

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

SOLVAY USA INC.

AI # 193924

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

\* Settlement Tracking No.  
\* SA-HE-18-0078  
\*  
\* Enforcement Tracking No.  
\* HE-PP-16-01220  
\* HE-PP-16-01220A  
\*  
\*  
\*

SETTLEMENT

The following Settlement is hereby agreed to between Solvay USA Inc. (“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 production facility located in East Baton Rouge Parish, Louisiana (“the Facility”).

II

On May 11, 2017, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. HE-PP-16-01220, attached as Exhibit A.

III

On February 5, 2019, the Department issued to Respondent an Amended Notice of Potential Penalty, Enforcement No. HE-PP-16-01220A, attached as Exhibit B.

#### 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 THREE THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$3,250.00), of which Nine Hundred Thirty-Six and 90/100 Dollars (\$936.90) 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), the Amended 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 journal of the parish governing authority in East Baton Rouge Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

## 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 C).

## 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.

Solvay USA Inc.

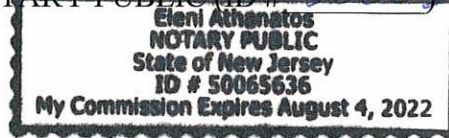
BY: Lucy Simek  
(Signature)

LUCY SIMEK  
(Printed)

TITLE: EXECUTIVE VP - GM, AROMA PERFORMANCE

THUS DONE AND SIGNED in duplicate original before me this 29<sup>th</sup> day of April, 20 19, at Mercer County, New Jersey

Eleni ID: 50065636  
NOTARY PUBLIC (ID # 50065636)



(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
Chuck Carr Brown, Ph.D., Secretary

BY: [Signature]  
Lourdes Iturralde, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 2<sup>nd</sup> day of May, 20 19, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 19181)

Perry Theriot  
(stamped or printed)

Approved: [Signature]  
Lourdes Iturralde, Assistant Secretary



JOHN BEL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, Ph.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE  
May 11, 2017

CERTIFIED MAIL (7016 0910 0000 2672 8207)  
RETURN RECEIPT REQUESTED

**SOLVAY USA INC.**  
c/o Corporation Service Company  
Agent for Service of Process  
501 Louisiana Avenue  
Baton Rouge, LA 70802

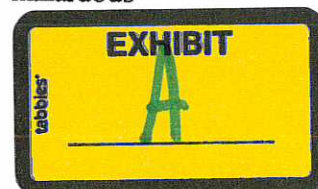
**RE: NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. HE-PP-16-01220  
AGENCY INTEREST NO. 193924**

Dear Sir/Madam:

On or about February 23, 2016, and March 2, 2016, inspections of the **CATHYVAL PLANT**, a chemical production plant, owned and/or operated by **SOLVAY USA INC. (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations. The facility is located at 1275 Airline Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The Respondent is classified as a large quantity generator of hazardous waste and operates under EPA Identification No. LAR000084640.

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

- A. The Respondent failed to label or mark clearly each lamp or a container or package in which such lamps are contained with any of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)," in violation of LAC 33:V.3823.A.6. Specifically, during the February 23, 2016 inspection, three (3) boxes of universal waste lamps found in the MPC Room were labeled incorrectly. Two (2) of the boxes were labeled "Universal Waste Fluorescent Bulbs," and one (1) box was labeled "Universal Waste HPS." During the March 2, 2016 inspection, the three (3) boxes of universal waste lamps were labeled "Used Lamps." This violation has been addressed.
- B. The Respondent failed to transfer hazardous waste from a container not in good condition to a container that is in good condition in accordance with LAC 33:V.2103.A, in violation of LAC 33:V.1109.E.4. Specifically, during the February 23, 2016 inspection, one (1) metal 55-gallon drum of contaminated personal protective equipment (PPE) labeled "hazardous



SOLVAY USA INC.

HE-PP-16-01220

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- waste” was located in the satellite accumulation area of the Cathy Unit. The lid of the drum had significant rust and deterioration. The drum was observed to be full because the liquid inside of the drum was observed at the top of the drum. Respondent representatives suspected that the liquid inside the drum was rainwater that had entered through the deteriorated lid. In a response submitted to the Department dated January 27, 2017, the Respondent stated that the PPE could potentially be contaminated with phenol (U188) and solvents (F003) used in the Cathy Unit. During the March 2, 2016 inspection, the lid was replaced and the hazardous waste in the drum had been removed. This violation has been addressed.
- C. The Respondent failed to clean up any spilled material that is a hazardous waste or that will be disposed of as a hazardous waste, in violation of LAC 33:V.1121. Specifically, employees of the facility intentionally poured the liquid contents of the metal drum described in Paragraph B into a trench that was stated to drain to the “High Risk Sump” which is pumped to the wastewater treatment plant. The intentional spill was a one-time event due to the collection of rain water in the drum through the deteriorated lid. During the March 2, 2016 inspection, the lid was replaced and the hazardous waste in the drum had been removed. This violation has been addressed.
- D. The Respondent failed to mark containers containing hazardous waste with an accumulation start date, in violation of LAC 33:V.1109.E.1.c. Specifically, during the February 23, 2016 inspection, two (2) 3.5-gallon buckets of hazardous waste located in the Pig Pen (Less Than 90-Day Container Storage Area) were not marked with an accumulation start date. A representative of the Respondent added an accumulation start date to the labels on the buckets during the inspection. This violation has been addressed.
- E. The Respondent failed to label or clearly mark containers used to store used oil at the facility with the words “Used Oil,” in violation of LAC 33:V.4013.D.1. Specifically, during the February 23, 2016 inspection, eight (8) 55-gallon drums of used oil located in the Pig Pen (Less Than 90-Day Container Storage Area) and three (3) drums of used oil and a sump storing used oil located in the oil storage section of the Maintenance Shop were not labeled. A representative of the Respondent added “Used Oil” to the labels on the drums in the Pig Pen during the inspection. During the March 2, 2016 inspection, a representative of the Respondent stated that the used oil that was previously located in the drums in the Maintenance Shop was pumped to the labeled used oil tote. Additionally, during the March 2, 2016 inspection, a sign labeled “Used Oil” was posted on the wall next to the sump in the Maintenance Shop. This violation has been addressed.
- F. The Respondent failed to mark satellite accumulation containers of hazardous waste with the words “Hazardous Waste,” in violation of LAC 33:V.1109.E.4. Specifically, during the February 23, 2016 inspection, one (1) 55-gallon drum of spent aerosol cans (D001 and/or D002) was labeled “Non-RCRA Regulated Waste;” however, spent aerosol cans would be classified as hazardous waste due to the substances remaining in the cans. During the March 2, 2016 inspection, the drum was labeled “Hazardous Waste.” This violation has been addressed.
- G. The Respondent failed to ensure the waste minimization plan on site was certified by a Louisiana registered professional engineer in violation of LAC 33:V.2245.J. Specifically, the Respondent did have a waste minimization plan since February 2015; however, it was not certified by a professional engineer until February 29, 2016. This violation has been addressed.

SOLVAY USA INC.

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H. The Respondent failed to include the name and EPA identification number of each transporter used during the report year for shipments to a treatment, storage, or disposal facility within the United States in the annual report, in violation of LAC 33:V.1111.B.1.d. Specifically, the Respondent failed to include one (1) transporter (Safety Kleen) used for a hazardous waste shipment of laboratory waste (D009, F003, U188) using Manifest No. 008392319FLE in the 2015 Hazardous Waste Annual Report. The Respondent submitted a cover letter dated March 14, 2016, indicating a revised OI form including the missing transporter was submitted electronically on March 4, 2016. This violation has been addressed.

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

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Cynthia Arrison at (225) 219-3796 or [Cynthia.Arrison@la.gov](mailto:Cynthia.Arrison@la.gov) within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

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.

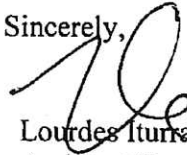
The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.



SOLVAY USA INC.  
HE-PP-16-01220  
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To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

LI/CLA/cia  
Alt ID No. LAR000084640

c: Solvay USA, Inc.  
c/o Tricia Delatin  
1275 Airline Highway  
Baton Rouge, LA 70805

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
 OFFICE OF ENVIRONMENTAL COMPLIANCE  
 ENFORCEMENT DIVISION  
 POST OFFICE BOX 4312  
 BATON ROUGE, LOUISIANA 70821-4312**



**NOTICE OF POTENTIAL PENALTY  
 REQUEST TO SETTLE (OPTIONAL)**

<b>Enforcement Tracking No.</b>	HE-PP-16-01220	<b>Contact Name</b>	Cynthia Arrison
<b>Agency Interest (AI) No.</b>	193924	<b>Contact Phone No.</b>	(225) 219-3796
<b>Alternate ID No.</b>	LAR000084640		
<b>Respondent:</b>	<b>SOLVAY USA INC.</b>	<b>Facility Name:</b>	SOLVAY USA INC.
	c/o Corporation Service Company	<b>Physical Location:</b>	1275 Airline Highway
	Agent for Service of Process		
	501 Louisiana Avenue	<b>City, State, Zip:</b>	Baton Rouge, LA 70805
Baton Rouge, LA 70802	<b>Parish:</b>	East Baton Rouge Parish	

**SETTLEMENT OFFER (OPTIONAL)**

*(check the applicable option)*

The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.

In order to resolve any claim for civil penalties for the violations in **NOTICE OF POTENTIAL PENALTY (HE-PP-16-01220)**, the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.

In order to resolve any claim for civil penalties for the violations in **NOTICE OF POTENTIAL PENALTY (HE-PP-16-01220)**, the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ \_\_\_\_\_ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.

- Monetary component = \$ \_\_\_\_\_
- Beneficial Environmental Project (BEP) component (optional)= \$ \_\_\_\_\_
- **DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM-** the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

The Respondent has reviewed the violations noted in **NOTICE OF POTENTIAL PENALTY (HE-PP-16-01220)** and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

**CERTIFICATION STATEMENT**

*I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.*

<b>Respondent's Signature</b>	<b>Respondent's Printed Name</b>	<b>Respondent's Title</b>
<b>Respondent's Physical Address</b>	<b>Respondent's Phone #</b>	<b>Date</b>

**MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:**

Louisiana Department of Environmental Quality  
 Office of Environmental Compliance  
 Enforcement Division  
 P.O. Box 4312  
 Baton Rouge, LA 70821  
 Attn: Cynthia Arrison



JOHN BEL EDWARDS  
GOVERNOR

CHUCK CARR BROWN, F.H.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 5, 2019

CERTIFIED MAIL (7018 0360 0001 5039 0690)  
RETURN RECEIPT REQUESTED

**SOLVAY USA INC.**  
c/o Corporation Service Company  
Agent for Service of Process  
501 Louisiana Avenue  
Baton Rouge, LA 70802

**RE: AMENDED NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. HE-PP-16-01220A  
AGENCY INTEREST NO. 193924**

Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED NOTICE OF POTENTIAL PENALTY** is hereby served on **SOLVAY USA INC. (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Cynthia Arrison at (225) 219-3796.

Sincerely,

Celena J. Cage  
Administrator  
Enforcement Division

CJC/cia  
Alt ID No. LAR000084640  
Attachment

c: Solvay USA, Inc.  
c/o Tricia Delatin  
1275 Airline Highway  
Baton Rouge, LA 70805



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

**IN THE MATTER OF**

**SOLVAY USA INC.  
EAST BATON ROUGE PARISH  
ALT ID NO. LAR000084640**

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**ENFORCEMENT TRACKING NO.**

**HE-PP-16-01220A**

**AGENCY INTEREST NO.**

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

**193924**

**AMENDED NOTICE OF POTENTIAL PENALTY**

The Louisiana Department of Environmental Quality (the Department) hereby amends the **NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. HE-PP-16-01220** issued to **SOLVAY USA INC. (RESPONDENT)** on May 11, 2017, in the above-captioned matter as follows:

I.

The Department hereby removes paragraph C, in its entirety.


II.

The Department incorporates all of the remainder of the original **NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. HE-PP-16-01220** and **AGENCY INTEREST NO. 193924** as if reiterated herein.

III.

This **AMENDED NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 5<sup>th</sup> day of February, 2019.

  
\_\_\_\_\_  
Lourdes Iturza  
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  
Post Office Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Cynthia Arrison