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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

In the Matter of:	)	DOCKET NO. R6-P-M-LA-98021
ANGUS CHEMICAL COMPANY Louisiana Highway 2 Sterlington, Louisiana	)	COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING
Respondent	)	

COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING

PRELIMINARY STATEMENT

This Complaint and Notice of Opportunity for Hearing (hereinafter referred to as the "Complaint") is issued pursuant to Section 113(d) of the Clean Air Act, as amended (the "Act"), 42 U.S.C. § 7413(d), and 40 C.F.R. §§ 22.13 and 22.43(b). The Complainant in this action is the Director, Compliance Assurance and Enforcement Division, United States Environmental Protection Agency ("EPA"), Region 6, Dallas, Texas.

EPA will show that ANGUS Chemical Company, ("ANGUS or Respondent") has violated the Act and the regulations promulgated pursuant thereto at its Sterlington, Louisiana facility.

1. Respondent 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(c), and as such is subject to regulation.

2. Respondent is an "owner or operator" of a stationary source which is also an affected source as those terms are defined at 40 C.F.R. § 63.2.

3. At all times relevant to this Complaint, ANGUS has been the "owner" and "operator" of its facility located at Louisiana Highway 2, Sterlington, Louisiana.

4. On or about September 4-5, 1997, Respondent consented to the inspection of the ANGUS facility by a representative of the U.S. EPA, Jeffrey Whitney, pursuant to Section 114 of the Act, 42 U.S.C. § 7414.

5. On or about the time of the September 4-5, 1997 inspection, a representative of the U.S. EPA presented his credentials to a representative of Respondent, as required by 40 C.F.R. § 114(a)(2) of the Act.

6. ANGUS (as identified in paragraph 3 above) is a "stationary source" as that term is defined at Section 112(a)(3) of the Act, 42 U.S.C. § 7412(a)(3) and 40 C.F.R. § 63.2.

7. Section 112 of the Act, as amended November 15, 1990, authorizes the Administrator of EPA to regulate specific categories of stationary sources that emit (or have the potential to emit) one or more hazardous air pollutants. The national emission standards for organic hazardous air pollutants, (also known as Hazardous Organic NESHAPs or "the HON") were established pursuant to section 112 of the Act as amended in 1990.

8. 40 C.F.R. § 63.160 states that the provisions of Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks apply to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control

vessels, bottoms receivers, instrumentation systems, and control devices or systems required by this subpart that are intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart of 40 C.F.R. Part 63 that references this subpart.

9. The process units containing such equipment within the facility were designed to operate 24 hours per day, throughout the year, and were thus intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart of 40 C.F.R. Part 63 that references this subpart.

10. The process unit (Nitroparaffins unit, from which 2-nitropropane is produced as a primary product) located at the facility meets the criteria in 40 C.F.R. § 63.100(b) classifying it as a HON unit. This unit is subject to HON Subpart G (storage vessels) and Subpart H (equipment leaks).

COUNT 1 - FAILURE TO COMPLY WITH STANDARDS: OPEN-ENDED VALVES OR LINES

11. Paragraphs 1 through 10 are realleged and incorporated by reference.

12. 40 C.F.R. § 63.167(a)(2) requires each open-ended valve or line shall be equipped with a cap, blind flange, plug, or second valve which shall seal the open end at all times except during operations requiring process fluid flow through the open-ended valve or line, or during maintenance or repair.

13. During the EPA inspection of Respondent's facility conducted on September 4-5, 1997, as identified in paragraph 4 above, valves 10258 and 10265, located in the SJ67B area of the nitroparaffins unit were equipped with plugs, but the plugs were not in place or did not seal the open ends at times when maintenance or repair was not being conducted.

14. Respondent therefore violated the HON regulations found at 40 C.F.R. § 63.167, and thereby violated Section 112 of the Act.

PROPOSED CIVIL PENALTY

Section 113(d) of the Clean Air Act ("Act"), 42 U.S.C. § 7413(d), authorizes a civil administrative penalty of up to Twenty-Five Thousand Dollars ($25,000) per day for each violation of the Act. EPA proposes to assess a civil penalty in the amount of **FIFTEEN THOUSAND DOLLARS ($15,000)** against the Respondent, ANGUS Chemical Company, Sterlington, Louisiana.

This civil penalty is proposed in accordance with Section 113 of the Clean Air Act and calculated according to EPA's "Clean Air Act Stationary Source Civil Penalty Policy", dated October 25, 1991. Enclosed is a copy of the Penalty Calculation Worksheet which explains the reasoning behind the proposed penalty, as required by 40 C.F.R. § 22.14(a)(5).

OPPORTUNITY TO REQUEST A HEARING

Respondent has the right to request a hearing. Any request for a hearing must be in writing and must be filed with:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
First Interstate Bank Tower
Dallas, Texas 75202-2733

within thirty (30) days of receipt of this Complaint.

If Respondent does not intend to request a formal hearing but wishes to contest any material facts set forth in the Complaint, contends that the amount of the penalty proposed in the Complaint is inappropriate, or feels entitled to a judgment as a matter of law, a written Answer to this Complaint must be filed with the Regional Hearing Clerk at the above address within thirty (30) days of receipt of said Complaint pursuant to 40 C.F.R. § 22.43(b)(2). Copies of the Answer shall also be sent to:

Ms. Jan Gerro, Enforcement Counsel
U.S. Environmental Protection Agency
Region 6
Air & Toxics Team (6EN-LA)
1445 Ross Avenue
Dallas, Texas 75202-2733
Telephone: (214) 665-2121
FAX: (214) 665-3177

Mr. Barry Feldman, Environmental Engineer
U.S. Environmental Protection Agency
Region 6
Air Enforcement Section (6EN-AT)
1445 Ross Avenue
Dallas, Texas 75202-2733
Telephone: (214) 665-7439
FAX: (214) 665-7446

The Answer should clearly and directly admit, deny, or explain each factual allegation contained in this Complaint with regard to which Respondent has knowledge. The Answer should state: (1) the circumstances or arguments which are alleged to

constitute the grounds of defense; (2) a concise statement of the facts which Respondent intends to place at issue, whether at a formal hearing or not; and (3) whether a formal hearing is requested. Hearings held on the assessment of the civil penalties will be conducted in accordance with the provisions of the Administrative Procedures Act, 5 U.S.C. § 551 et seq., and the Consolidated Rules of Practice, codified at 40 C.F.R. Part 22.

If an Answer to this Complaint is not filed with the Regional Hearing Clerk within thirty (30) days of receipt, such failure shall constitute an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing under Section 113(d)(2) of the Clean Air Act, as amended, 42 U.S.C. § 7413(d)(2). The proposed penalty shall become due and payable without further proceedings sixty (60) days after a final order is issued upon default.

SETTLEMENT CONFERENCE

EPA encourages all parties against whom civil penalties are proposed to pursue the possibility of settlement through informal meetings with EPA. Therefore, whether or not a formal hearing, is requested, Respondent may confer informally with the EPA about the alleged violations or the amount of the proposed penalty. Respondent may wish to have a representative appear at the conference, to be represented by counsel, or both. If a settlement is reached, it shall be finalized by the issuance of a written Consent Agreement & Consent Order by the Regional

Administrator, Region 6. The issuance of such Consent Order shall constitute a waiver of Respondent's right to request a hearing on any matter stipulated to therein.

To explore the possibility of settlement in this matter, please address correspondence to Jan Gerro, at the address listed above or by telephone to (214) 665-2121.

Dated at Dallas, Texas on this 31 day of March, 1998.

Samuel Coleman

Samuel Coleman, P.E.
Director, Compliance Assurance
and Enforcement Division (6EN)
U.S. Environmental Protection
Agency, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733