

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

NEXEO SOLUTIONS, LLC

AI # 1000

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

* Settlement Tracking No.
* SA-MM-18-0047
*
* Enforcement Tracking No.
* HE-PP-15-01455
* WE-CN-15-01140
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SETTLEMENT

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

I

Respondent is a limited liability company that owned and/or operated a facility located in Baton Rouge, East Baton Rouge Parish, Louisiana (“the Facility”).

II

On March 22, 2016, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. HE-PP-15-01455 (Exhibit 1).

On April 20, 2017, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-15-01140 (Exhibit 2).

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FORTY THOUSAND AND NO/DOLLARS (\$40,000.00), of which One Thousand Four Hundred Sixty-Five and 87/100 Dollars (\$1,465.87) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Notice of Potential Penalty, Consolidated Compliance Order & Notice 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.

NEXEO SOLUTIONS, LLC

4mc# BY: [Signature]
(Signature)

G Scott Lee
(Printed)

TITLE: UP - Operations

THUS DONE AND SIGNED in duplicate original before me this 3rd day of October, 20 18, at The Woodlands, TX.

[Signature]
NOTARY PUBLIC (ID # 171539)



(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 11th day of Jan, 20 19, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

March 22, 2016

CERTIFIED MAIL (7014 1200 0000 7864 0778)
RETURN RECEIPT REQUESTED

NEXEO SOLUTIONS, LLC
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

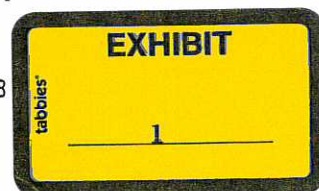
**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-PP-15-01455
AGENCY INTEREST NO. 1000**

Dear Sir:

On or about September 17, 2015, an inspection of NEXEO SOLUTIONS LLC, a chemical blending and distribution service, owned and/or operated by NEXEO SOLUTIONS, LLC (RESPONDENT), was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations. The facility is located at 11109 South Choctaw Avenue in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility notified the Department as a large quantity generator (LQG) of hazardous waste and operates under the EPA facility identification number LAD000802967.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent failed to submit a copy of the annual report to the Office of Environmental Services by March 1 of each year, in violation of LAC 33:V.1111.B.1. Specifically, the Respondent submitted the 2012 Annual Hazardous Waste Report on May 16, 2013. This violation has been addressed.
- B. The Respondent failed to obtain approval from the Department to operate as a hazardous waste transfer facility, in violation of LAC 33.V.1305.C. Specifically, the facility has been operating as a hazardous waste transfer facility without approval from the Department since at least 2012. A facility representative stated that the facility had been operating as a hazardous waste transfer facility and had indicated such on the Hazardous Waste Annual Reports from 2012 to 2014. The Respondent submitted a response to the Department on



Notice of Potential Penalty
NEXEO SOLUTIONS, LLC
Page 2

October 1, 2015 that indicated that the facility had ceased to operate as a hazardous waste transfer facility on September 7, 2015. This violation has been addressed.

- C. The Respondent failed to have the waste minimization plan certified by a Louisiana registered professional engineer, as specified in LAC 33:V.2245.J, in violation of LAC 33:V.1109.E.1.e. Specifically, the facility's waste minimization plan was not certified by a Louisiana registered professional engineer. The waste minimization plan was certified and signed by a Louisiana registered professional engineer on October 28, 2015. This violation has been addressed.
- 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, the facility did not mark a cardboard cubic yard box of hazardous waste hoses (waste codes D001 and U220) in the main warehouse with an accumulation start date. This violation has been addressed as verified by an email submitted to the Department on October 1, 2015. The Respondent closed and dated the hazardous waste box with the date September 17, 2015.

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

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Heather Brown at (225) 219-3792 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

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

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

Notice of Potential Penalty
NEXEO SOLUTIONS, LLC
Page 3

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


Sincerely,



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/HMB/hmb
Alt ID No. LAD000802967

c: Nexeo Solutions, LLC
3 Waterway Square Place, Ste. 1000
The Woodlands, TX 77380

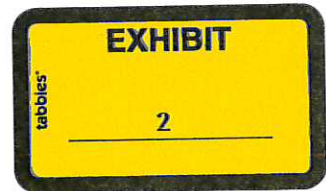
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312				
CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY				
Enforcement Tracking No.	WE-CN-15-01140	Certified Mail No.	7016 0910 0000 2672 6968	
Agency Interest (AI) No.	1000	Contact Name	Richard Ober, Jr.	
Alternate ID No.	LA0107387	Contact Phone No.	(225) 219-3135	
Respondent:	Nexeo Solutions, LLC	Facility Name:	Nexeo Solutions, LLC	
	c/o C T Corporation System	Physical Location:	11109 South Choctaw Drive	
	Agent for Service of Process	City, State, Zip:	Baton Rouge, LA 70805	
	3867 Plaza Tower Drive Baton Rouge, LA 70816	Parish:	East Baton Rouge	

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).

FINDINGS OF FACT

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.

I.	The Respondent owns and/or operates a chemical storage and distribution facility located at 11109 South Choctaw Drive in Baton Rouge, East Baton Rouge Parish, Louisiana. LPDES Permit LA0107387 was issued on August 1, 2011, to the Respondent with an effective date of September 1, 2011, and an expiration date of August 31, 2016. LPDES Permit LA0107387 was administratively continued. Under the terms and conditions of LPDES Permit LA0107387, the Respondent is permitted to discharge stormwater runoff from Tank Farms A, B and D into an open ditch, thence to an unnamed tributary, thence into the Comite River (Subsegment 040103), all waters of the state.																		
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VI.	<p>Inspection(s) August 18, 2015 File Review October 6, 2016</p>	<p>The Respondent failed to comply with LPDES permit LA0107387. Specifically, the Respondent failed to report the estimated flow and include the principal executive officer's title on the Discharge Monitoring Reports (DMRs). No title was included on monthly DMRs for January 2012 through September 2012 (Outfalls 002, 003 and 004); November 2012 through June 2014 (Outfalls 002, 003 and 004); September 2014 (Outfalls 002 and 003); and October 2014 through June 2015 (Outfalls 002, 003 and 004). The flow was not reported on monthly DMRs for January 2012 through September 2012 (Outfalls 002, 003 and 004); November 2012 through August 2013 (Outfalls 002, 003 and 004); September 2013 (Outfalls 002 and 003); October 2013 (Outfalls 003 and 004); November 2013 through December 2013 (Outfalls 002, 003 and 004); February 2014 through March 2014 (Outfalls 002, 003 and 004); May 2014 through June 2014 (Outfalls 002, 003 and 004); September 2014 (Outfalls 002 and 003); October 2014 (Outfalls 002, 003 and 004); December 2014 through February 2015 (Outfalls 002, 003 and 004); March 2015 (Outfalls 002 and 003); April 2015 (Outfalls 003 and 004); and May 2015 through June 2015 (Outfalls 002, 003 and 004). In response to the inspection, the Respondent submitted a letter dated October 29, 2015, in which the Respondent stated that a method was developed to estimate the monthly flow and would ensure that monthly flow and the principal executive officer's title is reported on all DMRs in the future. (LPDES permit LA0107387 (Part II, Section N and Standard Conditions for LPDES Permits Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a) A review of the Respondent's DMRs revealed that beginning with the July 2015 DMRs for Outfalls 002, 003 and 004 and thereafter, the Respondent included the principal executive officer's title and reported flow on those DMRs for which the DMR did not indicate there was no discharge.</p>
VII.	<p>File Review October 6, 2016</p>	<p>The Respondent failed to comply with LPDES permit LA0107387. Specifically, the Respondent failed to submit monthly DMRs for Outfalls 002, 003, and 004 for October 2012, July 2014 and August 2014. A DMR was not received for the months of September 2014 and March 2015 for Outfall 004. A DMR was not received for the month of April 2015 for Outfall 002. (LPDES permit LA0107387 (Part I, Effluent Limitations and Monitoring Requirements, page 2 of 5; Part II, Section N.1; and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a)</p>
VIII.	<p>File Review October 6, 2016</p>	<p>The Respondent failed to comply with LPDES permit LA0107387. Specifically, the Respondent reported exceedances of permit effluent limitations for Total Organic Carbon (TOC), Chemical Oxygen Demand (COD), and pH on DMRs. <i>See Table 1</i> (LPDES Permit LA0107387 (Part I, Effluent Limitations and Monitoring Requirements, page 2 of 5 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A) Additionally, the Respondent reported a maximum pH of 9.52 standard units for Outfall 007 on the June 2016 DMR which is in excess of 9.0 standard units. (LPDES Permit LA0107387 (Part II, Section M.2 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)</p>
IX.	<p>File Review October 6, 2016</p>	<p>The Respondent failed to comply with LPDES permit LA0107387. Specifically, the Respondent failed to report: (1) oil and grease for Outfall 003 on its DMR for March 2012; (2) TOC for Outfall 002 on its DMR for December 2012; and (3) the pH for Outfall 002 on its DMR for December 2014. Additionally, the Respondent failed to report sampling results for oil and grease for Outfalls 002 and 004 on its DMRs for February 2015. The Respondent reported that the failure to perform sampling for oil and grease was due to the sample container breaking. (LPDES permit LA0107387 (Part II, Section N and Standard Conditions for LPDES Permits Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a)</p>

ORDER

Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:

I.	<p>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 <u>all</u> of the violations described in the "Findings of Fact" portion.</p>
II.	<p>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.</p>
III.	<p>To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, properly completed DMRs for Outfalls 002, 003, and 004 for October 2012, July 2014 and August 2014; for Outfall 004 for September 2014 and March 2015; and for Outfall 002 for April 2015. Submit a properly completed DMR for Outfall 002 for December 2014. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and certified. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."</p>
IV.	<p>To submit a completed NetDMR Subscriber Agreement to the Department for approval to submit DMRs electronically using NetDMR, within thirty (30) days after receipt of this COMPLIANCE ORDER. The Subscriber Agreement shall be signed and dated with an original signature and submitted to the Enforcement Division. (NetDMR is accessed through: www.epa.gov/netdmr. For assistance establishing and maintaining a NetDMR account or for NetDMR training, see attached instructions or contact the Permit Compliance Unit at deqnetdmr@la.gov.)</p>
V.	<p>To submit DMRs and associated reports electronically using NetDMR beginning with the first monitoring period after approval of the NetDMR Subscriber Agreement unless otherwise notified in writing by the Department.</p>

RIGHT TO APPEAL

I.	<p>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.</p>
II.	<p>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 address specified in this document.</p>

- 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.). 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(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 Richard Ober, Jr. at (225) 219-3135 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. This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

CONTACTS AND SUBMITTAL OF INFORMATION

<p>Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Richard Ober, Jr.</p>	<p>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-15-01140 Agency Interest No. 1000</p>
<p>Permit Division (if necessary): Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division</p>	<p>Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802</p>

HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

- 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.
 - o 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.
 - o The Department assesses civil penalties based on LAC 33:i.Subpart1.Chapter7.
 - o 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.
 - o 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.
 - o **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.
 - o 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 Richard Ober, Jr. at (225) 219-3135 or richard.ober@la.gov.




Lourdes Iturza de
Assistant Secretary
Office of Environmental Compliance

Date: 4-20-17

c: Mr. Dedan Johnson
Nexo Solutions, LLC
11109 South Choctaw Drive
Baton Rouge, LA 70805

Attachment(s)

- Request to Close
- Table 1
- NetDMR Brochure

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-15-01140	Contact Name	Richard Ober, Jr.	
Agency Interest (AI) No.	1000	Contact Phone No.	(225) 219-3135	
Alternate ID No.	LA0107387			
Respondent:	Nexeo Solutions, LLC	Facility Name:	Nexeo Solutions, LLC	
	c/o C T Corporation System Agent for Service of Process	Physical Location:	11109 South Choctaw Drive	
	3867 Plaza Tower Drive	City, State, Zip:	Baton Rouge, LA 70805	
	Baton Rouge, LA 70816	Parish:	East Baton Rouge	
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 Paragraph(s) III and IV of the "Order" portion of the COMPLIANCE ORDER .				
Submitted DMRs and associated reports electronically using NetDMR in accordance with Paragraph V 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)				
<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.Subpart1.Chapter7.			
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY («Tracking_»), 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 («Tracking_»), 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 («Tracking_») 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: «ES_Name»				

If you have questions or need more information, you may contact Richard Ober, Jr. at (225) 219-3135 or richard.ober@la.gov.

Table 1
Effluent Exceedances

Date	Outfall	Parameter	Permit Limit	Sample Value
January 2012	003	TOC (daily maximum)	50 mg/L	284 mg/L
		TOC (daily maximum)	50 mg/L	55.5 mg/L
	004	COD (daily maximum)	100 mg/L	233 mg/L
March 2012	003	TOC (daily maximum)	50 mg/L	69.5 mg/L
November 2012	003	TOC (daily maximum)	50 mg/L	112 mg/L
		TOC (daily maximum)	50 mg/L	56 mg/L
	004	COD (daily maximum)	100 mg/L	187 mg/L
December 2012	003	TOC (daily maximum)	50 mg/L	139 mg/L
January 2013	003	TOC (daily maximum)	50 mg/L	86.1 mg/L
		TOC (daily maximum)	50 mg/L	54.8 mg/L
	004	COD (daily maximum)	100 mg/L	196 mg/L
June 2013	003	TOC (daily maximum)	50 mg/L	177 mg/L
August 2013	002	TOC (daily maximum)	50 mg/L	106 mg/L
October 2013	003	TOC (daily maximum)	50 mg/L	184 mg/L
November 2013	003	TOC (daily maximum)	50 mg/L	56.8 mg/L
December 2013	003	TOC (daily maximum)	50 mg/L	1260 mg/L
February 2014	003	TOC (daily maximum)	50 mg/L	200 mg/L
		TOC (daily maximum)	50 mg/L	138 mg/L
	004	COD (daily maximum)	100 mg/L	515 mg/L
March 2014	003	TOC (daily maximum)	50 mg/L	148 mg/L
		TOC (daily maximum)	50 mg/L	123 mg/L
	004	COD (daily maximum)	100 mg/L	562 mg/L
December 2014	003	TOC (daily maximum)	50 mg/L	152 mg/L
January 2015	003	TOC (daily maximum)	50 mg/L	1740 mg/L
October 2015	002	pH (minimum)	6.0 Standard Units	5.98 Standard Units
April 2016	004	pH (maximum)	9.0 Standard Units	9.46 Standard Units
June 2016	002	pH (maximum)	9.0 Standard Units	9.71 Standard Units
	003	pH (maximum)	9.0 Standard Units	9.54 Standard Units
	004	pH (maximum)	9.0 Standard Units	9.37 Standard Units



The attached enforcement action requires the use of NetDMR

WHAT IS NETDMR?

NetDMR is a Web-based tool that allows facilities to electronically sign and submit LPDES discharge monitoring reports (DMRs) to the LDEQ.

HOW DO I USE NETDMR?

1. Register in NetDMR
2. Submit Subscriber Agreement to LDEQ
3. Receive approval by LDEQ
4. Sign and Submit On-line

Training is offered by both LDEQ and EPA. Please check the LDEQ NetDMR Training website at <http://www.deq.louisiana.gov/netdmr> for training materials and current information offered by LDEQ. Information about EPA's training can be found at www.epa.gov/netdmr

HOW DO I REGISTER AND SUBMIT A SUBSCRIBER AGREEMENT?

(The first person to register must be an authorized signatory.)

1. Go to NetDMR website at <https://netdmr.epa.gov/netdmr>
2. Choose "Louisiana DEQ" as the Regulatory Authority from the drop-down list
3. Click the "Create a NetDMR Account" link in the login box
4. Complete the account information as required
 - a. Type of user must be "Permittee User"
 - b. Security answers must be unique and are case sensitive
5. Click "Submit" and confirm account information
6. Click the link within the verification email that has been sent to your email address
7. Create password by following instructions on the page
8. Login to NetDMR
9. Click "Request Access" link in the top left corner
10. Enter Permit Number and click "Update"
11. Select "Signatory" role and click "Add Request"
12. Click "Submit" and confirm
13. Provide Signatory Information, click "Submit" and confirm
14. Click button to print Subscriber Agreement
15. Mail in signed, original Subscriber Agreement to LDEQ for approval

If you have additional questions, please email deqnetdmr@la.gov.

