

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

THE DOW CHEMICAL COMPANY
AI # 1409

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

* Settlement Tracking No.
* SA-MM-18-0001
* Enforcement Tracking Nos.
* AE-PP-09-0035
* AE-CN-10-00556
* HE-CN-10-00819
* AE-CN-13-01086
* WE-CN-14-00707
* HE-CN-14-00862
*
* Docket Nos. 2016-5085-EQ
2016-5086-EQ

SETTLEMENT

The following Settlement is hereby agreed to between The Dow Chemical Company (“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 chemical manufacturing facility located in Iberville and West Baton Rouge Parishes, Louisiana (“the Facility”).

II

On November 23, 2009, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-09-0035, which is attached as Exhibit A.

On October 27, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-10-00556, which is attached as Exhibit B.

On September 1, 2010, the Department issued to Respondent a Consolidated Compliance

Order & Notice of Potential Penalty, Enforcement No. HE-CN-10-00819, which is attached as Exhibit C.

On December 20, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-13-01086, which is attached as Exhibit D.

On March 20, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-14-00707, which is attached as Exhibit E.

On February 10, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. HE-CN-14-00862, which is attached as Exhibit F.

The following violations, although not cited in the foregoing enforcement action(s), are included within the scope of this settlement.

According to the 2009 First Semiannual Monitoring Report dated September 28, 2009, the flare lost flame on June 26, 2009, at 6:30 p.m. Operations restored the flame at 8:30 p.m. This is a violation of Title V Permit No. 2048-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the 2008 First Semiannual Report dated September 26, 2008, the wastewater stripper (2C-2A) was on-line receiving wastewater during the 2nd quarter of 2008 except for 1.5 hours when untreated effluent was sent to the Environmental Operations. This is a violation of Title V Permit No. 2255-V1, LAC 33:III. 501.C.4, and La. R.S. 30:2057(A)(2).

According to the 2008 First Semiannual Report dated September 26, 2008, the respondent had visible emissions for more than five (5) minutes on May 20, 2008, (due to an error this was originally reported as having occurred on August 15, 2008) at flare 2FS-2 (EQT394). This is a

violation of Title V Permit No. 2255-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to the 2008 Third Quarterly Report dated December 22, 2008, the Respondent missed visual weekly inspections for HON Pumps for the week July 6-12, 2008. The Respondent states that the inspections were performed but doesn't have the documentation. The failure to maintain records is a violation of Title V Permit No. 2037-V1, LAC 33:III.501.C.4, and La. R.S.30:2057(A)(2).

According to the 2008 Third Quarterly Report dated December 22, 2008, the Respondent did not have the record of test to determine canister life for the carbon drums (EQT450). This is a violation of Title V Permit No. 2190-V0, LAC 33:III. 501.C.4, and La. R.S. 30:2057(A)(2).

According to the 2008 Third Quarterly Report dated December 22, 2008, the Respondent discovered two (2) open ended lines (OELs) on November 5, 2008. This is a violation of Title V Permit No. 2665- V7, LAC 33:III.501.C.4, and La RS 30:2057(A)(2).

According to the 2009 Second Semiannual Monitoring Report dated March 30, 2010, the fugitive monitoring contractor discovered one (1) OEL on September 8, 2009. This is a violation of Title V Permit No. 2188-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the 2009 Second Semiannual Monitoring Report dated March 30, 2010, Energy Systems experienced a power failure which caused the unit to go offline and initiate subsequent controlled flaring of flare source 2FS-2 (EQT 394). Smoking occurred for a few hours. This is a violation of Title V Permit No. 2255-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to the 2009 Second Semiannual Monitoring Report, dated March 30, 2010, a valve used to isolate the waste feed from the TTU leaked leaving a slight amount of uncombusted

residue in the combustion chamber, potentially resulting in a small amount of excess emissions. This is a violation of Title V Permit No. 2188-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the 2009 Second Semiannual Monitoring Report dated March 30, 2010, the permitted emission limits for Benzene were exceeded in 2009 for point source FC-Fugitive Emissions (FUG018) from the benzene plant. Reportedly, the Respondent incorrectly applied modeling parameters when determining the facility's fugitive emissions. This is a violation of Title V Permit No. 2024-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

According to the 2009 Second Semiannual Monitoring Report dated March 30, 2010, the fugitive monitoring contractor discovered one (1) OEL on November 19, 2009, and three (3) OELs on November 24, 2009. This is a violation of Title V Permit No. 2024-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the 2009 Second Semiannual Monitoring Report dated March 30, 2010, the fugitive monitoring contractor discovered one (1) OEL on March 25, 2009; one (1) OEL was discovered on April 6, 2009; and one (1) OEL was discovered on April 12, 2009. This is a violation of Title V Permit No. 2008-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). These violations were inadvertently overlooked when the Respondent submitted the 2009 First Semiannual Monitoring Report.

According to the 2009 Second Semiannual Monitoring Report dated March 30, 2010, the fugitive monitoring contractor discovered one (1) OEL on April 28, 2009. This is a violation of Title V Permit No. 2179-V6, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). This violation was inadvertently overlooked when the Respondent submitted the 2009 First Semiannual Monitoring Report.

According to the 2009 Second Semiannual Monitoring Report dated March 30, 2010, the fugitive monitoring contractor discovered one (1) OEL March 9, 2009; two (2) OELs on March 11, 2009; and one (1) OEL on March 19, 2009. This is a violation of Title V Permit No. 2048-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). These violations were inadvertently overlooked when the Respondent submitted the 2009 First Semiannual Monitoring Report.

According to the 2009 Second Semiannual Monitoring Report dated March 30, 2010, the Respondent discovered, after installation of two (2) filters on July 15, 2009, 100 components which were not monitored for fugitive emissions during the normal monitoring period. This is a violation of Title V Permit No. 2025-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

According to the Hazardous Waste Combustor MACT Report dated July 30, 2009, several Low Absorber L/G, High Combustion Air and Low Absorber Blow down AWFCO events occurred during the January 2009 to June 2009 monitoring period. No excess emissions occurred as a result of the events. This is a violation of Title V Permit Nos. 2665-V7 and 2285-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). To prevent recurrence, the AWFCO set points were corrected and a flow meter was replaced.

III

In response to the Consolidated Compliance Orders & Notices of Potential Penalty, Respondent made timely request for hearings.

IV

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

V

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 NINETY-TWO THOUSAND SEVEN HUNDRED TWENTY AND NO/100 DOLLARS (\$92,720.00), of which Four Thousand One Hundred Five and 01/100 Dollars (\$4,105.01) 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).

VI

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

VII

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.

VIII

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.

IX

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.

X

The Respondent has caused a public notice advertisement to be placed in the official journals of the parish governing authorities in Iberville and West Baton Rouge Parishes, 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.

XI

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 G).

XII

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

XIII

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.

The Dow Chemical Company

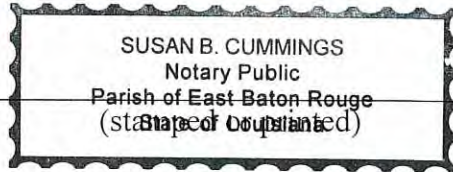
BY: [Signature]
(Signature)

SCOTT White
(Printed)

TITLE: Responsible Care Director

THUS DONE AND SIGNED in duplicate original before me this 21ST day of January, 20 20, at PLaquemine, La.

[Signature]
NOTARY PUBLIC (ID # 92116)
Commission is for life.



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 10th day of March, 20 20, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary

BOBBY JINDAL
GOVERNOR



HAROLD LEGGETT, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

November 23, 2009

CERTIFIED MAIL (7003 2260 0001 2747 9802)
RETURN RECEIPT REQUESTED

THE DOW CHEMICAL COMPANY
c/o C T Corporation System
Agent of Service
5615 Corporate Boulevard, Suite 400 B
Baton Rouge, LA 70808

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-09-0035
AGENCY INTEREST NO. 1409**

Dear Sir:

On or about February 4, 2009, a file review of the **LIGHT HYDROCRABON III PLANT AND POWER AND UTILITIES PLANT**, owned and/or operated by **THE DOW CHEMICAL COMPANY (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 21255 Louisiana Highway 1, North of Plaquemine, Iberville Parish, Louisiana. The Light Hydrocarbon III Plant previously operated under Title V Permit No. 2024-V2, and the Power and Utilities Plant previously operated under Title V Permit No. 2267-V1. The facilities currently operates under Title V Permit Nos. 2024- V3 and 2267-V3.

While the Louisiana Department of Environmental Quality's (the Department) investigation is not yet complete, the following violations were noted during the course of the file review:

- A. According to a follow-up report dated January 14, 2005, the Light Hydrocarbon III Plant experienced an upset on January 8, 2005. During the upset there was a release to the atmosphere. The release lasted 2 hours and 35 minutes. During that release, 5,474 lbs of ethylene, 2,125 lbs propylene, 4,151 lbs of methane, 2835 lbs of hydrogen, 935 lbs, of propane, and 65 lbs of 1,3 butadiene were released. The underlying cause for the release was due to power failure caused by water entering the system because equipment was not installed properly. Also when the auxiliary power transformer at Power 3 failed, there was a subsequent release of hydrocarbons material at the LHC III plant from an isolation



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blind flange that was preventable. The design of the flange was inadequate. These are violations of Title V Permit No. 2024-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2)

- B. According to a follow-up report dated January 14, 2005, the Power and Utilities Plant experienced a release on January 8, 2005. The release lasted two (2) hours. During that release, 181.29 pounds of Nitrogen Oxide were released. This is above the permitted limit. This is a violation of Title V Permit No. 2267-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

On or about February 4, 2009, a file review of the **CLORINATED METHANES PLANT** owned and/or operated by **THE DOW CHEMICAL COMPANY (RESPONDENT)**, was performed to determine the degree of compliance with the Act and the Air Quality Regulations. The facility is located at 21255 Louisiana Highway 1, North of Plaquemine, Iberville Parish, Louisiana. The Chlorinated Methanes Plant was operating under Title V Permit No. 2037-V0.

While the Department's investigation is not yet complete, the following violation was noted during the course of the file review:

According to a follow up report dated March 16, 2005, the Respondent experienced a release on March 14, 2005 that lasted 220 minutes. A tubing fitting broke off a differential pressure transmitter on column C-1510 and caused a release to the atmosphere. During the release approximately 1,903 lbs of methyl chloride, 3,983 lbs of methylene chloride and 4.7 lbs of chloroform was released to the atmosphere. The report states that there was no evidence of corrosion or deterioration of the metal to cause the break but rather that the tubing was struck by something. A scaffold was being erected next to the tubing at the time of the incident. This is a violation of Title V Permit No. 2037-V0, LAC 33:III.501.C.2 LAC 33:III.905 La. R.S. 30:3057(A)(1) and 30:2057(A)(2).

On or about February 4, 2009, a file review of the **CELLOSE PLANT**, owned and/or operated by **THE DOW CHEMICAL COMPANY (RESPONDENT)**, was performed to determine the degree of compliance with the Act and the Air Quality Regulations. The facility is located at 21255 Louisiana Highway 1, North of Plaquemine, Iberville Parish, Louisiana. The Cellulose Plant was operating under Title V Permit No. 2227-V3.

While the Department's investigation is not yet complete, the following violation was noted during the course of the file review:

According to a follow up report dated February 16, 2007, the Respondent experienced a release on February 12, 2007 that lasted three (3) minutes. During the release approximately 2100 lbs of dimethyl ether, and 1034 lbs of methyl chloride was released to the atmosphere. The release was

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preventable as cooling water was not adequately supplied to the reactor upon start-up. This is a violation of Title V Permit No. 2037-V0, LAC 33:III.501.C.4, La. R.S. 30:3057(A)(1) and 30:2057(A)(2).

On or about March 11, 2009, a file review of the **PLAQUEMINE FACILITY**, owned and/or operated by **THE DOW CHEMICAL COMPANY (RESPONDENT)**, was performed to determine the degree of compliance with the Act and the Air Quality Regulations. The facility is located at 21255 Louisiana Highway 1, North of Plaquemine, Iberville Parish, Louisiana. The Facility is operating under multiple Title V Air Permits. Some of the Title V Air Permits are No. 2037-V1, 2573-V4, 2190-V0, 2255-V1, 2024-V3, 2665-V7, 2227-V5, 2200-V1, 2267-V3, 2007-V2, 2203-V1, 2008-V4, 2179-V6, 2048-V1, 2235-V0, 2188-V0, 2025-V2, and 2285-V3. The Respondent has implemented Consolidated Fugitive Emissions Programs for units at its facility. The fugitive programs being streamlined are in each Title V Permit.

While the Department's investigation is not yet complete, the following violations were noted during the course of the file review:

- A. According to the First Quarter Deviation Report of 2007 dated June 28, 2007, the Respondent failed to keep the documentation for weekly visual pump inspections conducted for the week of January 20, 2007, and February 17, 2007. Failure to keep documentation is a violation of Title V Permit No. 2227-V4, LAC 33:III.501.C.4, 40 CFR 63.181(c) which language has been adopted in Louisiana Regulation LAC 33:III.5122.A, and La. R.S. 30:2057(A)(2).
- B. According to the First Quarter Deviation Report of 2007 dated June 28, 2007, the Respondent failed to keep the proper documentation for the daily inspection on February 6, 2007. The weekly inspection form was inadvertently filled out instead of the daily inspection sheet. Failure to keep documentation is a violation of Title V Permit No. 2227-V4, LAC 33:III.501.C.4, 40 CFR 63.181(c) which language has been adopted in Louisiana Regulation LAC 33:III.5122.A, and La. R.S. 30:2057(A)(2).
- C. According to the First Quarter Deviation Report of 2007 dated June 28, 2007, the Respondent failed to conduct the weekly visual pump inspections for the week of March 24, 2007. Failure to perform the inspection is a violation of Specific Condition 40 of Title V Permit No. 2227-V4, LAC 33:III.501.C.4, 40 CFR 63.181(c) which language has been adopted in Louisiana Regulation LAC 33:III.5122.A, and La. R.S. 30:2057(A)(2).
- D. According to the First Quarter Deviation Report of 2007 dated June 28, 2007, the carbon bed for PSA 1750 (Point Source IC) temperature exceeded 95° C at various times on February 3, 2007, for approximately 2.5 hours. The deviation was caused by a valve failing in the open position. The valve was replaced. Failure to operate the carbon bed for PSA (Point Source IC) properly is a violation of State Only Specific condition 2 of Title V Permit No. 2037-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

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- E. According to the First Quarter Deviation Report of 2007 dated June 28, 2007, an open ended valve was found on March 22, 2007. Upon discovery the open ended line was corrected. The open ended line is a violation of 40 CFR 63.167 which language has been adopted in Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Air Permit No. 2037-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- F. According to the First Quarter Deviation Report of 2007 dated June 28, 2007, the Respondent exceeded the annual emission limits for chlorine, for emission points UA and U9. The emission limits are 0.42 tons per year for both units and the actual emissions for 2006 were 0.52 tons per year. The exceedence for each point is a violation of Title V Permit No. 2573-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- G. According to the First Quarter Deviation Report of 2007 dated June 28, 2007, the Respondent exceeded the maximum pounds per hour of NO_x limit for unit GT-700. This exceedence occurred on April 27, 2007, for approximately one (1) hour during a routine stepdown to a lower load. The actual emissions were 53.1 lbs/hr compared to the limit of 51.3 lbs per hour. This is violation of Title V Permit No. 1280-00096-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(2).
- H. According to the First Quarter Deviation Report of 2007 dated June 28, 2007, on March 21, 2007 an open ended line was found near VP-512A. Upon discovery the open ended line was corrected. The open ended line is a violation of Title V Air Permit No. 2048-V0, LAC 33:III.501.C.4, LAC 33:III.2122.C.2, and La. R.S. 30:2057(A)(2).
- I. According to the First Quarter Deviation Report of 2007 dated June 28, 2007, the daily average pH value for SC-107B was below 1.78. This occurred on January 20-24, 2007, February 1-12, 2007, February 15-28, 2007 and March 24-26, 2007. The pH probe was relocated. Each day the average was below 1.78 is a violation of Title V Permit No. 2188-V0, LAC33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- J. According to the First Quarter Deviation Report of 2007 dated June 28, 2007, five (5) open ended lines were discovered. Upon discovery the open ended lines were corrected. Each open ended line is a violation of 40 CFR 63.167 which language has been adopted in Louisiana Regulation LAC 33:III.5122. This is also a violation of the Title V Air Permit No. 2188-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- K. According to the First Quarter Deviation Report of 2007 dated June 28, 2007, the Respondent exceeded the annual emission rate of hydrochloric acid for C-85 (Point Source 3K). This is a violation of the Title V Air Permit No. 2188-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

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- L. According to the First Quarter Deviation Report of 2007 dated June 28, 2007, the Respondent's Source ID 83 communication device failed causing the pilot temperature data not to be stored electronically. No vents were sent to the flare during this period. This is a violation of the Title V Air Permit No. 2665-V6, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- M. According to the First Quarter Deviation Report of 2007 dated June 28, 2007, from June 2006 until April 2007 the recirculation flow component for Source ID 75 and 76 was changed to a constant value in the control system. This is a violation of the Title V Air Permit No. 2665-V6, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- N. According to the First Semiannual Monitoring Report dated September 26, 2007, the Respondent failed to keep the daily Dust Filter/Baghouse Vent Inspection for April 10, 2007. This is a violation of Title V Air Permit No. 2227-V4, LAC 33:III.501.C.4, and La. R.S.30:2057(A)(2).
- O. According to the First Semiannual Monitoring Report dated September 26, 2007, the Respondent failed to keep the weekly visual pump inspection sheet for the week of April 28, 2007. This is a violation of Title V Air Permit No. 2227-V4, LAC 33:III.501.C.4, 40 CFR 63.181(c) which language has been adopted in Louisiana Regulation LAC 33:III.5122.A, and La. R.S.30:2057(A)(2).
- P. According to the First Semiannual Monitoring Report dated September 26, 2007, the Respondent failed to keep the daily visual pump inspection sheet for April 4, 10, 25, 26, 2007 and June 25-26, 2007. Each is a violation of Title V Air Permit No. 2227-V4, LAC 33:III.501.C.4, 40 CFR 63.181(c) which language has been adopted in Louisiana Regulation LAC 33:III.5122.A. and La. R.S.30:2057(A)(2).
- Q. According to the First Semiannual Monitoring Report dated September 26, 2007, on May 22, 2007, an open ended line was found. Upon discovery the open ended line was corrected. The open ended line is a violation of 40 CFR 63.167 which language has been adopted in Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Air Permit No. 2037-V1 LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- R. According to the First Semiannual Monitoring Report dated September 26, 2007, between June 22-24, 2007 the daily automated drift calibration was not performed for the No_x and CO CEMS for the stationary turbine GT-100. This is required by 40 CFR 60.13. This is a violation of 40 CFR 60.13 which language has been adopted into Louisiana Regulation as LAC 33:III.3003. This is also a violation of Title V Air Permit No. 2267-V2, 2267-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

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- S. According to the First Semiannual Monitoring Report dated September 26, 2007, the Respondent failed to submit the semiannual fugitive emissions report due in May 2007. The report was submitted on July 5, 2007. This is a violation of 40 CFR 63.1103, which language has been adopted as Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Air permit No. 2055-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- T. According to the First Semiannual Monitoring Report dated September 26, 2007, on July 24, 2007 two (2) open ended lines were found. Upon discovery the open ended lines were corrected. Each open ended line is a violation of the Title V Air Permit No. 2055-V1 LAC 33:III.501.C.4, LAC 33:III.5109.A, LAC 33:III.2122.C.2, and La. R.S. 30:2057(A)(2).
- U. According to the First Semiannual Monitoring Report dated September 26, 2007, the Respondent exceeded visible emissions for twelve (12) minutes from Flare FS-1700. This is a violation of 40 CFR 60.18(c)(1) and 63.11(b)(4) which language has been adopted as Louisiana Regulation LAC 33:III.3003, and LAC 33:III. 5122, respectively. This is also a violation of Title V Air Permit No. 2024-V3, LAC 33:III.501.C.4 and La. R.S.30:2057(A)(2).
- V. According to the First Semiannual Monitoring Report dated September 26, 2007, the Respondent failed to submit the semiannual fugitive emissions report due in May 2007. The report was submitted on July 5, 2007. This is a violation of 40 CFR 63.1103, which language has been adopted as Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Air permit No. 2024-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- W. According to the First Semiannual Monitoring Report dated September 26, 2007, on April 19, 2007 one (1) bleed valve on the co-product loading line was discovered open ended. Upon discovery the open ended line was corrected. The open ended line is a violation of 40 CFR 63.167 which language has been adopted in Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Air Permit No. 2008-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- X. According to the First Semiannual Monitoring Report dated September 26, 2007, on May 14, 2007, an open ended sample line in HDPE Train was found. Upon discovery the open ended line was corrected. Each open ended line is a violation of 40 CFR 63.167 which language has been adopted in Louisiana Regulation LAC 33:III.5122. This is a violation of Title V Air Permit No. 2179-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

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- Y. According to the First Semiannual Monitoring Report dated September 26, 2007, on May 22, 2007, an open ended sample line in EPDM Train was found. Upon discovery the open ended line was corrected. Each open ended line is a violation of 40 CFR 63.167 which language has been adopted in Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Air Permit No. 2179-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- Z. According to the First Semiannual Monitoring Report dated September 26, 2007, on May 30, 2007, an open ended vent line in HDPE Train was found. Upon discovery the open ended line was corrected. Each open ended line is a violation of 40 CFR 63.167 which language has been adopted in Louisiana Regulation LAC 33:III.5122. This is a violation of Title V Air Permit No. 2179-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- AA. According to the First Semiannual Monitoring Report dated September 26, 2007, on June 11, 2007, an open ended line was found. Upon discovery the open ended line was corrected. The open ended line is a violation of 40 CFR 63.167 which language has been adopted in Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Air Permit No. 2188-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- BB. According to the First Semiannual Monitoring Report dated September 26, 2007, on June 8, 2007 the C-501 Inlet Water Flow was less than 50 gallons/ minute from 00:00- 3:15 A.M. This is a violation of State Only Specific Condition 4 of Title V Air Permit 2188-V0, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- CC. According to the First Semiannual Monitoring Report dated September 26, 2007, the water inlet flowmeter for the barge scrubber Point Source Barge failed from May 16- 18, 2007. This is a violation of State Only Specific Condition 3 of Title V Air Permit 2188-V0, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- DD. According to the First Semiannual Monitoring Report dated September 26, 2007, on May 12, 2007, all three pilot thermocouples for FS-170 Flare read below the minimum required temperature for one hour. This is a violation of Title V Air Permit No. 2665-V6, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- EE. According to the First Semiannual Monitoring Report dated September 26, 2007, on June 4, 2007, all three (3) pilot thermocouples for FS-170 Flare read below the minimum required temperature for two (2) hours and nineteen (19) minutes. This is a violation of Title V Air Permit No. 2665-V6, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

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- FF. According to the First Semiannual Monitoring Report dated September 26, 2007, on June 10, 2007, the C413 VCM stack analyzer recorded > 10 ppm on the 3 hour rolling average basis for a period of three (3) hours. Specific Condition 3 requires that the concentration of vinyl chloride stay below 10 ppm. This is a violation of Title V Air Permit No. 2285-V3, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- GG. According to the First Semiannual Monitoring Report dated September 26, 2007, on June 11, 2007, the C413 VCM stack analyzer recorded > 10 ppm on the 3 hour rolling average basis. Specific Condition 3 requires that the concentration of vinyl chloride stay below 10 ppm. This is a violation of Title V Air Permit No. 2285-V3, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- HH. According to the 3rd Quarterly Report dated December 14, 2007, the Respondent discovered an open ended line on August 12, 2007. It was immediately plugged upon discovery. The open ended line is a violation of 40 CFR 63.167 which language has been adopted in Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Air Permit No. 2227-V4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- II. According to the 3rd Quarterly Report dated December 14, 2007, the daily average H₂SO₄% for C-650 was above the maximum amount for September 2-3, 2007. This is a violation of Title V Permit No. 2037-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- JJ. According to the 3rd Quarterly Report dated December 14, 2007, the Respondent failed to conduct the semi-annual visual inspection of the external floating roof tanks during the semi-annual period. The inspection was conducted on October 15, 2007. The semi-annual inspection was required by 40 CFR 63.133(g). This is a violation of 40 CFR 63.133(g), which is incorporated into Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Permit No. 2190-V0, LAC 33:III.5109.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- KK. According to the 3rd Quarterly Report dated December 14, 2007, the Respondent discovered a gap in the seal of the external floating roof tanks on October 15, 2007. This gap was repaired on November 13, 2007. Failure to maintain the external floating roof in proper working order is a violation of 40 CFR 63.133(g), which is incorporated into Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Permit No. 2190-V0, LAC 33:III.5109.A, LAC 33:III.905, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- LL. According to the 3rd Quarterly Report dated December 14, 2007, the Respondent discovered on August 22, 2007, that a valve on the vent line off the flare header was blind flanged but did not have a carseal installed. Failure to have the carseal installed on a valve is a violation of

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- 40 CFR 63.983(a)(3)(ii) which has been adopted as Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Permit No. 2024-V3, LAC 33:III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(2).
- MM. According to the 3rd Quarterly Report dated December 14, 2007, the Respondent exceeded visible emissions on October 23, 2007, for forty (40) minutes from Flare FS-1, as determined by Method 22 per 40 CFR 60.18(c)(1) and 63.11(b)(4). This is a violation of 40 CFR 60.18(c)(1) and 63.11(b)(4) as incorporated in Louisiana Regulation LAC 33:III.3003 and LAC 33:III.5122 respectively. This is also a violation of Title V Permit No. 2024-V3, LAC 33:III.501.C.4, and La. R.S. 30:2057 (A)(2).
- NN. According to the 3rd Quarterly Report dated December 14, 2007, the Respondent discovered an open ended line on July 3, 2007. A bleed for a manual valve on the isopentane side of D-234 was discovered to have no plug. It was immediately plugged upon discovery. The open ended line is a violation of the Title V Air Permit No. 2179-V5, LAC 33:III.501.C.4, LAC 33:III.5109.A, LAC 33:III.2122.C.2, and La. R.S. 30:2057(A)(2).
- OO. According to the 3rd Quarterly Report dated December 14, 2007, the daily average pH value for C-501 was below 7.71 on July 10 and 17, 2007. This is a violation of Title V Permit No. 2188-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- PP. According to the 3rd Quarterly Report dated December 14, 2007, the Respondent exceeded the carbon monoxide limit of 100 ppm in the Solvents/ EDC 1 Thermal Treatment Unit for two (2) seconds on August 19, 2007. This is a violation of Title V Permit No. 2188-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- QQ. According to the 3rd Quarterly Report dated December 14, 2007, the Respondent discovered an open ended line on July 23, 2007. It was immediately plugged upon discovery. The open ended line is a violation of 40 CFR 63.167 which is incorporated into Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Air Permit No. 2188-V0 LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- RR. According to the 2nd Semiannual Monitoring Report and the Annual Certification Compliance for 2007, dated March 31, 2008, the Respondent failed to perform the Daily Dust Filter/ Baghouse Vent Inspection for November 11, 2007. Failure to perform the inspection is a violation of Title V Air Permit No. 2227-V4, LAC 33:III.501.C.4 and La. R.S.30:2057(A)(2).
- SS. According to the 2nd Semiannual Monitoring Report and the Annual Certification Compliance for 2007, dated March 31, 2008, the Respondent failed to keep the Daily Pump Visual Inspection Round sheet for December 22 and 27, 2007. Failure to keep records is a violation of

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- 40 CFR 63.181(c) which language has been adopted in Louisiana Regulation LAC 33:III.5122.A. This is also a violation of Title V Air Permit No. 2227-V4, LAC 33:III.501.C.4 and La. R.S.30:2057(A)(2).
- TT. According to the 2nd Semiannual Monitoring Report and the Annual Certification Compliance for 2007, dated March 31, 2008, the Respondent discovered an open ended line on December 11, 2007. The open ended line was capped immediately upon discovery. The open ended line is a violation of 40 CFR 63.167 which is incorporated into Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Permit No. 2190-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- UU. According to the 2nd Semiannual Monitoring Report and the Annual Certification Compliance for 2007, dated March 31, 2008, the Respondent discovered an open ended line on November 24, 2007. The open ended line was capped immediately upon discovery. The open ended line is a violation of Title V Permit No. 2048-V1, LAC33:III.2122.C.2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- VV. According to the 2nd Semiannual Monitoring Report and the Annual Certification Compliance for 2007, dated March 31, 2008, the Respondent failed to follow the Startup, Shutdown, and Malfunction (SSM) Plan during an event for C-501 on December 1, 2007. The Respondent has updated the operating procedures. Failure to follow the SSM plan is a violation of Title V Permit No. 2188-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- WW. According to the 2nd Semiannual Monitoring Report and the Annual Certification Compliance for 2007, dated March 31, 2008, the Respondent is missing electronic compliance data for October 4, 2007. The wrong data was collected when the vax system went down. Failure to maintain data is a violation of Title V Permit No. 2025-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- XX. According to the 2nd Semiannual Monitoring Report and the Annual Certification Compliance for 2007, dated March 31, 2008, the Respondent failed to keep the flare's gas heat content above 300 BTU/SCF for EQT 329. On October 5, 2007 one of the flare's fifteen (15) minute average was 293 BTU/SCF. This is a violation of Specific Requirement 15 of Title V Permit No. 2025-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- YY. According to the 2nd Semiannual Monitoring Report and the Annual Certification Compliance for 2007, dated March 31, 2008, the Respondent failed to keep the flare's gas heat content above 300 BTU/SCF EQT 329. On November 11, 2007 one of the flare's fifteen (15) minute average was 286 BTU/SCF. This is a violation of Specific Requirement 15 of Title V Permit No. 2025-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

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- ZZ. According to the First Quarterly Deviation Report dated June 27, 2008, the Respondent failed to keep documentation for two (2) daily pump inspection days. The Respondent states that the inspections for February 11 and 12, 2008, were performed even though the sheets are missing. Each failure to keep records is a violation of 40 CFR 63.181(c) which is incorporated into Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Permit No. 2227-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- AAA. According to the First Quarterly Deviation Report dated June 27, 2008, the Respondent discovered an open ended line in the HDPE Train on January 24, 2008. The line was immediately plugged upon discovery. This is a violation of Title V Permit No. 2179-V6, LAC 33:III.501.C.4, LAC 33:III.5109.A, LAC 33:III.2122.C.2, and La. R.S. 30:2057(A)(2).
- BBB. According to the First Quarterly Deviation Report dated June 27, 2008, the Respondent discovered an open ended line in the Train 2 on January 9, 2008. The line was immediately plugged upon discovery. This is a violation of Title V Permit No. 2048-V1, LAC 33:III.501.C.4, LAC 33:III.2122.C.2 and La. R.S. 30:2057(A)(2).
- CCC. According to the First Quarterly Deviation Report dated June 27, 2008, the Respondent discovered two (2) open ended lines in the Additive Mix Transfer area on February 20, 2008. The lines were immediately plugged upon discovery. Each open ended line is a violation of Title V Permit No. 2048-V1, LAC 33:III.501.C.4, LAC 33:III.2122.C.2 and La. R.S. 30:2057(A)(2).
- DDD. According to the First Quarterly Deviation Report dated June 27, 2008, the Respondent discovered an open ended line in Train 1 on February 25, 2008. The line was immediately plugged upon discovery. This is a violation of Title V Permit No. 2048-V1, LAC 33:III.501.C.4, LAC 33:III.2122.C.2 and La. R.S. 30:2057(A)(2).
- EEE. According to the First Quarterly Deviation Report dated June 27, 2008, the Respondent discovered an open ended line in Train 3 on February 28, 2008. The line was immediately plugged upon discovery. This is a violation of Title V Permit No. 2048-V1, LAC 33:III.501.C.4, LAC 33:III.2122.C.2 and La. R.S. 30:2057(A)(2).
- FFF. According to the First Quarterly Deviation Report dated June 27, 2008, the Respondent discovered an open ended line in Train 2 on March 17, 2008. The line was immediately plugged upon discovery. This is a violation of Title V Permit No. 2048-V1, LAC 33:III.501.C.4, LAC 33:III.2122.C.2 and La. R.S. 30:2057(A)(2).
- GGG. According to the First Quarterly Deviation Report dated June 27, 2008, the Respondent's inlet water flow rate scrubber C-81 was less than 40 gallons/minute for about one and a half (1.5) hours on

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January 10, 2008. Failure to operate the scrubber with the permit limits is a violation of State Only Specific Condition 3 of Title V Permit No. 2188-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- HHH. According to the First Quarterly Deviation Report dated June 27, 2008, the Respondent's regeneration flow for V-910A/B was less than 250 actual cubic feet per minute for approximately two (2) hours on March 12, 2008, fifteen (15) minutes on March 19, 2008, and fifteen (15) minutes on March 23, 2008. Failure to operate the regeneration flow with in the permit limits is a violation of Title V Permit No. 2188-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- III. According to the First Quarterly Deviation Report dated June 27, 2008, the Respondent discovered an open ended line on HON fugitive component # 16843. A screw plug was immediately installed. The open ended line is a violation of 40 CFR 63.167 which has been adopted as Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Permit No. 2665-V7, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- JJJ. According to the First Semiannual Monitoring Report dated September 26, 2008, the Respondent failed to perform weekly HON pump inspections, during the weeks of April 28-May 30, 2008 and May 26-May 31, 2008.. Each failure to perform an inspection is a violation of 40 CFR 63.163 which has been adopted as Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Permit No. 2037-V1, LAC 33:III.501.C.4, and La.R.S.30:2057(A)(2).
- KKK. According to the 2nd Semiannual Monitoring Report and the Annual Compliance Certification dated March 31, 2009, the Respondent failed to monitor HON fugitive components for the 2007 and 2008 calendar year. This is a violation of 40 CFR 63 Subpart H which has been adopted as Louisiana Regulation LAC 33:III.5122. This is also a violation of Title V Permit No. 2007-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- LLL. According to the 2nd Semiannual Monitoring Report and the Annual Compliance Certification dated March 31, 2009, the Respondent does not have data on the flare FS-1 as required by Table 3 of 40 CFR 63 Subpart G (HON) for the following dates and times:

Dates	Times	Total in hours
February 4, 2008	12:29-14:29	2
February 28, 2008	0:29-14:29	14
March 9, 2008	4:29-5:29	1
August 12, 2008	8:29-12:29	4

Each failure to keep records is a violation of Title V Permit No. 2024-V3, LAC 33:III.5122, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

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- MMM. According to the 2nd Semiannual Monitoring Report and the Annual Compliance Certification dated March 31, 2009, the Respondent failed to keep the Primary Flare lit for approximately 16 minutes on December 22, 2008. Failure to keep a flame present at all times is a violation of Specific Requirement 6 of Title V Permit No. 2008-V4, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- NNN. According to the 2nd Semiannual Monitoring Report and the Annual Compliance Certification dated March 31, 2009, the inlet water flow rate of scrubber C-81 was less than 40 gallons/minute for about thirty minutes on October 26, 2008. Failure to operate the scrubber with the permit limits is a violation of State Only Specific Condition No. 3 of Title V Permit No. 2188-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- OOO. According to the 2nd Semiannual Monitoring Report and the Annual Compliance Certification dated March 31, 2009, the inlet water flow rate of scrubber C-81 was less than 40 gallons/minute for about fifteen (15) minutes on October 28, 2008. Failure to operate the scrubber with the permit limits is a violation of State Only Specific Condition No. 3 of Title V Permit No. 2188-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

On or about November 9, 2009, a file review of the **PLAQUEMINE FACILITY**, owned and/or operated by **THE DOW CHEMICAL COMPANY (RESPONDENT)**, was performed to determine the degree of compliance with the Act and the Air Quality Regulations. The facility is located at 21255 Louisiana Highway 1, North of Plaquemine, in Plaquemine, Iberville Parish, Louisiana. The Facility is operating under multiple Title V Air Permits. Some of the Title V Air Permits are No. 2037-V1, 2008-V5, 2048-V2 and 2188-V1. The Respondent has implemented Consolidated Fugitive Emissions Programs for units at its facility. The fugitive programs being streamlined are in each Title V Permit.

While the Department's investigation is not yet complete, the following violations were noted during the course of the file review:

- A. According to the 2009 First Semiannual Monitoring Report dated September 28, 2009, the Respondent failed to perform the weekly HON visual pump inspection for the week of January 11-17, 2009. This is a violation of 40 CFR 63.163(b)(3) which language has been adopted as a Louisiana regulation in LAC 33:III.5122. This is also a violation of Specific Requirement 137 of Title V Permit No. 2037-V1, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- B. According to the 2009 First Semiannual Monitoring Report dated September 28, 2009, the Respondent inadvertently did not activate the Automatic Waste Feed Cutoff for Steam Atomization Pressure on March 23, 2009. This was during the initial implementation for the Hazardous Waste Combustion MACT compliance. This resulted in the burning of waste for 368 minutes while the Steam Atomization Pressure requirement was not met. This is a violation of 40 CFR 63.1206(c)(3), which language has been adopted as a Louisiana regulation in

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- LAC 33:III.5122. This is also a violation of Specific Requirement 39 of Title V Permit No. 2097- VI, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- C. According to the 2009 First Semiannual Monitoring Report dated September 28, 2009 the Respondent failed to have three (3) car seals installed on the flare header system. This was discovered on March 20, 2009 and was fixed. Failure to have car seals installed is a violation of 40 CFR 60.562(e) which language has been adopted as a Louisiana regulation in LAC 33:III.3003. This is also a violation of Specific Requirement 21 of Title V Permit No. 2008-V8, LAC 33:III.501.C4, and La. R.S. 30 :2057(A)(2).
- D. According to the 2009 First Semiannual Monitoring Report dated September 28, 2009 an open ended valve was found on March 20, 2009 Upon discovery the open ended line was corrected. This is a violation of Specific Requirement 50 of Title V Air Permit No. 2008-V8, LAC 33:III.2122.C.2 LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- E. According to the 2009 First Semiannual Monitoring Report dated September 28, 2009 the Respondent failed to perform the weekly HON visual pump inspection for the week of January 11-17, 2009. This is a violation of 40 CFR 63.163(b)(3) which language has been adopted as a Louisiana regulation in LAC 33:III.5122. This is also a violation of Title V Permit No. 2188-V0 and 2188-V1, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- F. According to the 2009 First Semiannual Monitoring Report dated September 28, 2009, the Respondent failed to operate the water inlet flow rate for C-81 as required. The water inlet flow rate was less than 40 gallons per minute for approximately forty-five (45) minutes on May 16, 2009. This is a violation of State Only Condition 3 of the Title V Permit No. 2188-V0, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- G. According to the 2009 First Semiannual Monitoring Report dated September 28, 2009 the Respondent failed to operate the water inlet flow rate for C-81 as required. The water inlet flow rate was less than 40 gallons per minute for approximately two (2) hours and fifteen (15) minutes on May 26, 2009. This is a violation of State Only Condition 3 of the Title V Permit No. 2188-V0, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

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 violations described herein. Written comments may be filed regarding the violations 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 violations. If you would like to have such a meeting, please contact Mary J. Caldwell, Environmental Scientist, at (225) 219-3767 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.


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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.

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,


Peggy M. Hatch
Assistant Secretary

PMH/MJH/mjh
Alt ID No. 1280-00008

c: Dow Chemical Company
c/o Chris Reed, Production Leader
Post Office Box 150
Plaquemine, Louisiana 70765-0150



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

October 27, 2010

CERTIFIED MAIL (7099 3400 0007 2447 4934)
RETURN RECEIPT REQUESTED

THE DOW CHEMICAL COMPANY
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Blvd., Ste. 400B
Baton Rouge, LA 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-10-00556
AGENCY INTEREST NO. 85652**

Dear Sir(s):

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **THE DOW CHEMICAL COMPANY (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Richard LeBlanc at (225) 219-3751.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/RDL/rdl
Alt ID No. 1280-00096
Attachment



c: Dow Plaquemine Cogen
c/o Bob Bradey
P.O. Box 150
Plaquemine, LA 70764

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

IN THE MATTER OF	*	
	*	
THE DOW CHEMICAL COMPANY	*	ENFORCEMENT TRACKING NO.
IBERVILLE PARISH	*	
ALT ID NO. 1280-00096	*	AE-CN-10-00556
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	85652
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **THE DOW CHEMICAL COMPANY (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates Plaquemine Cogeneration Plant located at 21255 Louisiana Highway 1 in Plaquemine, Iberville Parish, Louisiana. On or about November 30, 2006, ownership of the facility was transferred to the Respondent from American Electric Power's Ventures Lease Company. The Respondent currently operates the facility under Title V Air Permit No. 1280-00096-V2 issued to the Respondent on July 23, 2008, and administratively amended on September 23, 2008.

II.

On or about January 12, 2010, the Department conducted a full compliance audit for the Chemical Accident Prevention Provisions set forth in 40 CFR 68.

While the Department's investigation is not yet complete, the following violations were noted during the inspection:

- A. The Respondent failed to include steps to avoid or correct deviations in the facility's operating procedures. Each failure to address deviations in the operating procedures is a violation of 40 CFR 68.69(a)(2)(ii) which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, Title V Air Permit No. 1280-00096-V2 Specific Requirement 93, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- B. The Respondent failed to document that each employee involved in operating the process received the required training. Specifically, training records were not available for two (2) of the five (5) employees within the "Power-3" unit. Each failure to prepare a record which contains the identity of the employee, the date of training and the means used to verify that the employee understood the training is a violation of 40 CFR 68.71(c) which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, Title V Air Permit No. 1280-00096-V2 Specific Requirement 93, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with Title V Air Permit No. 1280-00096-V2 and the Air Quality Regulations, including, but not limited to, 40 CFR 68.

II.

To address deviations in the operating procedures as specified in 40 CFR 68.69(a)(2)(ii) and submit to the Enforcement Division a copy of the corrected operating procedures.

III.

To provide and document that each employee received the required process training as specified in 40 CFR 68.71(c) and submit to the Enforcement Division an updated copy of the training record.

IV.

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

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Richard LeBlanc
Re: Enforcement Tracking No. AE-CN-10-00556
Agency Interest No. 85652

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

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

II.

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

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. AE-CN-10-00556
Agency Interest No. 85652

III.

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

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

IV.

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

V.

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

VI.

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

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

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

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

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Richard LeBlanc at (225) 219-3751 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

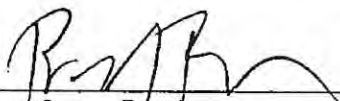
III.

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

IV.

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

Baton Rouge, Louisiana, this 27 day of October, 2010.



Beau James Brock
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Richard LeBlanc

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

September 1, 2010

CERTIFIED MAIL (7005 1820 0002 2365 2304)
RETURN RECEIPT REQUESTED

THE DOW CHEMICAL COMPANY
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Boulevard, Ste. 400B
Baton Rouge, Louisiana 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-CN-10-00819
AGENCY INTEREST NO. 1409**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **THE DOW CHEMICAL COMPANY (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Alissa Cockerham at (225) 219-1423.

Sincerely,

Lourdes Jiralde
Administrator
Enforcement Division

LI/ARC/arc
Alt ID No. LAD008187080
Attachment



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

IN THE MATTER OF

**THE DOW CHEMICAL COMPANY
IBERVILLE PARISH
ALT ID NO. LAD008187080**

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

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ENFORCEMENT TRACKING NO.

HE-CN-10-00819

AGENCY INTEREST NO.

1409

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **THE DOW CHEMICAL COMPANY (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates Dow Chemical Company located at 21255 La. Highway 1 in Plaquemine, Iberville Parish, Louisiana. The facility is a large quantity generator of hazardous waste and a permitted TSD facility, which operates under EPA facility identification number LAD008187080.

II.

On or about March 2, 2010, an inspection was conducted by a representative of the Department which revealed the following violations:

- A. The Respondent failed to label containers of used oil with the words "Used Oil," in violation of LAC 33:V.4013.D.1. Specifically, six (6) 25-gallon containers of used oil in the used oil storage area located adjacent to the EDC container storage area. tank T-135 (a 19,500-gallon tank used for the storage of used oil from throughout the

- facility), two (2) 25-gallon containers and two (2) 5-gallon containers of used oil in the Power I Unit, a 25-gallon container and a 5-gallon container of used oil pads in the Power II Unit, three (3) 25-gallon containers of used oil pads in the Chlorine Plant, one (1) 25-gallon container half full of used oil pads in the Caustic Plant, and one (1) 50-gallon container of used oil filters in the Polyethylene C Plant were not labeled with the words "Used Oil."
- B. The Respondent failed to update the HW-I notification form to include correct information within seven (7) days, in violation of LAC 33:V.1105.B. Specifically, wastes represented by the following 54 EPA waste codes were generated and handled throughout 2008, but were not reported until February 24, 2009. The codes included F039, K017, K030, K073, K174, P030, P063, P098, P106, U003, U004, U009, U012, U025, U028, U029, U031, U037, U052, U066, U067, U069, U070, U075, U079, U084, U088, U101, U102, U107, U112, U117, U118, U121, U127, U128, U140, U159, U161, U162, U165, U169, U170, U180, U183, U188, U199, U196, U207, U209, U226, U228, and U239.
- C. The Respondent failed to maintain the integrity and effectiveness of the final cover of the Northwest Landfill, in violation of LAC 33:V.2521.B.1. Specifically, a number of animal burrows were observed on the landfill, especially near monitoring wells 4 and 5 and around vent pipes.
- D. The Respondent failed to list the EPA hazardous waste codes applicable to waste sent offsite for disposal in the Hazardous Waste Annual Report, in violation of LAC 33:V.1111.B.1.e. Specifically, waste code D030 was listed in two (2) manifests for off-site shipment in 2008, but the code was not listed in the 2008 annual report. Also, waste code U077 was not listed on 2007-2009 annual reports for wastes in Tank S-240 and T-410-2 in the Vinyls II Unit.
- E. The Respondent failed to store universal waste lamps in a closed container, in violation of LAC 33:V.3843.D.1. Specifically, seven (7) waste lamps were sitting on a counter in the Glycol I Control Room, and thirty-six (36) 4-ft waste lamps were being stored in an unclosed container in the Caustic Plant.
- F. The Respondent failed to mark universal waste lamps with one of the following phrases: "Universal Waste – Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)," in

- violation of LAC 33:V.3843.A.6. Specifically, the seven (7) waste lamps in the Glycol I Control Room, and thirty-six (36) 4-ft waste lamps stored in a container in the Caustic Plant were not labeled.
- G. The Respondent failed to have hazardous waste facility personnel take part in an annual review of the initial training required in LAC 33:V.1515.A, in violation of LAC 33:V.1515.C. Specifically, annual hazardous waste training refreshers were given late for several employees.
- H. The Respondent failed to mark containers of hazardous waste with the accumulation start date, in violation of LAC 33:V.1109.E.1.c. Specifically, three (3) containers of hazardous paint waste in the Protherm paint yard and one container holding D019/D022/U044/U045/U080 hazardous waste in the CMP Unit <90 day area were not marked with the date the accumulation began.
- I. The Respondent failed to mark containers of hazardous waste with the words, "Hazardous Waste," in violation of LAC 33:V.1109.E.1.d. Specifically, two (2) containers in the Protherm yard, and one (1) container in the CMP Unit , <90 day storage area were not labeled with the words "Hazardous Waste."
- J. The Respondent failed to mark containers of universal waste lamps with the accumulation start date, in violation of LAC 33:V.3847.C. Specifically, a container of universal waste lamps in the permitted CSA in Environmental Operations Unit was not marked with the date the accumulation began.
- K. The Respondent failed to provide secondary containment for all ancillary equipment, in violation of LAC 33:V.4437.F. Specifically, <90 day tank D-730 had two (2) elbows of the ancillary piping used to transfer waste into the tank located outside of the secondary containment area.
- L. The Respondent failed to demonstrate the length of time that universal waste had been accumulated from the date it became a waste or was received, in violation of LAC 33:V.3847.C. Specifically, thirty-six (36) 4-ft waste lamps stored in a container in the Caustic Plant and electronic equipment in the Polyethylene C Plant were not labeled with the date the accumulation began.
- M. The Respondent failed to mark universal waste electronics with one of the following phrases: "Universal Waste – Electronics," "Waste Electronics," or "Used

Electronics,” in violation of LAC 33:V.3845.A.7. Specifically, waste electronics in the Polyethylene C Plant were not labeled.

- N. The Respondent failed to report all stored or treated hazardous wastes on the Hazardous Waste Annual Report, in violation of LAC 33:V.1111.B.2. Specifically, F039 listed hazardous waste from the open Block 80 is processed through the on-site wastewater treatment system after storage in Tank T-303 and then through internal Outfall 001 and Outfall 002. F039 from the Northwest Landfill is processed through its own wastewater treatment system and then through Outfall 3001. These wastes were not reported on the 2008 and 2009 Hazardous Waste Annual Reports.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To immediately label, upon receipt of this **COMPLIANCE ORDER**, containers of used oil with the words “Used Oil.”

II.

To immediately institute, upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that an updated HW-1 form is submitted to the Department within seven (7) days after the information submitted in the application for the identification number changes.

III.

To immediately institute, upon receipt of this **COMPLIANCE ORDER**, procedures to ensure the integrity and effectiveness of the final cap of the landfill is maintained, including making timely repairs to the cap as necessary.

IV.

To immediately institute, upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that all applicable waste codes are included on hazardous waste annual reports.

V.

To immediately containerize, upon receipt of this **COMPLIANCE ORDER**, all universal waste lamps in accordance with LAC 33:V.3843.D.1.

VI.

To immediately mark, upon receipt of this **COMPLIANCE ORDER**, all universal waste lamps with one of the following phrases: "Universal Waste – Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)."

VII.

To immediately institute, upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that all hazardous waste facility personnel take part in an annual review of the initial training required in LAC 33:V.1515.A.

VIII.

To immediately institute, upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that containers of hazardous waste are marked with the date the waste began accumulating and with the words "Hazardous Waste."

IX.

To immediately mark, upon receipt of this **COMPLIANCE ORDER**, all containers of universal waste lamps with the date the waste began accumulating.

X.

To provide, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, secondary containment for all ancillary equipment in accordance with LAC 33:V.4437.F.

XI.

To immediately institute, upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that facility personnel are able to demonstrate the length of time that universal wastes have been accumulated from the date it becomes a waste or is received.

XII.

To immediately mark, upon receipt of this **COMPLIANCE ORDER**, all universal waste electronics with one of the following phrases: "Universal Waste – Electronics," "Waste Electronics," or "Used Electronics."

XIII.

To immediately institute, upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that all on-site stored, disposed, and treated hazardous wastes are reported on the Hazardous Waste Annual Reports.

XIV.

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

XV.

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

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Alissa Cockerham
Re: Enforcement Tracking No. HE-CN-10-00819
Agency Interest No. 1409

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

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

II.

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

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. HE-CN-10-00819
Agency Interest No. 1409

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

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

V.

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

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more that 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 Alissa Cockerham at (225) 219-1423 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

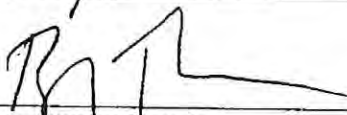
III.

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

IV.

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

Baton Rouge, Louisiana, this 1 day of September, 2010.



Beau James Brock
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Roselle Foote



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 20, 2013

CERTIFIED MAIL (7004 2510 0006 3853 9591)
RETURN RECEIPT REQUESTED

THE DOW CHEMICAL COMPANY
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Boulevard, Suite 400B
Baton Rouge, LA 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-13-01086
AGENCY INTEREST NO. 1409**

Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **THE DOW CHEMICAL COMPANY (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Maggie Turner at (225) 219-4468.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/MBT/mbt
Alt ID No. 1280-00008
Attachment



c: The Dow Chemical Company
c/o William Nipper, Regulatory Affairs Leader
Post Office Box 150
Plaquemine, LA 70765

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

IN THE MATTER OF

**THE DOW CHEMICAL COMPANY
IBERVILLE PARISH
ALT ID NO. 1280-00008**

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

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ENFORCEMENT TRACKING NO.

AE-CN-13-01086

AGENCY INTEREST NO.

1409

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **THE DOW CHEMICAL COMPANY (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Environmental Operations Plant located at 21255 Louisiana Highway 1 in Plaquemine, Iberville Parish, Louisiana. The facility previously operated under Title V Permit No. 2190-V1 issued November 13, 2009, and currently operates under Title V Permit No. 2190-V2 issued July 26, 2011.

II.

In correspondence dated October 21, 2013; October 24, 2013; and October 28, 2013, the Respondent reported exceedances of the permitted emission limits for the UHDE Reactor (EQT0466). Reportedly, testing was conducted to determine the average concentration of pollutants in the inlet streams of the unit. The testing revealed the concentrations of certain pollutants were higher than those used to calculate the permit limits for the reactor. According to the Respondent, the increased

concentrations were due to normal variability in the streams which was not adequately understood or appropriately reflected in the calculations used to determine the permit limits. Prior to November 13, 2009, Title V Permit No. 2190-V0 issued on May 31, 2006, included permit limits of 0.10 tpy Acetaldehyde and 5.0 tpy VOCs for the UHDE Reactor. An emission limit for Methyl Chloride was not included in the permit. The permit limits listed in the table below were included in Title V Permit Nos. 2190-V1 and 2190-V2. The Respondent reported the following emission exceedances:

EMISSION SOURCE	POLLUTANT	ACETALDEHYDE	METHYL CHLORIDE	VOCs
		(tpy)	(chloromethane) (tpy)	(tpy)
	Emission Limits:	0.10	0.12	3.10
UHDE Reactor (EQT0466)	2009 Actual Emissions	0.01	0.23	0.91
	2010 Actual Emissions	0.01	0.56	1.34
	2011 Actual Emissions	0.01	0.12	0.73
	2012 Actual Emissions	0.05	0.39	3.11
	2013 Projected Emissions	0.19	1.04	4.03

Each exceedance of a permitted emission limit is a violation of LAC 33:III.501.C.4 and La R.S. 30:2057(A)(1) and 30:2057(A)(2).

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

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

II.

To address the violations identified in Findings of Fact Paragraph II regarding the UHDE Reactor (EQT0466), the Respondent shall comply with the following:

A. The Respondent shall comply with the following interim limitation(s):

EMISSION SOURCE	ACETALDEHYDE	METHYL CHLORIDE (CHLOROMETHANE)	VOCs
UHDE Reactor (EQT0466)	0.19 tpy	1.04 tpy	4.03 tpy

All emission limitations, monitoring requirements, and permit conditions of Title V Permit No. 2190-V2 shall remain in full force and effect and shall remain enforceable. The interim limitations shall remain in effect until the Department addresses

these excess emissions in a new or modified Title V Operating Permit or unless notified by the Department in writing.

- B. The Respondent shall at all times properly operate and maintain all facilities and systems of control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of the interim limitations.
- C. The Respondent shall report the permit limit exceedances of Acetaldehyde, Methyl Chloride, and VOCs, as set forth in Title V Permit No. 2190-V2, for the UHDE Reactor (EQT0466) in the appropriate reports including, but not limited to, the Annual Compliance Certification and Title V Deviation Reports.

III.

To submit to the Air Permits Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the appropriate permit modification application to rectify the UHDE Reactor (EQT0466) emission limits, as described in Paragraph II of the Order portion of this CONOPP. The Respondent shall submit a copy of the cover letter to the Enforcement Division.

IV.

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

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Maggie Turner
Re: Enforcement Tracking No. AE-CN-13-01086
Agency Interest No. 1409

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

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

II.

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

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. AE-CN-13-01086
Agency Interest No. 1409

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

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

V.

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

VI.

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

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

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

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Maggie Blunsch at (225) 219-4468 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

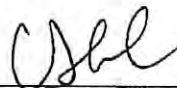
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you

utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

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

Baton Rouge, Louisiana, this 10 day of December, 2013.



Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Maggie Turner



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

March 20, 2015

CERTIFIED MAIL (7004 2510 0006 3853 9096)
RETURN RECEIPT REQUESTED

THE DOW CHEMICAL COMPANY
c/o CT Corporation System
Agent for Service of Process
5615 Corporate Boulevard, Suite 400B
Baton Rouge, LA 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-14-00707
AGENCY INTEREST NO. 1409**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **THE DOW CHEMICAL COMPANY (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Richard Ober, Jr. at (225) 219-3135.

Sincerely,

Celeria J. Cage
Administrator
Enforcement Division

CJC/RO/ro
Alt ID No. LA0003301
Attachment



c: W. Scott White
Responsible Care Leader
The Dow Chemical Company
P.O. Box 150
Plaquemine, LA 70765-0150

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

<p>IN THE MATTER OF</p> <p>THE DOW CHEMICAL COMPANY IBERVILLE PARISH ALT ID NO. LA0003301</p> <p>PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>ENFORCEMENT TRACKING NO.</p> <p>WE-CN-14-00707</p> <p>AGENCY INTEREST NO.</p> <p>1409</p>
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CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **THE DOW CHEMICAL COMPANY (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates an organic chemical manufacturing facility located at 21255 La. Highway 1 near Plaquemine, Iberville Parish, Louisiana. The Respondent is authorized to discharge certain qualities and quantities of wastewater into the Mississippi River, waters of the state, under the terms and conditions of Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0003301 with an effective date of February 1, 2010, and an expiration date of January 31, 2015. LPDES permit LA0003301 was subsequently modified on December 31, 2011, with no change in the expiration date. LPDES permit LA0003301 expired on January 31, 2015, and was administratively continued.

II.

On or about July 3, 2013, the Department issued **COMPLIANCE ORDER WE-C-13-00487**. A response dated August 16, 2013, was received from the Respondent. **COMPLIANCE ORDER WE-C-13-00487** is a final action of the Department and not subject to further review.

III.

A file review conducted by the Department on or about January 31, 2015, revealed the following effluent limitation exceedances as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Date	Outfall	Parameter	Limit	Sample Value
3/31/2011	511Q	TSS Monthly Average	49.4 mg/L	61 mg/L
	601Q	TOC Daily Maximum	50 mg/L	58 mg/L
6/30/2011	121Q	BOD Monthly Average	63 lbs/day	65 lbs/day
7/31/2011	551A	TSS Daily Maximum	149 mg/L	202 mg/L
	551A	TSS Monthly Average	46 mg/L	68 mg/L
4/30/2014	631A	BOD Daily Maximum	11,780 lbs/day	21,618 lbs/day
	631A	TSS Daily Maximum	21,158 lbs/day	29,540 lbs/day
11/30/2014	631A	BOD Daily Maximum	11,780 lbs/day	15,058 lbs/day

Each effluent exceedance of a permit limitation is a violation of LPDES permit LA0003301 (Part I and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

IV.

A file review conducted by the Department on or about January 31, 2015, revealed that the Respondent failed to accurately measure flow. Specifically, the Respondent reported the following on its DMRs:

- A. On the March 2010 DMR cover letter dated April 14, 2010, the Respondent reported that it was determined that a reliable flow measurement was not available for the once-through cooling water to Internal Outfall 311. The Respondent noted that this was discovered during the preparation of data for the first DMR submission under the new permit. The flow and Total Suspended Solids (TSS) were estimated based on the known flows and operating conditions at that time. According to the Respondent, it was their

belief that even without knowledge of the percentage of flow from the once-through cooling water that was allocated to the Solvents Plant, the estimated TSS discharge was lower than the permitted limits using the flow estimate for March 7, 2010. The Respondent noted that it would install a flow meter to measure flow in April 2010.

- B. On the March 2011DMR dated April 14, 2011, the Respondent reported that the outfall meter data for Internal Outfall 541 at the Chlorinated Methanes Plant was determined to be unreliable and did not meet the calibrated flow monitoring requirements of the permit beginning on March 7, 2011. A new outfall flow meter was installed, calibrated and placed into service on March 22, 2011. However, according to the Respondent, during this period the associated concentration data was non-detect for Chloromethane and the estimated Methyl Chloride discharge parameters were within permit limits when the mass discharge was calculated using monthly maximum flow.

Each failure to accurately measure flow is a violation of LPDES permit LA0003301 (Part III, Section C.6 and Part III, Section A.2) and La. R.S. 30:2076(A)(3).

V.

A file review conducted by the Department on or about January 31, 2015, revealed that the Respondent failed to take a representative sample for pH for Outfall 002A for November 2012. According to the Respondent's Discharge Monitoring Report (DMR) for November 2012, an administrative error occurred in which the sample was collected from the sump, which is the main source of the outfall flow, and not from the designated outfall sampling point while flowing. The failure to take a representative sample for pH is a violation of LPDES permit LA0003301 (Part I, page 49 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.J.1.

VI.

A file review conducted by the Department on or about January 31, 2015, revealed that the Respondent caused and/or allowed the following unauthorized discharges:

- A. According to the Respondent's Unauthorized Discharge Notification report dated October 26, 2010, a discharge of approximately 75.4 pounds of carbon tetrachloride occurred on or about October 19, 2010, and lasted 153 hours. Specifically, the discharge occurred during the startup of the Solvents plant after a shutdown when a small amount of carbon tetrachloride remained in the system after internal cleaning of the piping had been performed. A routine sample detected carbon tetrachloride at a scrubber discharge at low (ppb) levels.

The Respondent noted that in the past, purging procedures that return carbon tetrachloride to the process resulted in negligible levels in the water. The Respondent would evaluate increased purging of piping after cleaning, if needed, to insure that negligible residual remains after maintenance activities.

- B. According to the Respondent's Unauthorized Discharge Notification report dated August 17, 2011, a discharge of approximately 890,335 pounds of brine solution occurred on or about August 15, 2011. Specifically, the discharge occurred when a bleed valve failed on piping that contained brine. The brine was released through an LPDES outfall and according to the Respondent, was similar in nature to routine permitted discharges.

Each discharge was ultimately released to the Mississippi River, waters of the state, which was not authorized by the permit, in violation of La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations including, but not limited to meeting and maintaining permit limitations, performing sampling as required, accurately measuring flow, and ceasing unauthorized discharges.

II.

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

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Richard Ober, Jr.
Re: Enforcement Tracking No. WE-CN-14-00707
Agency Interest No. 1409

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

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

II.

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

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: **Hearings Clerk, Legal Division**
Re: **Enforcement Tracking No. WE-CN-14-00707**
Agency Interest No. 1409

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

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

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from

contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

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

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

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

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Richard Ober, Jr. at (225) 219-3135 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

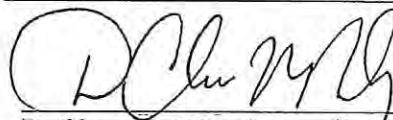
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross

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.

IV.

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

Baton Rouge, Louisiana, this 10 day of March, 2015.



D. Chance McNeely
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Richard Ober, Jr.



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 10, 2015

CERTIFIED MAIL (7012 3460 0001 0423 2133/2140)
RETURN RECEIPT REQUESTED

THE DOW CHEMICAL COMPANY
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Blvd., STE.400B
Baton Rouge, Louisiana 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-CN-14-00862
AGENCY INTEREST NO. 1409**

Dear Sir or Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **THE DOW CHEMICAL COMPANY (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Erin Dartez at (225) 219-3636.

Sincerely,

Celena V. Cage
Administrator
Enforcement Division

CJC/AED
Alt ID No. LAD008187080
Attachment



c: The Dow Chemical Company-Louisiana Operations
Post Office Box 150
Plaquemine, Louisiana 70765

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

IN THE MATTER OF

**THE DOW CHEMICAL COMPANY
IBERVILLE PARISH
ALT ID NO. LAD008187080**

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

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **HE-CN-14-00862**
*
* **AGENCY INTEREST NO.**
*
* **1409**
*

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **THE DOW CHEMICAL COMPANY (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates a facility known as the Dow Chemical Company-Louisiana Operations that manufactures plastics, cellulose, propylene oxide and other materials. The facility is on a 1,500 acre site that is bisected by Iberville and West Baton Rouge Parishes. The Respondent has notified as a permitted treatment, storage, and disposal facility, a large quantity generator of hazardous waste, and a large quantity handler of universal waste. The facility operates under a RCRA permit number LAD008187080-OP-1-RN-1.

II.

On or about March 19, 2014, to March 21, 2014, an inspection was conducted by the Department that revealed the following violations:

- A. The Respondent failed to clearly mark permitted Tank D-42B with the words "Hazardous Waste" in accordance with LAC 33:V.1109.E.1.d, in violation of LAC 33:V.309.A and Permit Condition V.A.1.b.(2). Specifically, the tank needed to be labeled with the words "Hazardous Waste," after sandblasting activities removed the labeling that had been stenciled on with paint. This item has been addressed.
- B. The Respondent failed to label hazardous waste in a permitted container storage area, in violation of LAC 33:V.1109.E.1.d. Specifically, one (1) unlabeled DAK pak (benzene contaminated waste activated carbon (D018)) was in a permitted container storage area found on the eastern ramp. This item was immediately corrected.
- C. The Respondent failed to provide ancillary equipment with secondary containment, in violation of LAC 33:V.1907.F and Permit Condition III.A.1. Specifically, the discharge valve for permitted Tank D-751 was outside the containment wall.
- D. The Respondent failed to label a twenty-five (25) gallon container with the words "Hazardous Waste," in violation of LAC 33:V.1109.E.1.d and Permit Condition III.A.1. This item has been addressed. Specifically, a twenty-five (25) gallon DAK Pack on a pallet in the LHC III less than 90-day container storage area was not labeled. The inspector verified that this was labeled prior to the end of the inspection.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To immediately institute procedures, upon receipt of this **COMPLIANCE ORDER**, to ensure that all storage containers and permitted tanks that contain hazardous waste are labeled with the words "Hazardous Waste."

II.

To provide, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, secondary containment for all ancillary equipment including the discharge valve for the permitted Tank D-751, and to submit documentation to the Enforcement Division that adequate secondary containment was provided for permitted Tank D-751.

III.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Hazardous Waste Regulations and RCRA Permit LAD008187080-OP-1-RN-1.

IV.

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

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Erin Dartez
Re: Enforcement Tracking No. HE-CN-14-00862
Agency Interest No. 1409

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

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

II.

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

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Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. HE-CN-14-00862
Agency Interest No. 1409

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

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

V.

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

VI.

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

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

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

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Erin Dartez at (225) 219-3636 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

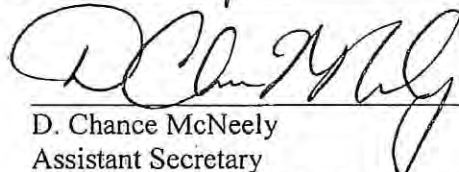
III.

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

IV.

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

Baton Rouge, Louisiana, this 10 day of February, 2015.



D. Chance McNeely
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Erin Dartez