

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ALBEMARLE CORPORATION

AI # 669

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

* Settlement Tracking No.
* SA-HE-16-0029
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* Enforcement Tracking No.
* HE-CN-08-0002
* HE-CN-15-00465
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SETTLEMENT

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

I

Respondent is a corporation that owns and/or operates a facility located in East Baton Rouge Parish, Louisiana (“the Facility”).

II

On July 1, 2008, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. HE-CN-08-0002, which was based upon the following findings of fact:

“The Respondent owns and/or operates Albemarle Corporation (the Site) located on Gulf States Road in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility has notified the Department as a large quantity generator of hazardous waste, which operates under EPA facility identification number LAD000757286.

On or about September 28, 2007, and October 2, 2007, inspections were conducted by a representative of the Department which revealed the following violations:

- A. The Respondent stored hazardous waste for greater than ninety (90) days without a permit, in violation of LAC 33:V.303.B. Specifically, the Respondent stored waste sodium aluminum hydride (SAH) for greater than ninety (90) days without a permit.
- B. The Respondent failed to include all applicable waste codes on hazardous waste manifests, in violation of LAC 33:1107.B.1.e. Specifically the D001, D003, D021, and F003 waste codes were not included on applicable manifests.
- C. The Respondent failed to maintain containers containing hazardous waste in good condition so that the ability of the container to contain the waste is not impaired in accordance with LAC 33:V.2103.A, in violation of LAC 33:V.1109.E.1.a.i. Specifically, four (4) drums of hazardous waste in poor condition were found in the less than ninety (90) day storage area. Two (2) of the drums were severely rusted, one (1) drum was significantly dented, and one (1) drum was severely rusted and dented.
- D. The Respondent failed to mark containers of hazardous waste with an accumulation start date, in violation of LAC 33:V.1109.E.1.c. Specifically, approximately fifty-five (55) drums of hazardous waste in the less than ninety (90)-day container storage area and two (2) portable tanks of SAH were not labeled with the accumulation start date.
- E. The Respondent failed to mark containers of hazardous waste with the words "Hazardous Waste," in violation of LAC 33:VII.1109.E.1.d. Specifically, three (3) containers of hazardous waste in the less than ninety (90)-day container area and two (2) portable tanks of SAH were not labeled with the words "Hazardous Waste."
- F. The Respondent failed to submit a land disposal restriction (LDR) notice to the disposal company, in violation of LAC 33:V.2245.B. Specifically, a LDR was not submitted with the initial shipment of hazardous waste sent to DuPont Sabine River Works in Orange, Texas.
- G. The Respondent failed to have the hazardous waste minimization plan certified by a professional engineer as specified in LAC 33:V.2245.J, in violation of LAC 33:V.1109.E.1.e.
- H. The Respondent failed to mark satellite accumulation containers of hazardous waste with the words "Hazardous Waste," in violation of LAC 33:V.1109.E.4. Specifically, approximately seven (7) satellite accumulation containers located throughout the Site were not labeled with the words "Hazardous Waste," or other words that identify the contents of the container.

- I. The Respondent failed to keep containers of hazardous waste closed during storage in accordance with LAC 33:V.2107.A, in violation of LAC 33.V.1109.E.4.
- J. The Respondent failed to submit an exception report to the Department after signed hazardous manifest copies were not received by the facility within forty-five (45) days, in violation of LAC 33:V.1111.C.2.
- K. The Respondent failed to keep a container of universal waste lamps closed, in violation of LAC 33:V.3821.D.1. Specifically, approximately twenty (20) universal waste lamps were not placed in a closed container.
- L. The Respondent failed to be able to demonstrate the length of time that the universal waste had been accumulated from the date that it became a universal waste, in violation of LAC 33:V.3825.C. Specifically, the waste lamps and boxes of waste lamps were not marked with an accumulation start date.”

On July 6, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. HE-CN-15-00465, which was based upon the following findings of fact:

“The Respondent owns and/or operates Albemarle – Production Development Center (the Site) located on Gulf States Road in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility has notified the Department as a large quantity generator of hazardous waste, which operates under EPA facility identification number LAD000757286.

On or about December 11, 2014, and December 12, 2014, inspections were conducted by a representative of the Department which revealed the following violations:

- A. The Respondent failed to clearly label or mark each container of hazardous waste with the words “Hazardous Waste,” in violation of LAC 33:V.1109.E.1.d. Specifically, one (1) 55-gallon drum located in the less than 90-day storage yard was not labeled. This violation was addressed as verified by an e-mail sent to the Department dated December 24, 2014. The Respondent labeled the drum with internal classification number “5,” designating hazardous waste, based on the internal determination of the drum’s contents.
- B. The Respondent failed to mark containers of hazardous waste with an accumulation start date, in violation of LAC 33:V.1109.E.1.c. Specifically, one (1) 55-gallon drum labeled with internal classification number “5,” designating hazardous waste, located

in the less than 90-day storage yard did not have an accumulation date on the drum. This violation was addressed as verified by an e-mail sent to the Department dated December 24, 2014.

- C. The Respondent failed to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility operation in an emergency, in violation of LAC 33:V.1511.F and LAC 33:V.1109.E.1.e. Specifically, some aisles in the less than 90-day storage yard had less than twenty-four (24) inches of aisle space. This violation was addressed as verified by an e-mail sent to the Department dated December 24, 2014.
- D. The Respondent failed to mark satellite accumulation containers of hazardous waste with the words "Hazardous Waste," in violation of LAC 33:V.1109.E.4. Specifically, a one-gallon satellite bucket marked "funnel junk" located in Hood #2 in West Lab I was not properly labeled. A representative from the facility stated in an e-mail sent to the Department dated March 3, 2015, that the material in the bucket consisted of solvent-contaminated solids and was hazardous. This violation was addressed as verified by the March 3, 2015, e-mail.
- E. The Respondent failed to close satellite accumulation containers of hazardous waste, in violation of LAC 33:V.1109.E.4 as specified by LAC 33:V.2107.A. Specifically, a one-gallon satellite bucket marked "funnel junk" located in Hood #2 in West Lab I was not closed. A representative from the facility stated in an e-mail sent to the Department dated March 3, 2015, that the material in the bucket consisted of solvent-contaminated solids and was hazardous. This violation was addressed as verified by the March 3, 2015, e-mail.
- F. The Respondent failed to close a satellite accumulation container of hazardous waste, in violation of LAC 33:V.1109.E.4 as specified by LAC 33:V.2107.A. Specifically, a 30-gallon satellite drum, labeled "PPE – Solids and Solvents," located in the Extrusion Lab and labeled with internal classification number "5," designating hazardous waste, was not closed at the time of the inspection.
- G. The Respondent failed to mark containers holding the excess accumulation of hazardous waste with the date the excess amounts began accumulating in accordance with LAC 33:V.1109.E.4, in violation of LAC 33:V.1109.E.6. Specifically, two (2) drums labeled "Aqueous Cuts from Phase Separation and Hydrogen Bromide scrubber" located at the Main East Labs and labeled with internal classification number "5," designating hazardous waste, were full without an accumulation date. This violation was addressed as verified by an e-mail sent to the Department dated December 24, 2014.
- H. The Respondent stored universal waste for longer than one (1) year from the date the universal waste was generated, or received from another handler, in violation of LAC

33:V.3825.A. Specifically, the facility stored universal waste batteries and electronic waste for more than a year according to the start accumulation dates at the respective storage locations. The electronic waste was stored inside the Stores Building and had an accumulation start date of September 23, 2013. In an e-mail sent to the Department dated December 24, 2014, the Respondent stated electronic waste was shipped the week of July 16, 2014 and another load was shipped on December 5, 2014. The facility stated that the label was not replaced to reflect a new accumulation date in July 2014. The waste batteries are stored in the battery locker along the outside of the building, and had an accumulation start date of September 23, 2013. In an e-mail sent to the Department dated December 24, 2014, the Respondent stated the waste batteries were scheduled to ship to the recycler on January 9, 2015.

- I. The Respondent failed to label or mark clearly universal waste batteries or a container in which the batteries are contained with any one of the following phrases: “Universal Waste—Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies),” in violation of LAC 33:V.3823.A.1. Specifically, waste batteries were being stored near the electronic waste in the Stores Building on a handcart without a proper label.
- J. The Respondent failed to notify the Department within seven (7) days of any changes in the information submitted in the application for the identification number, in violation of LAC 33:V.1105.B. Specifically, waste codes U096, U057, and P009 were not included on the most recent HW-1 Form submitted to the Department. This violation was corrected on December 17, 2014, as verified by an e-mail sent to the Department dated December 24, 2014.
- K. The Respondent failed to list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator in the contingency plan as required by LAC 33:V.1513.B, in violation of LAC 33:V.1109.E.1.e. This violation was addressed as verified by an e-mail sent to the Department dated December 24, 2014.”

III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FOUR THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$4,500.00), of which One

Thousand Two Hundred Forty-Nine and 15/100 Dollars (\$1,249.15) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Orders & Notices of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

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

VII

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

VIII

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

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in East Baton Rouge Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

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

XI

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

XII

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

ALBEMARLE CORPORATION

BY:

[Signature]
(Signature)

George Weisk
(Printed)

TITLE:

Plant Manager

THUS DONE AND SIGNED in duplicate original before me this 2 day of November, 20 17, at Baton Rouge LA.

[Signature]
NOTARY PUBLIC (ID # _____)

Margaret W. Wendt
La. Notary Public ID #54241
Lifetime Commission

(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chuck Carr Brown, Ph.D., Secretary

BY:

[Signature]

Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 28th day of Feb, 20 18, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved:

[Signature]

Lourdes Iturralde, Assistant Secretary