance of a tank inventory, TK-1002 was discovered to not be included in Title V Air Permit No. 1280-00118-V6. The unauthorized operation of the TK-1002 is a violation of LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2). The failure to submit a permit application prior to construction of TK-1002 is a violation of LAC 33:III.501.C.1 and La. R.S. 30:2057(A)(2). In the 2017 Annual Compliance Certification for Title V Permit No. 1280-00118-V6, the Respondent stated that a permit modification had been submitted to add TK-1002 to the permit. In Public Comments and Additional Information to Title V Permit Modification dated November 8, 2017, the Respondent requested that TK-1002 be

incorporated into the proposed permit, Title V Air Permit No. 1280-00118-V7. The date of tank construction/modification is 2008. TK-1002 was permitted as an emission source (EQT0413) in Title V Air Permit No. 1280-00118-V7 issued on May 2, 2018.

- F. In the 2018 Title V Annual Compliance Certification for Title V Air Permit No. 1280-00118-V7 dated March 22, 2019, the Respondent reported that U-8A North Tank Yard Fire Water Pump A (EQT0168) exceeded the 65 hours per year limit for permitted operating time, U-8B North Tank Yard Fire Water Pump B (EQT0188) exceeded the 53 hours per year limit for permitted operating time, and U-8C North Tank Yard Fire Water Pump C (EQT0189) exceeded the 53 hours per year limit for permitted operating time. The Respondent stated that EQT0168 operated 37.4 hours in excess of the permitted limit, EQT0188 operated 18.9 hours in excess of the permitted limit, and EQT0189 operated 22.7 hours in excess of the permitted limit, each resulting in a tons per year exceedance of PM, SO₂, NO_x, and CO. Each exceedance of the permitted operating hours is a violation of 40 CFR 60.4211(f), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Specific Requirements 808, 950, and 961 of Title V Air Permit No. 1280-00118-V7, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2). Each exceedance of the permitted emissions is a violation of Title V Air Permit No. 1280-00118-V7, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).
- G. The Respondent exceeded the maximum permitted pounds per hour (lb/hr) NO_x emission rate of 3.78 lbs/hr for the HP Steam Boiler Package B (EQT0267). In the 2019 First Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3129-V3 dated September 26, 2019, the Respondent stated that on March 17, 2019, the boiler feed water was below ideal temperature during startup, causing the boiler lb/hr NO_x emission rate for EQT0267 to be 4.1 lbs/hr and 3.9 lbs/hr for a period of 120 minutes. The NO_x emission rate exceedance is a violation of Title V Air Permit No. 3129-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2). In the 2019 First Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3129-V3 dated September 26, 2019, the Respondent stated that the boiler feed water temperature issue was addressed to prevent future similar occurrences.
- H. The Respondent failed to maintain the heat content for the EU-3 - Elevated Flare (EQT0269) at greater than or equal to 300 BTU/scf. In the 2019 First Half Semi-Annual Title V Monitoring

Report for Title V Air Permit No. 3129-V3 dated September 26, 2019, the Respondent stated that nitrogen venting to the flare during the initial inventory of the propylene sphere caused the heat content to decrease on the following occasions:

Date of Violation	Beginning Time	Ending Time	Duration in Minutes	Average Heat Content
May 18, 2019	15:00	15:29	29	264 BTU/scf
May 18, 2019	21:00	21:38	38	187 BTU/scf
May 19, 2019	01:12	03:37	146	202 BTU/scf
May 19, 2019	13:37	13:59	23	96.3 BTU/scf

In each instance, the Respondent reported that the fuel gas supply was increased to the flare to correct for nitrogen purge gas. Each failure to maintain the heat content for EQT0269 at greater than or equal to 300 BTU/scf is a violation of 40 CFR 63.11(b)(6)(ii), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Specific Requirement No. 61 of Title V Air Permit No. 3129-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2). Compliance with 40 CFR 63.11 has been determined as the Best Available Control Technology (BACT) in Permit No. PSD-LA-788(M-1) issued on June 20, 2016. The failure to comply with BACT is a violation of Permit No. PSD-LA-788(M-1), Specific Requirement No. 66 of Title V Air Permit No. 3129-V3, LAC 33:III.509, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- I. The Respondent failed to permit Tanks P-41, P-42, P-43, P-44, and T-32 as emission sources prior to the commencement of operation of the equipment. In the 2019 Title V Annual Compliance Certification for Title V Permit No. 1280-00118-V7 dated March 26, 2020, the Respondent reported that the performance of a tank inventory revealed that Tanks P-41, P-42, P-43, P-44, and T-32 were not included in Title V Air Permit No. 1280-00118-V7. The unauthorized operation of each tank is a violation of LAC 33:III.501.C.2, La. R.S.30:2057(A)(1), and La. R.S. 30:2057(A)(2). The failure to submit a permit application prior to construction for each tank is a violation of LAC 33:III.501.C.2 and La. R.S. 30:2057(A)(2). The Title V Permit Renewal application dated January 13, 2020, requested that Tanks P-41, P-42, P-43, P-44, and T-32 be incorporated into Title V Air Permit No. 1280-00118-V8. Tanks P-41 (EQT0427), P-42 (EQT0428), P-43(EQT0429), and P-44 (EQT0430) were permitted as emission sources and Tank T-32 was listed as an insignificant activity in Title V Air Permit No. 1280-00118-V8 issued on May 4, 2021.

- J. The Respondent exceeded the maximum permitted lb/hr Nitrogen Oxide (NOx) emission rate of 3.78 lbs/hr for the HP Steam Boiler Package B (EQT0267). In the 2019 Second Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3129-V3 dated March 27, 2020, the Respondent stated that on July 17, 2019, the ammonia injection nozzle became temporarily plugged, causing the boiler lb/hr NOx emission rate for EQT0267 to be 4.6 lbs/hr for a period of 60 minutes. The NOx emission rate exceedance is a violation of Title V Air Permit No. 3129-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2). In the 2019 Second Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3129-V3 dated March 27, 2020, the Respondent stated that the ammonia line was cleared, and flow to SCR was returned to normal. Additionally, the Respondent stated that stainless steel piping was installed following this event to prevent future plugging.
- K. The Respondent exceeded the maximum permitted lb/hr NOx emission rate of 3.78 lbs/hr for the HP Steam Boiler Package A (EQT0266). In the 2019 Second Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3129-V3 dated March 27, 2020, the Respondent stated that on September 17, 2019, the ammonia injection nozzle became temporarily plugged, causing the boiler lb/hr NOx emission rate for EQT0266 to be 3.9 lbs/hr for a period of 60 minutes. The NOx emission rate exceedance is a violation of Title V Air Permit No. 3129-V3, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2). In the 2019 Second Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3129-V3 dated March 27, 2020, the Respondent stated that the ammonia line was cleared and flow to SCR was returned to normal. Additionally, the Respondent stated that stainless steel piping was installed following this event to prevent future plugging.
- L. The Respondent failed to burn non-halogenated hydrocarbons at or above 870 degrees Celsius (°C) for 0.5 seconds or greater. In the 2019 Second Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3129-V4 dated March 27, 2020, the Respondent stated that on August 2, 2019, loading/unloading activities of propylene, involving nitrogen purging of vessels and lines, caused the Gas Thermal Oxidizer (GTO) Package A (EQT0271) to fall below 870 °C for 86 minutes. The GTO control temperature set point was increased above 870 °C until demonstration of the control device destruction efficiency was achieved. The failure to operate the GTO at or above 870 °C is a violation of Specific Requirement 244 of Title V Air Permit No.

3129-V3AA, LAC 33:III.2115.C, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

- M. The Respondent failed to burn non-halogenated hydrocarbons at or above 870 degrees Celsius (°C) for 0.5 seconds or greater. In the 2019 Second Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3129-V4 dated March 27, 2020, the Respondent stated that on August 2, 2019, loading/unloading activities of propylene, involving nitrogen purging of vessels and lines, caused GTO Package B (EQT0272) to fall below 870 °C for 125 minutes. The GTO control temperature set point was increased above 870 °C until demonstration of the control device destruction efficiency was achieved. The failure to operate the GTO at or above 870 °C is a violation of Specific Requirement 244 of Title V Air Permit No. 3129-V3AA, LAC 33:III.2115.C, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).
- N. The Respondent exceeded the CO emission limit for the HAPF-2 (EQT0182). In the 2020 First Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3066-V3/4 dated September 24, 2020, the Respondent reported that on April 22, 2020, CO exceeded the 100 ppmv emission limit, due to insufficient CBF feed and atomizing air pressures during startup for a period of twelve (12) minutes. The Notification of Compliance dated November 25, 2014, established the applicable emission standard for CO as 100 ppmv dry. Each failure to comply with all operating requirements specified in the HAPF-2 Notification of Compliance is a violation of 40 CFR 63.1207(j)(1)(ii), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Specific Requirement Nos. 9 and 10 of Title V Air Permit No. 3066-V4, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2). In the 2020 First Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3066-V3/4 dated September 24, 2020, the Respondent stated that the CBF feed was discontinued, ending the CO exceedance.
- O. The Respondent exceeded the maximum permitted lb/hr NOx emission rate of 3.05 lbs/hr for the 2U-2 Boiler B (EQT0112). In the 2020 First Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3063-V5/6 dated September 25, 2020, the Respondent stated that on February 24, 2020, the SCR ammonia pump tripped, causing NOx emissions of 3.796 lbs/hr for a period of one (1) hour, exceeding the lb/hr permit limit. The NOx emission rate exceedance is a violation of Title V Air Permit No. 3063-V5, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and

La. R.S. 30:2057(A)(2). In the 2020 First Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3063-V5/6 dated September 25, 2020, the Respondent stated that the ammonia flow was restored to the SCR and the boiler complied with the 30-day average NOx limit of 0.01 lb/MMBtu during this time.

P. The Respondent exceeded the maximum permitted lb/hr NOx emission rate of 3.05 lbs/hr for the 2U-2 Boiler B (EQT0113). In the 2020 First Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3063-V5/6 dated September 25, 2020, the Respondent stated that on February 24, 2020, the SCR ammonia pump tripped, causing NOx emissions of 3.535 lbs/hr for a period of two (2) hours, exceeding the lb/hr permit limit. The NOx emission rate exceedance is a violation of Title V Air Permit No. 3063-V5, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2). In the 2020 First Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3063-V5/6 dated September 25, 2020, the Respondent stated that the ammonia flow was restored to the SCR and the boiler complied with the 30-day average NOx limit of 0.01 lb/MMBtu during this time.

Q. The Respondent exceeded the 0.01 lb/MMBtu 30-day rolling average permit limit for NOx. The Respondent submitted the Test Protocol Plan for Initial Monitor Certification of Acetylene Cracking Furnaces EP-1, EP-2, EP-3, EP-4, EP-5, EP-6, and EP-7 NOx/O2 continuous emission monitoring system (CEMS) dated July 11, 2019, for testing to begin no sooner than August 12, 2019. In the Initial Performance Test Report dated March 5, 2020, the Respondent stated that the performance tests were conducted on March 3 – 6, 2020. In the 2020 First Half Semi-Annual Title V Monitoring Report for Title V Air Permit No. 3129-V4 dated September 25, 2020, the Respondent stated that upon PEP-1 beginning operation, the initial startup cycle when the heater is in hot steam stand-by (HSSB) was extended. During this operation mode, NOx is permitted at 0.026 lb/MMbtu. However, the heater also has a NOx requirement of 0.01 lb/MMbtu on a 30-day rolling average. A variance from the 30-day average was issued by the Department dated September 3, 2019, which expired on December 31, 2019. Initial startup unexpectedly extended beyond that date, causing the following exceedances of the 30-day average requirement:

Emission Source	Specific Requirement No.	Date Began	Time Began	Date Ended	Time Ended	Duration (Minutes)
EQT0259 – EP-1: Cracking Heater A	1	February 22, 2020	00:00	February 26, 2020	23:59	7,200
EQT0260 – EP-2: Cracking Heater B	7	February 11, 2020	00:00	February 16, 2020	23:59	8,639
EQT0262 – EP-4: Cracking Heater D	19	February 11, 2020	00:00	March 8, 2020	23:59	38,879
EQT0263 – EP-5: Cracking Heater E	25	February 13, 2020	00:00	February 21, 2020	23:59	12,960
EQT0264 – EP-6: Cracking Heater F	31	February 10, 2020	00:00	February 22, 2020	23:59	18,719
EQT0265 – EP-7: Cracking Heater G	37	February 11, 2020	00:00	February 14, 2020	23:59	5,759

Each exceedance of the 30-day rolling average permit limit for NO_x is a violation of the applicable permit requirements of Title V Air Permit No. 3129-V4 listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

IV.

On or about May 7, 2018, an inspection of the Respondent's facility was conducted 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:

- A. On October 31, 2016, 567.2 pounds of Vinyl Chloride Monomer (VCM), Incident No. T173837, was released to the atmosphere. The Reportable Quantity for VCM is one (1) pound. In the Unauthorized Discharge Notification Report dated November 4, 2016, the Respondent stated that the leak was from a three (3) inch flange gasket in the South Tank Farm. The leak was caused by the thermal expansion of the vinyl chloride in the line. The line was inadvertently isolated from the thermal expansion relief valve, causing the gas to relieve through the gasket flange. The Respondent determined that the release was preventable. The failure to use and diligently maintain air pollution control equipment, any device or contrivance, operating procedures, or abatement scheme used to prevent or reduce air pollution, in proper working order whenever any emissions are being made is a violation of LAC 33:III.905, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

B. The Respondent reported on October 6, 2015, 28.2 pounds of vinyl chloride monomer (VCM), Incident No. T166585, was released to the atmosphere from the facility. The Reportable Quantity for VCM is one (1) pound. In the Unauthorized Discharge Notification dated October 12, 2015, the Respondent stated that on October 5, 2015, the PVC Resin Slurry Stripper (P-SS) was cleared of all vinyl chloride gas and vented to the atmosphere. On October 6, 2015 at approximately 5:30 AM, an operator began to verify completion of all tasks completed the previous day. The operator saw that valve SV-4603, which was supposed to be closed, showed as open on the Distributed Control System (DCS). The investigation determined that the valve was in simulation mode, such that it appeared to be open when it was actually closed in the field. The operator then closed valve SV-4603, which caused valve SV-4602 to open due to the DCS programming. The opening of SV-4602 allowed VCM-contaminated vapor to reverse flow from PHL-1302 (small gasholder) through an atmospheric vent that was opened at the Stripper column (PCL-1451A). The Respondent reported that due to wind speed and direction, the VCM dispersed quickly in the air. Area monitoring indicated that there was no off-site impact. The Respondent determined that this discharge was preventable. The failure to use and diligently maintain air pollution control equipment, any device or contrivance, operating procedures, or abatement scheme used to prevent or reduce air pollution, in proper working order whenever any emissions are being made is a violation of LAC 33:III.905, La. R.S. 30:2057(A)(1), 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**, a written report listing any exceedances of the pound/hour or tons per year permit limits resulting from the violations discussed in Findings of Fact Paragraphs III.A, III.B, III.C, III.F, and III.N. The report shall include the amount of any exceedances reported in the pound/hour or tons per year, as applicable.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report indicating the construction/installation and initiation of operation dates for each of the tanks identified in Findings of Fact Paragraph III.1.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Karley Vinson
Re: Enforcement Tracking No. AE-CN-19-00561
Agency Interest No. 126578

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-19-00561
Agency Interest No. 126578

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 Karley Vinson at (225) 219-3024 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.

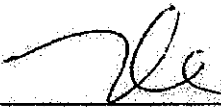
The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement 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 23rd day of October, 2021.




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: Karley Vinson

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-19-00561	Contact Name	Karley Vinson				
Agency Interest (AI) No.	126578	Contact Phone No.	(225) 219-3024				
Alternate ID No.	1280-00118						
Respondent:	SHINTECH LOUISIANA, LLC	Facility Name:	Shintech Louisiana - Plaquemine Plant				
	c/o Capitol Corporate Services, Inc.	Physical Location:	26270 Louisiana Highway 405 South				
	Agent for Service of Process						
	8550 United Plaza Building II, Ste. 305 Baton Rouge, LA 70809	City, State, Zip:	Plaquemine, LA 70764			Parish:	Iberville
STATEMENT OF COMPLIANCE							
STATEMENT OF COMPLIANCE						Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph IV of the "Order" portion of the COMPLIANCE ORDER.							
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs II and III 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)							
<i>(check the applicable option)</i>							
<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1 Subpart 1, Chapter 7.						
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-19-00561), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.						
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-19-00561), 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-CN-19-00561) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.						

CERTIFICATION STATEMENT		
<i>I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this 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.</i>		
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: Karley Vinson		

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			
Enforcement Tracking No.	WE-CN-23-00169	Certified Mail No.	7021 1970 0000 3978 8855		
Agency Interest (AI) No.	126578	Contact Name	Rachel Rogers		
Alternate ID No.	LA0120529	Contact Phone No.	(225) 219-3770		
Respondent:	SHINTECH LOUISIANA, LLC c/o Capitol Corporate Services, Inc. Agent for Service of Process 8550 United Plaza Building II, Suite 305 Baton Rouge, LA 70809	Facility Name:	Shintech Plaquemine Plant		
		Physical Location:	26270 Highway 405 South		
		City, State, Zip:	Plaquemine, LA 70764		
		Parish:	Iberville		
<p>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).</p>					
FINDINGS OF FACT					
<p>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.</p>					
I.	<p>The Respondent owns and/or operates an organic and inorganic chemical manufacturing facility located at 26270 Highway 405 South in Plaquemine, Iberville Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0120529 on December 6, 2016, with an effective date of December 6, 2016, and expiration date of December 5, 2021. The Respondent submitted a renewal application on or about January 15, 2020, and LPDES Permit LA0120529 was reissued on February 11, 2021, with an effective date of February 15, 2021. LPDES Permit LA0120529 will expire on February 14, 2026. The Respondent submitted a permit modification application on or about May 14, 2021, and LPDES Permit LA0120529 was modified on May 17, 2022, with an effective date of May 17, 2022. Under the terms and conditions of LPDES Permit LA0120529, the Respondent is permitted to discharge treated process wastewater, treated process area stormwater, treated non-process area stormwater, treated cooling tower blowdown, boiler blowdown, treated sanitary wastewater, DI water backwash, treated laboratory wash water, treated miscellaneous de minimis utility wastewaters, hydrostatic test wastewater, underflow from the raw river water intake clarifier, solids from the settling basin, backwash wastewater from the sand filter, stormwater from construction activities, polishing backwash, and polishing regeneration water. External Outfalls 001, 002, 003, 004, 005, 006, 008, 009, 010, 011, 012, and 013 are permitted to discharge into the Mississippi River (Subsegment 070301), all waters of the state, and external Outfalls 030, 033A, 033B, and 040 are permitted to discharge into Bayou LaBoutte (Subsegment 120201), all waters of the state.</p>				
	Date of Violation	Description of Violation			
II.	File Review 05/01/2023	<p>The Respondent failed to comply with LPDES permit LA0120529. Specifically, a review of Discharge Monitoring Reports (DMRs) between April 2018 through March 2023, revealed that the Respondent reported exceedances of permit effluent limitations for BOD, TSS, TOC, Phenol, and pH. See Table I. (LA0120529 (prior to February 15, 2021, Part I, Effluent Limitations and Monitoring Requirements, pages 11, 12, 17, 18, 19, 20, 21, 22, & 23 of 23 and Part III, Section A.2; beginning February 15, 2021, Part I, Effluent Limitations and Monitoring Requirements, pages 17, 18, 21, 22, & 30 of 33 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.D)</p>			
III.	File Review 05/01/2023	<p>The Respondent failed to sample the effluent from Outfall 013 on a quarterly basis as required by LPDES Permit LA0120529. Specifically, the Respondent failed to sample for pH, TSS, Oil & Grease, and TOC for Outfall 013 during the 4th quarter monitoring period of 2021. (LA0120529 (Part I, Effluent Limitations and Monitoring Requirements, pages 31 & 32 of 33 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)</p>			
IV.	File Review 05/01/2023	<p>The Respondent failed to comply with LPDES permit LA0120529. Specifically, the Respondent failed to attach the Table 1 Summary Sheets with the biomonitoring NetDMR submittals with each valid test from October 2018 through December 2022. (LA0120529 (prior to February 15, 2021 Part II, Section P.4.b and Part III, Section A.2; beginning February 15, 2021, Part II, Section P.4.b and Part III, Section A.2)</p>			
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 Water 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, 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.				
III.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, properly completed Table 1 Summary Sheets for Outfalls 001, 005, 008, and 011 for the quarterly and annual monitoring period(s) of 2020, 2021, and 2022, cited in Paragraph V of the "Findings of Fact" portion of this Order.				

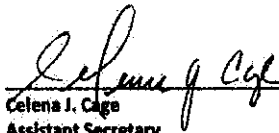
EXHIBIT

C

140005

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 .
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 left-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's (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(8), 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 Rachel Rogers at (225) 219-3770 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 may submit the settlement offer within one hundred and eighty (180) days of receipt of this NOTICE OF POTENTIAL PENALTY portion but no later than ninety (90) days of achieving compliance with the COMPLIANCE ORDER portion. 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 Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Rachel Rogers	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. WE-CN-23-00169 Agency Interest No. 126578
Water Permits Division (if necessary): Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

- HOW TO PROCEED**
- To appeal the **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**.
 - To request closure of the **COMPLIANCE ORDER** portion, the Respondent must demonstrate compliance with the "Order" portion of this **COMPLIANCE ORDER** by completing the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form and returning it to the address specified.
 - Before requesting closure of the **COMPLIANCE ORDER** portion, please contact the Financial Services Division at 225-219-3865 or email them at DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.
 - 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 "**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.
 - Before requesting closure of the **NOTICE OF POTENTIAL PENALTY** portion, please contact the Financial Services Division at 225-219-3865 or email them at DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.
- If you have questions or need more information, you may contact Rachel Rogers at (225) 219-3770 or Rachel.Rogers@la.gov.



 Celena J. Cagle
 Assistant Secretary

Office of Environmental Compliance

Attachment(s)

- Request to Close
- Table I

Date: 05/02/2023

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.	WE-CN-23-00169	Contact Name	Rachel Rogers		
Agency Interest (AI) No.	126578	Contact Phone No.	(225) 219-3770		
Alternate ID No.	LA0120529				
Respondent:	SHINTECH LOUISIANA, LLC	Facility Name:	Shintech Plaquemine Plant		
	c/o Capitol Corporate Services, Inc.	Physical Location:	26270 Highway 405 South		
	Agent for Service of Process	City, State, Zip:	Plaquemine, LA 70764		
	8550 United Plaza Building II, Suite 305 Baton Rouge, LA 70809	Parish:	Iberville		
STATEMENT OF COMPLIANCE					
STATEMENT OF COMPLIANCE			Date Completed	Copy Attached?	
A written report was submitted in accordance with Paragraph II 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 III 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)					
<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 (WE-CN-23-00169), 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 (WE-CN-23-00169), 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 (WE-CN-23-00169) 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 Post Office Box 4312 Baton Rouge, LA 70821 Attn: Rachel Rogers					

If you have questions or need more information, you may contact Rachel Rogers at (225) 219-3770 or Rachel.Rogers@la.gov.

Table I. Permit Effluent Limitation Exceedances					
Monitoring Period End Date	Outfall	Parameter	Limit	DMR Value	Units
11/30/2018	108-A	BOD, 5-day, 20 deg. C --- DAILY MX	232	375.49	lb/d
04/30/2019	108-A	BOD, 5-day, 20 deg. C --- DAILY MX	232	1005.75	lb/d
05/31/2019	009-A	pH range excursions, > 60 minutes --- MO TOTAL	0	1	occurs/mo
		pH range excursions, monthly total accum --- MO TOTAL	446	927	min
	109-A	BOD, 5-day, 20 deg. C --- DAILY MX	477	1829.31	lb/d
12/31/2019	003-Q	Solids, total suspended --- DAILY MX	135	257	mg/L
	030-Q	pH --- INST MAX	9	11.91	SU
12/31/2020	109-A	BOD, 5-day, 20 deg. C --- DAILY MX	477	926.81	lb/d
		Solids, total suspended --- MO AVG	313	<450.67	lb/d
		Solids, total suspended --- DAILY MX	899	3089.44	lb/d
02/28/2021	108-A	BOD, 5-day, 20 deg. C --- DAILY MX	232	369.99	lb/d
04/30/2021	108-A	Solids, total suspended --- MO AVG	112	138.87	lb/d
06/30/2021	108-A	Solids, total suspended --- MO AVG	112	137.1	lb/d
	411-A	Carbon, tot organic [TOC] --- DAILY MX	50	77.9	mg/L
09/30/2021	109-A	BOD, 5-day, 20 deg. C --- DAILY MX	477	1124.36	lb/d
10/31/2021	108-A	BOD, 5-day, 20 deg. C --- DAILY MX	232	236.36	lb/d
02/28/2022	109-A	BOD, 5-day, 20 deg. C --- DAILY MX	477	2090.91	lb/d
06/30/2022	108-A	Solids, total suspended --- MO AVG	112	140.19	lb/d
07/31/2022	108-A	Solids, total suspended --- MO AVG	112	136.41	lb/d
		Solids, total suspended --- DAILY MX	354	519.07	lb/d
08/31/2022	108-A	BOD, 5-day, 20 deg. C --- DAILY MX	232	303.45	lb/d
09/30/2022	108-A	BOD, 5-day, 20 deg. C --- MO AVG	88	<157.9	lb/d
		BOD, 5-day, 20 deg. C --- DAILY MX	232	337.85	lb/d
		Solids, total suspended --- MO AVG	112	171.8	lb/d
		Solids, total suspended --- DAILY MX	354	369.08	lb/d
10/31/2022	108-A	Solids, total suspended --- MO AVG	112	129.59	lb/d
		Solids, total suspended --- DAILY MX	354	446.19	lb/d
12/31/2022	108-A	Solids, total suspended --- MO AVG	112	131.67	lb/d
	108-Y	Phenol --- MO AVG	.03	.0355	lb/d
	109-A	Solids, total suspended --- DAILY MX	899	1108.81	lb/d
01/31/2023	108-A	BOD, 5-day, 20 deg. C --- MO AVG	88	97.83	lb/d
		Solids, total suspended --- MO AVG	112	<203.24	lb/d
		Solids, total suspended --- DAILY MX	354	533.78	lb/d
	109-A	Solids, total suspended --- MO AVG	313	<448.38	lb/d
		Solids, total suspended --- DAILY MX	899	1177.32	lb/d
02/28/2023	108-A	Solids, total suspended --- DAILY MX	354	407.46	lb/d