



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

December 10, 2013

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7007 3020 0002 5102 7891

Marcus E. Ledoux, Site Manager
Cos-Mar Company Styrene Monomer
P.O. Box 11
Carville, LA 70721

RE: In the Matter of the Cos-Mar Company
Cos-Mar Styrene Monomer Plant
Carville, Iberville Parish, State of Louisiana
EPA Docket No. CAA 06-2013-3340

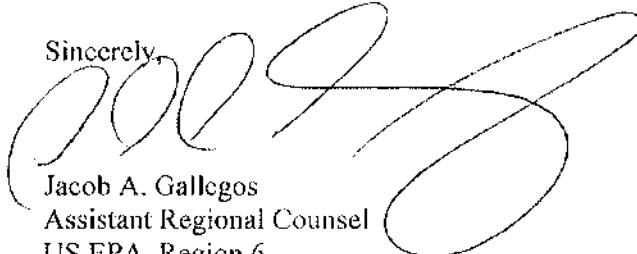
Dear Mr. Ledoux,

Please find enclosed fully executed Complaint and Consent Agreement and Final Order (“CAFO”) which was filed with the EPA Region 6 Regional Judicial Officer on December 10, 2013.

The Cos-Mar Company will have thirty (30) days from the effective date of the CAFO to pay the civil penalty of eighty four thousand and fifty dollars (\$84,050.00). The Cos-Mar Company has also agreed to comply with the Conditions of Settlement under the timetable described in the document.

Should you have any questions, please feel free to contact me at (214) 665-9798 or Gallegos.Jacob@epa.gov. Thank you for your assistance with this matter.

Sincerely,



Jacob A. Gallegos
Assistant Regional Counsel
US EPA, Region 6

Enclosure

Ec: Pat Spillman
Legal Counsel for Cos-Mar
via email

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
2013 DEC 10 PM 1:58
REGISTRY CLERK
EPA REGION VI

IN THE MATTER OF:	(DOCKET NO. CAA 06-2013-3340
	(
Cos-Mar Company	(COMPLAINT
	(
RESPONDENT	(CONSENT AGREEMENT AND
	(FINAL ORDER
Cos-Mar Styrene Monomer Plant	(
Facility No.: AFS 2204700013, LDEQ AI 1607	(
Carville, Iberville Parish, Louisiana	(

CONSENT AGREEMENT AND FINAL ORDER

The Director, Compliance Assurance and Enforcement Division, United States Environmental Protection Agency, Region 6 ("EPA") and Cos-Mar Company ("Cos-Mar"), in the above referenced action, have agreed to resolve this matter through issuance of this Complaint Consent Agreement and Final Order ("CAFO").

I. PRELIMINARY STATEMENT

1. This proceeding is for the assessment of civil penalties pursuant to Section 113(d) of the Clean Air Act, as amended ("CAA" or "The Act" herein), 42 U.S.C. § 7413(d), and for additional terms of settlement as agreed to by Cos-Mar. Pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), Region 6 of the Environmental Protection Agency requested that the United States Department of Justice determine that an administrative action against Cos-Mar is appropriate even though more than one year had elapsed since the first alleged date of violation and a penalty could exceed \$295,000.00. This request was granted by Robert E. Maher, Jr. on behalf of the U.S. Attorney General, on November 30, 2012. This proceeding is instituted by the issuance of a Complaint and Notice of Opportunity for Hearing incorporated

herein, and is simultaneously commenced and concluded by the issuance of this CAFO against Cos-Mar pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and (3), and 22.34.

2. EPA alleges Cos-Mar violated regulations promulgated under the CAA at the Cos-Mar Styrene Monomer Plant, a chemical manufacturing plant located in Carville, Louisiana owned by Cos-Mar.

3. For purposes of this proceeding, Cos-Mar admits the jurisdictional allegations in this CAFO; however, Cos-Mar neither admits nor denies the specific factual allegations contained in this CAFO.

4. By its signature on this Complaint and CAFO, Cos-Mar waives any right to contest the allegations in this CAFO and its right to appeal the Final Order set forth herein, and waives all defenses which have been raised or could have been raised to the claims set forth in this CAFO.

5. Compliance with all the terms and conditions of this CAFO shall only resolve Cos-Mar's liability for Federal civil penalties for the violations alleged in this CAFO.

6. Cos-Mar consents to the issuance of this CAFO hereinafter recited and consents to the assessment and payment of the stated civil penalty in the amount and by the method set out in this CAFO, and agrees to the additional terms of settlement set forth in Section V (including Appendix A) of this CAFO.

7. Nothing in this CAFO shall be construed to prevent or limit EPA's civil and criminal authorities, or that of other Federal, State, or local agencies or departments to obtain penalties or injunctive relief under other Federal, State, or local laws or regulations.

8. Cos-Mar shall not assert, and may not maintain any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, or claim-splitting for violations not alleged in this CAFO.

9. Cos-Mar represents that it is duly authorized to execute this CAFO, and that the individual signing this CAFO on behalf of Cos-Mar is duly authorized to legally bind Cos-Mar to the terms and conditions of this CAFO.

10. Cos-Mar agrees that the provisions of this CAFO shall be binding on its officers, directors, employees, agents, servants, authorized representatives, successors, and assigns, including, but not limited to, subsequent purchasers. Nothing in the previous sentence shall adversely affect any right of EPA under applicable law to assert successor or assignee liability against any successor or assignee of Cos-Mar even if not owned in whole or in part, directly or indirectly, by Cos-Mar.

11. EPA acknowledges that as of the effective date of this CAFO, Cos-Mar has corrected the violations listed in paragraphs 32-36 of this CAFO. Cos-Mar, on its own initiative and outside the scope of this CAFO, is undertaking the following work at the Styrene Monomer Plant: (1) installation of a BTU analyzer to measure the heating value of gases routed to Flare GQ-2310; and (2) installation of an automated natural gas addition system that uses the heating value determined by the BTU analyzer to regulate the flow of natural gas to the flare header for Flare GQ-2310 in order to maintain a net heating value of the gases vented to the flare of at least 300 BTU per standard cubic foot (hereinafter the "Cos-Mar flare project"). No later than one year after the effective date of this CAFO, Cos-Mar will submit to the EPA a work plan for the Cos-Mar flare project. Cos-Mar expects to complete the design, engineering and installation of the BTU analyzer, natural gas addition system and supporting infrastructure

within a period of two (2) years of the effective date of this CAFO.

12. Total Petrochemicals & Refining USA, Inc. (Total) is the operator of the Cos-Mar Styrene Monomer Plant, located at 6325 Hwy 75 & River Road, Carville Louisiana (Title V permit number 1280-00013-V8), and the owner and operator of the separate adjacent Total Polystyrene Plant located at 6225 Highway 75 in Carville, Louisiana (Title V permit number 1280-00036-V4). EPA acknowledges that as of the effective date of this CAFO, Total on its own initiative and outside the scope of this CAFO, will complete a Leak Detection and Repair evaluation and correction project (similar to that which Cos-Mar will complete pursuant to Appendix A of this CAFO) at the adjacent Total Polystyrene Plant, which is not the subject of this CAFO. Total expects to complete the project no later than two (2) years after the effective date of this CAFO. Upon completion, all LDAR compliance requirements, including component monitoring, record keeping and reporting for both the Cos-Mar Styrene Monomer Plant and the Total Polystyrene Plant facility will be centrally managed by Total.

II. STATUTORY AND REGULATORY BACKGROUND

13. Section 101(b)(1) of the CAA, 42 U.S.C. § 7401(b)(1), states that the statute is designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population.

14. Section 112(b) of the CAA, 42 U.S.C. § 7412(b), lists hazardous air pollutants ("HAPs"); Section 112(c)(1) of the CAA, 42 U.S.C. § 7412(c)(1), requires EPA to publish and revise, if appropriate, a list of categories of stationary sources; and Section 112(d)(1) of the CAA, 42 U.S.C. § 7412(d)(1), requires EPA to promulgate regulations establishing emission standards for each category, known as National Emission Standards for Hazardous Air

Pollutants (“NESHAP”), based on Maximum Achievable Control Technology (“MACT”) to reduce emissions of HAPs.

15. The synthetic organic chemical manufacturing industry (“SOCMI”) is a listed source category pursuant to Subpart F, 40 C.F.R. § 63.100(a). The Hazardous Organic NESHAP (commonly referred to as the “HON”) regulates the emissions of certain organic hazardous air pollutants from SOCMI production. The HON is comprised of Subparts F, G, II, and I in 40 C.F.R. Part 63.

16. The HON applies to SOCMI process units that: (1) are part of a major source as defined in Section 112(a) of the Act; (2) produce as a primary product a SOCMI chemical listed in Table 1 of Subpart F (40 C.F.R. § 63.107, Appendix Table 1); and (3) use as a reactant or manufacture as a product, by-product, or co-product one or more of the organic HAPs listed in Table 2 of subpart F (40 C.F.R. § 63.107, Appendix Table 2). 40 C.F.R. § 63.100(b). Under the HON, “primary product” means “the product with the greatest annual design capacity on a mass basis” for an individual process unit. 40 C.F.R. § 63.100(d)(1). For the SOCMI source category under the HON, a source is comprised of all SOCMI chemical manufacturing process units that are subject to the HON and are located at contiguous or adjoining properties under common control. 40 C.F.R. § 63.101(b) (defining “Source” and “Plant Site”). Process vents are regulated emission points under the HON. 40 C.F.R. § 63.100(e).

17. 40 C.F.R. § 63.102(a) states that owners and operators of sources subject to Subpart F shall comply with the requirements of Subpart G and H of Part 63.

18. 40 C.F.R. § 63.113(a)(1)(i) in Subpart G requires that flares serving as control devices for HON subject Group 1 process vents meet the specific operational requirements of 40 C.F.R. § 63.11(b) in Subpart A (General Provisions).

19. 40 C.F.R. § 63.11(b)(6)(ii) requires that “Flares shall be used only with the net heating value of the gas being combusted at 11.2 MJ/scm (300 BTU/scf) or greater if the flare is steam-assisted or air-assisted.”

20. The National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks, 40 C.F.R. 63 Subpart H applies to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves, or lines, valves, connectors, purge control vessels, bottoms receivers, instrumentation systems, and control devices or closed vent systems required by this subpart that are in organic hazardous air pollutant service 300 hours or more during the calendar year.

21. 40 C.F.R. § 63.181(b)(1)(i) requires that operators maintain a list of equipment identification numbers for the equipment in each process unit regulated by 40 C.F.R. 63 Subpart H.

22. 40 C.F.R. § 63.168(b) requires that operators monitor all valves in gas/vapor or light liquid service that are subject to 40 C.F.R. 63 Subpart H.

23. 40 C.F.R. § 63.174(b)(3) requires operators to monitor connectors for leaks in accordance with intervals specified by 40 C.F.R. § 63.174(b)(3)(i)-(iii).

24. 40 C.F.R. § 63.168(f)(1) requires that a detected leak shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, unless the leaking equipment qualifies for delay of repair.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

25. Cos-Mar Company is a partnership with domicile in the State of Louisiana.

26. Cos-Mar is a “person” as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and within the meaning of section 113(d) of the Act, 42 U.S.C. § 7413(d).

27. At all times relevant to this CAFO, Cos-Mar was the “owner” and continues to be the “owner” of the Cos-Mar Styrene Monomer Plant located at 6325 Hwy 75 & River Road, Carville, Louisiana 70721 (hereinafter the “Facility”) within the meaning of the term “owner or operator” in Section 112(a)(9) of the CAA, 42 U.S.C. § 7412(a)(9), and 40 C.F.R. § 63.2.

28. The Facility produces styrene monomer used in the manufacture of polystyrene and other products.

29. The Facility is a “stationary source” and a “major source” as each of those terms is defined in Section 112(a) of the Act. 42 U.S.C. § 7412(a), and 40 C.F.R. § 63.2.

30. At all times relevant to this CAFO, the Facility had one Federal Operating Permit (Title V), Number 1280-00013-V4 revised and issued on February 15, 2008, and subsequently revised and reissued. The permit number for the Facility on the effective date of this CAFO is 1280-00013-V8. This Title V permit states that the Facility is subject to 40 C.F.R. Part 63, Subpart F.

31. Flare GQ-2310 is a steam-assisted flare located at the Facility.

IV. VIOLATIONS

COUNT 1: Flare GQ-2310 Failed to Maintain Required Net Heating Value

32. Cos-Mar owns or operates a stationary source with pollution control devices, including Flare GQ-2310, regulated under 40 C.F.R. Part 63, Subpart A (General Provisions).

33. Flare GQ-2310 Flare is subject to the requirements of 40 C.F.R. § 63.11(b)(6)(ii).

34. 40 C.F.R. § 63.11(b)(6)(ii) requires that steam-assisted flares maintain the net heating value of the gas being combusted at 11.2 MJ/scm (300 BTU/scf) or greater.

35. At the Facility, between December 15, 2008 and August 26, 2009, there were twenty (20) daily instances on which gas combusted in Flare GQ-2310 had a net heating value below 300 BTU/scf.

36. Therefore, Cos-Mar violated the requirements in 40 C.F.R. § 63.11(b)(6)(ii).

COUNT 2: Failure to Maintain a List of Equipment Identification Number for Units Subject to 40 C.F.R. 63, Subpart H

37. EPA realleges and hereby incorporates by reference Paragraphs 1-36 as referenced above.

38. 40 C.F.R. § 63.181(b)(1)(i) requires operators of facilities subject to 40 C.F.R., Part 63, Subpart H to maintain a list of identification numbers for equipment (except connectors exempt from monitoring and recordkeeping identified in § 63.174 and instrumentation systems) in each process unit regulated by 40 C.F.R. Part 63, Subpart H.

39. Starting with the semi-annual monitoring period that began on July 1, 2008, and ended on December 31, 2008, and concluding with the annual monitoring period that started on January 1, 2011, and ended on December 31, 2011, there were twenty (20) periods during which Cos-Mar failed to record a list of identification numbers for all subject equipment in the Ethyl Benzene III Unit, the Styrene A Unit, the Styrene B Unit and the Tank Farm Unit, all of which are subject to 40 C.F.R. Part 63, Subpart H.

40. Therefore, Cos-Mar violated the requirements in 40 C.F.R. § 63.181(b)(1)(i).

COUNT 3: Failure to Monitor All Valves in Gas/Vapor or Light Liquid
in Units Subject to 40 C.F.R. Part 63, Subpart H

41. EPA realleges and hereby incorporates by reference Paragraphs 1-40 as referenced above.

42. 40 C.F.R. § 63.168(b) requires owners or operators of facilities subject to 40 C.F.R. Part 63, Subpart H to monitor all valves in gas/vapor or light liquid service that are subject to 40 C.F.R. Part 63, Subpart H.

43. Starting with the semi-annual monitoring period that began on July 1, 2008, and ended on December 31, 2008, and concluding with the semi-annual monitoring period that began on July 1, 2011, and ended on December 31, 2011, a total of forty-four (44) valves were not monitored in the Ethyl Benzene III Unit, the Styrene A Unit, the Styrene B Unit and the Tank Farm Unit.

44. In 2010, there was no monitoring data for eight (8) Styrene A Unit primary component valves and four (4) Tank Farm Unit primary component valves.

45. Therefore, Cos-Mar violated the requirements in 40 C.F.R. § 63.168(b).

COUNT 4: Failure to Monitor Connectors in Units Subject to 40 C.F.R. 63, Subpart H

46. EPA realleges and hereby incorporates by reference Paragraphs 1-45 as referenced above.

47. 40 C.F.R. § 63.174(b)(3) requires owners or operators of facilities subject to 40 C.F.R. Part 63, Subpart H to monitor connectors for leaks in accordance with intervals specified by 40 C.F.R. § 63.174(b)(3)(i)-(iii).

48. During the monitoring period that started on January 1, 2008, and ended on December 31, 2008 the Facility missed monitoring events for a total of 126 connectors for the Ethyl Benzene III Unit and the Styrene B Unit.

49. Therefore, Cos-Mar violated the requirements in 40 C.F.R. § 63.174(b)(3).

COUNT 5: Failure to Timely Repair a Detected Leak in Units Subject to 40 C.F.R. Part 63, Subpart H

50. EPA realleges and hereby incorporates by reference Paragraphs 1-49 as referenced above.

51. 40 C.F.R. § 63.168(f)(1) requires that a detected leak shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, unless the leaking equipment qualifies for delay of repair.

52. On May 17, 2011, Cos-Mar monitored a connector associated with valve V-209A in the Facility's Ethyl Benzene III Unit, which registered an instrument reading above the 500 ppm concentration that defines a leak as specified in 40 C.F.R. § 63.174(a)(2).

53. Cos-Mar failed to repair the connector leak on or before June 1, 2011.

54. Therefore, Cos-Mar violated the requirements in 40 C.F.R. § 63.168(f)(1).

V. CIVIL PENALTY AND CONDITIONS OF SETTLEMENT

A. Civil Penalty

55. For the reasons set forth above, Cos-Mar has agreed to pay a civil penalty which has been determined in accordance with Section 113(d) of the CAA, 42 U.S.C. § 7413(d),

which authorizes EPA to assess a civil penalty of up to twenty-five thousand dollars (\$25,000) per day for each violation of the CAA.¹

56. While EPA could have sought a penalty of \$152,000.00 for these claims, upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation, payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, the seriousness of the violation, and other factors as justice may require, including Cos-Mar's agreement to perform the conditions of settlement set forth below EPA has agreed to settle for \$84,050.00. Therefore it is ORDERED that Cos-Mar be assessed a civil penalty in the amount of Eighty-Four Thousand Fifty Dollars (\$84,050.00). The civil penalty and conditions of settlement herein are within the scope of administrative enforcement authority granted to the EPA by the Department of Justice on November 30, 2012 as referenced in paragraph 1 above.

57. Within thirty (30) days of the effective date of this Complaint and CAFO, Cos-Mar shall pay the assessed civil penalty by cashier's check, certified check, or wire transfer made payable to "Treasurer, United States of America, EPA – Region 6." Payment shall be remitted in one of five (5) ways: (1) regular U.S. Postal Service mail including certified mail; (2) overnight mail; (3) wire transfer; (4) Automated Clearinghouse for receiving US currency; or

¹ The Civil Penalty Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by 31 U.S.C. § 3701 provides for increases in the statutory penalty provisions (\$25,000) cited in the Clean Air Act Stationary Source Civil Penalty Policy dated October 25, 1991 (CAA Penalty Policy). It provides for up to \$25,000 per day of violation for violations occurring on or before January 30, 1997; up to \$27,500 per day for each such violation occurring after January 30, 1997 through March 15, 2004; up to \$32,500 per day for each such violation occurring after March 15, 2004 through January 12, 2009; and up to \$37,500 per day for each such violation occurring after January 12, 2009.

(5) On Line Payment. For regular U.S. Postal Service mail, U.S. Postal Service certified mail,
or U.S. Postal Service express mail, payment should be remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

For overnight mail (non-U.S. Postal Service, e.g. FedEx), payment should be remitted to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

Contact: Natalie Pearson
(314)418-4087

For wire transfer, payment should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

For Automated Clearinghouse (also known as REX or remittance express):

U.S. Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact – Jesse White (301) 887-6548

For On Line Payment:

<https://www.pay.gov/paygov/>

Enter sfo I.1 in search field

Open form and complete required fields.

PLEASE NOTE: The docket number CAA 06-2013-3340 should be clearly typed on the check to ensure proper credit. The payment shall also be accompanied by a transmittal letter that shall reference Cos-Mar's name and address, the case name, and docket number CAA 06-2013-3340. Cos-Mar's adherence to this request will ensure proper credit is given when penalties are received for the Region. Cos-Mar shall also send a simultaneous notice of such payment, including a copy of the money order, or check, and the transmittal letter to the following addresses:

Dorothy Crawford (6EN-AT)
U.S. EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

And

Region 6 Hearing Clerk (6RC-D)
U.S. EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

58. Cos-Mar agrees not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer.

59. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs

of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. See 40 C.F.R. § 13.11(b).

60. EPA will also assess a fifteen dollar (\$15.00) administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional fifteen dollars (\$15.00) for each subsequent thirty (30) day period that the penalty remains unpaid. In addition, a penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. See 40 C.F.R. § 13.11(c). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. See 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

61. Pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), any person who fails to pay on a timely basis, a civil penalty ordered or assessed under this section shall be required to pay, in addition to such penalty and interest, the United States enforcement expenses, including but not limited to, attorneys fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of such person's outstanding penalties and nonpayment penalties accrued as of the beginning of each quarter.

B. Conditions of Settlement

62. By no later than one (1) year after the effective date of this CAFO, Cos-Mar agrees to complete the Leak Detection and Repair ("LDAR") Evaluation and Correction Project, as outlined in Appendix A of this CAFO, for the Facility (hereinafter the "Project"). The effective date of this CAFO is the date on which it is entered by the Regional Hearing Clerk.

63. In consideration of Cos-Mar's completion of the Project, EPA covenants not to sue Cos-Mar with respect to the findings resulting from the completion of the Project.

64. By no later than one (1) year after the effective date of this CAFO, and unless noted differently above, Cos-Mar agrees to certify to EPA completion of the Project. In such certification, Cos-Mar represents that the signing representative is fully authorized by Cos-Mar to certify that the Project has been completed. The certification shall contain the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

The certification required in this paragraph 64 shall be sent to:

Dorothy Crawford (6EN-AT)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

65. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Cos-Mar's violation of this CAFO or of the statutes and regulations upon which this CAFO is based, or for Cos-Mar's violation of any applicable provision of law.

66. This CAFO shall not relieve Cos-Mar of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit, nor shall it be construed to constitute EPA approval of any equipment or technology installed by Cos-Mar in connection with any additional settlement terms undertaken pursuant to this CAFO. Nothing in this CAFO

shall be construed to prohibit or prevent the federal, state, or local government from developing, implementing, and enforcing more stringent standards through rulemaking, the permit process, or as otherwise authorized or required.

67. This document is a “Final Order” as that term is defined in the CAA Penalty Policy for the purpose of demonstrating a history of “prior such violations.”

VI. RETENTION OF ENFORCEMENT RIGHTS

68. Unless otherwise noted, EPA does not waive any rights or remedies available to EPA for any violations by Cos-Mar of Federal laws, regulations, statutes, or permitting programs.

69. Nothing in this CAFO shall relieve Cos-Mar of the duty to comply with all applicable provisions of the CAA.

VII. COSTS

70. Each party shall bear its own costs and attorneys fees.

In the Matter of Cos-Mar Company
Consent Agreement and Final Order
Docket No. 06-2013-3340

IT IS SO AGREED:

FOR COS-MAR COMPANY:

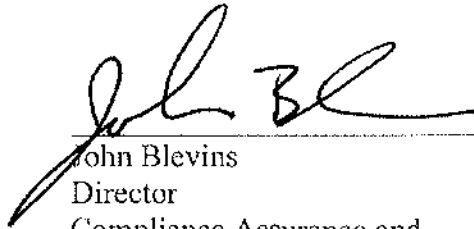
Date: 10/28/2013



Marcus E. Ledoux
Site Manager
Cos-Mar Company Styrene Monomer Plant

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

Date: 11.13.13

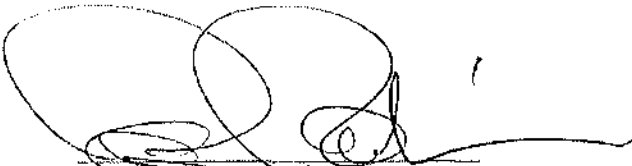


John Blevins
Director
Compliance Assurance and
Enforcement Division

FINAL ORDER

Pursuant to Section 113(d) of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. §7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of the law. This Final Order shall resolve only those causes of action alleged in this CAFO. The conditions of settlement set forth in Paragraphs 62 through 64 of this CAFO are conditions pursuant to Section 113(d)(2)(B) to the resolution of the penalty for the claims set forth in Paragraphs 32 through 56 of this CAFO. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Cos-Mar's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. Cos-Mar is ordered to comply with the terms of settlement as they relate to the assessment of civil penalties as set forth in the CAFO. In accordance with 40 C.F.R. §22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Dated 12/10/13


Regional Judicial Officer
U.S. EPA, Region 6

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of December, 2013, the original and one copy of the foregoing Complaint Consent Agreement and Final Order was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733, and a true and correct copy was delivered to the following individual(s) by the method indicated below:

CERTIFIED MAIL - RETURN RECEIPT REQUESTED 7007 3020 0002 5102 7891

Marcus E. Ledoux, Site Manager
Cos-Mar Company Styrene Monomer Plant
P.O. Box 11
Carville, LA 70721

CERTIFIED MAIL - RETURN RECEIPT REQUESTED 7007 3020 0002 5102 7907

CT Corporation System
5615 Corporate Blvd., Suite 400B
Baton Rouge, LA 70808

Sandra Hardy
Paralegal
U.S. EPA, Region 6
Dallas, Texas

Appendix A

LDAR Review and Correction Project

Summary of Evaluation Project –

For all units (Styrene A, Styrene B, Ethyl Benzene III, Offsite/Tank Farm/Wastewater Treatment), a Third-Party to review Cos-Mar piping and instrumentation diagrams (“P&IDs”), Regulatory Matrix, and Operation Data to verify determinations related to VOC and organic HAP service.

Third Party to conduct field verification (by unit-by-unit walk through) and tagging of subject components.

Third Party to establish a Leak Detection and Repair (LDAR) electronic data management system which is a commercially available LDAR database software program capable of managing component specific LDAR information in one complete comprehensive software program, and capable of accepting automatic loading of LDAR monitoring and inspection data from hand held electronic data collection devices.

Start and complete Evaluation, no later than 30 days and 12 months, respectively, after agreement effective date.

Purpose Statements –

- Systematically challenge and evaluate the existing LDAR component universe.
- Individually identify subject components in an LDAR database and in the field.
- Establish an LDAR data collection and management system to reflect current industry standards.
- To essentially eliminate component specific hand written LDAR monitoring records.

Details of Evaluation Project -

Action 1: Pre-Evaluation

Step 1.1: Cos-Mar to assemble, review and update P&IDs.

Step 1.2: Cos-Mar to gather Operational Data for materials contained in units processes, including support for whether each material is less than 5% weight HAP or 10% weight VOC.

Step 1.3: Cos-Mar to assemble Regulatory Matrix (unit operation specific applicability, including regulatory overlaps) based on use rather than any state consolidation agreement.

Action 2: Pre-Field Verification Review

Step 2.1: Third Party to review Regulatory Matrix for accuracy to extent possible at this step.

Step 2.2: Third Party to review P&IDs and Operational Data. Cos-Mar to update P&ID's based on pre-field verification review.

Step 2.3: Third Party to review P&IDs and Regulatory Matrix. Cos-Mar to update Regulatory Matrix based on pre-field verification review.

Action 3: Field Verification

Step 3.1: Prior to field work, Third Party to review P&IDs, existing LDAR component list, and other legacy LDAR program records, noting any potential areas of concern (such as where components may not be individually or uniquely identified).

Step 3.2: Third Party teams (a minimum of two people each) to use the P&IDs to field verify components.

Step 3.3: On daily basis, Third Party to summarize data conflicts into initial determinations (e.g. add or remove components to/from the LDAR component list; comment on P&IDs, etc.).

Action 4: Progress Meetings

Step 4.1: On a regular basis, Cos-Mar representatives and Third Party to review data conflicts and finalize determinations. P&IDs and component list to be updated.

Step 4.2: Third Party and LDAR coordinator to meet at least every other week to discuss schedule.

Action 5: Enter data for all subject equipment into LDAR database

Step 5.1: Third Party to create log sheet, either on paper or electronically, with data elements for each component to be added to the database.

Step 5.2: Third Party to populate the database with data elements for all subject components.

Step 5.3: Monitoring of newly affected components at next required monitoring period. The term 'newly affected components' mean components discovered during the LDAR Review and Verification process that were not included in the current existing LDAR listing and thus had not been monitored during past periodic monitoring event when said components were subject to monitoring.

Action 6: Assure Equipment Identification Tags Exist

Step 6.1: Third Party shall assure that, except as discussed below, that all regulated equipment have tags. Tags shall be permanent and weather proof and be labeled with unique identification numbers. Tags are not required on the following equipment: valves and connectors that are exempt from monitoring on instrumentation systems; tanks that meet the definition of surge control vessels or bottoms receiver; and caps, blind flanges or plugs associated with open ended valves or lines. All equipment that does not require a tag shall be individually identified on the log sheet required by Step 5.1. Individual tags on small valves, less than 0.5", and connectors, less than 0.75", on seal flush systems, including the pump seal pot systems, or sample cooler systems are not required. Each of these systems will be tagged with a single physical tag and all equipment in these systems shall be individually identified on the log sheet required by Step 5.1.

Action 7: Develop and Submit Report

Step 7.1: Cos-Mar to maintain a start and end dates records for each unit.

Step 7.2: In the report, Cos-Mar to certify that the actions set forth in agreement have been fulfilled; identify by component number, type, and unit, the number of components added or removed; summarize total components by unit, type, service, and rule applicability; and briefly describe Evaluation activities.