

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

* **Settlement Tracking No.**
* **SA-MM-23-0058**

**AMCOL HEALTH & BEAUTY SOLUTIONS,
INCORPORATED**

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AI # 40486

* **Enforcement Tracking No.**
* **MM-PP-20-00768**

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

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SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between AMCOL Health & Beauty Solutions, Incorporated (“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 owned and/or operated a cosmetics production facility located in Lafayette, Lafayette Parish, Louisiana (“the Facility”).

II

On January 29, 2021, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. MM-PP-20-00768 (Exhibit 1).

The following violations, although not cited in the foregoing enforcement action, are included within the scope of this settlement:

An inspection on or about January 25, 2022, and a file review on or about June 29, 2022, conducted by the Department revealed that the Respondent failed to comply with LPDES Permit

LA0108936. Specifically, a review of Discharge Monitoring Reports (DMRs) between October 2020 and April 2022, revealed that the Respondent reported exceedances of permit effluent limitations for BOD5, TSS, and Hexachlorobenzene. Each exceedance of a permit effluent limitation is a violation of LPDES Permit LA0108936 (Part I, pgs. 2-6 of 6, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

A file review on or about June 29, 2022, conducted by the Department revealed that the Respondent failed to comply with LPDES Permit LA0108936. Specifically, the Respondent failed to sample the effluent from Outfall 001 on an annual basis for 4,6-Dinitro-o-cresol during the 2020 calendar year. The failure to sample is a violation of LPDES Permit LA0108936 (Part I, pgs. 2-6 of 6, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TWENTY-THREE THOUSAND AND NO/100 DOLLARS (\$23,000.00), of which Two Thousand Seven Hundred Eighty-Nine and 76/100 Dollars (\$2,789.76) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement Agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

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

VI

This Settlement 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 Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VII

This Settlement Agreement 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 Agreement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

VIII

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

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Lafayette Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement 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 Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement 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 attached hereto.

XI

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

XII

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

**AMCOL HEALTH & BEAUTY
SOLUTIONS, INCORPORATED**

BY: _____
(Signature)

(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at _____.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

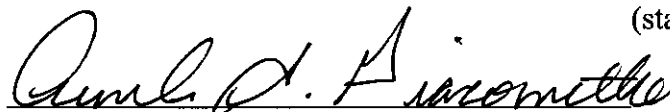
**LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

BY: _____
Aurelia S. Giacometto, Secretary

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved: 
Aurelia S. Giacometto, Secretary

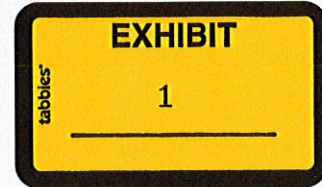


JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

JAN 29 2021



CERTIFIED MAIL (7019 2970 0000 6037 4166)
RETURN RECEIPT REQUESTED

AMCOL HEALTH & BEAUTY SOLUTIONS, INCORPORATED
c/o CT Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 708160

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-PP-20-00768
AGENCY INTEREST NO. 40486**

Dear Sir/Madam:

On or about June 3, 2020, an inspection and subsequent file review on or about December 10, 2020, of **AMCOL HEALTH AND BEAUTY SOLUTIONS, INC.**, a cosmetics production facility, owned and/or operated by **AMCOL HEALTH & BEAUTY SOLUTIONS, INCORPORATED (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations, Water Quality Regulations, Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0108936, and LPDES MSGP LAR05M140. The facility is located at 301 Laser Lane in Lafayette, Lafayette Parish, Louisiana. The Respondent has notified the Department as a Large Quantity Generator (LQG) of hazardous waste and operates under EPA identification number LAD981522295.

The Respondent was issued LPDES Permit LA0108936 on April 22, 2013, with an effective date of June 1, 2013. The Respondent submitted a renewal application on or about December 5, 2017, and LPDES Permit LA0108936 was administratively continued until it was reissued on May 31, 2019, with an effective date of July 1, 2019. LPDES Permit LA0108936 will expire on June 30, 2024. Under the terms and conditions of LPDES Permit LA0108936, the Respondent is permitted to discharge treated process wastewater and other associated wastewater streams into an unnamed coulee, thence into Francois Coulee, thence into the Vermilion River, all waters of the state. In addition, the Respondent was granted reauthorization under LPDES Multi Sector General Permit (MSGP) LAR05M140 effective on September 6, 2016. LPDES MSGP LAR05M140 will expire May 8, 2021. Under the terms and conditions of LPDES MSGP LAR05M140, the Respondent is permitted to discharge storm water associated with industrial activities.

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Effective July 20, 2020, the Department amended LAC 33:V.Hazardous Waste Regulations. Violations noted during inspections occurring prior to this date are based on regulations in effect at the time of the inspection. However, violations noted during inspections occurring on or after July 20, 2020, are based on the amended regulations.

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

- A. The Respondent generated a solid waste and failed to determine if that waste is a hazard, in violation of LAC 33:V.1103. Specifically, the Respondent failed to make a hazardous waste determination on the following:
 - i. Two (2) partially full drums of spent solvent (F005, D001) labeled "F-301 Drum Solvent Recovery" located in the Main Plant Area;
 - ii. Eighty nine (89) drums containing acetone/water mixture located in the less than ninety (90) day container storage area; and
 - iii. Eleven (11) drums containing methanol and toluene labeled "for recovery" located in the less than ninety (90) day container storage area.

During the inspection, a representative of the Respondent determined through process knowledge that the aforementioned wastes are a hazard. The hazardous waste drums described in Paragraph A.i were partially full, deemed satellite accumulation containers, and were labeled with identifying words. The hazardous wastes described in Paragraphs A.ii and iii were properly disposed of at an authorized facility, as verified by a response dated January 3, 2021 and hazardous waste manifest 019410482JJK.

- B. The Respondent failed to clean up and dispose of hazardous waste spills in a timely manner, in violation of LAC 33:V.1121.A. Specifically, located in the Isopropyl Alcohol (IPA) Distillation Column Satellite Accumulation Area, the Department observed evidence of a spill of IPA/residual monomer hazardous waste (D001, F003, F005) within the secondary containment system for the distillation unit. There was recently spilled hazardous waste on top of previously spilled, dry hazardous waste. Responses submitted by the Respondent dated December 9, 2020 and January 3, 2021, stated the spill of IPA/residual monomer hazardous waste (D001, F003, F005) has been cleaned, and the Standard Operating Procedure (SOP) has been updated to prevent future occurrences of failing to clean spills.
- C. The Respondent failed to transfer hazardous waste from a leaking container or a container not in good condition to a container that is in good condition or manage the waste in some other way that complies with LAC 33:V.Chapter 21, as specified in LAC 33:V.2103, in violation of LAC 33:V.1109.E.4. Specifically, a drum labeled "hazardous waste" (D001) located in the Lab Waste Satellite Accumulation Areas was corroded and leaking. In a response dated June 10, 2020, a representative of the Respondent stated the corroded and leaking drum was placed in an overpack drum. This was verified by photographs submitted in the June 10, 2020 response. Additionally, responses submitted by the Respondent dated December 9, 2020 and

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January 3, 2021, stated hazardous waste weekly inspections will monitor the condition of all waste containers.

- D. The Respondent stored regulated hazardous waste for more than ninety (90) days without a permit or other authorization, in violation of LAC 33:V.303.B. Specifically, the Respondent stored four (4) drums labeled "Hazardous Waste" in the less than ninety (90) day Container Storage Area for more than ninety (90) days. Three (3) of the drums were labeled with an accumulation start date of January 14, 2020, and one (1) drum was labeled with an accumulation start date of January 2020. The four (4) drums of hazardous waste were properly disposed of at an authorized facility, as verified by a response dated January 3, 2021 and hazardous waste manifest 019410482JJK. Additionally, the January 3, 2020, response stated hazardous waste weekly inspections will monitor timely disposal.
- E. The Respondent failed to mark containers containing hazardous waste with an accumulation start date, in violation of LAC 33:V.1109.E.1.e. Specifically, the Respondent failed to mark one (1) drum labeled "Hazardous Waste" located in the less than ninety (90) day Container Storage Area with a complete accumulation start date. The drum was marked with an accumulation start date of January 2020. Responses submitted by the Respondent dated December 9, 2020 and January 3, 2021, stated employees were retrained on proper labeling procedures and weekly hazardous waste inspections will monitor the proper labeling of all waste containers.
- F. The Respondent failed to submit a single copy of the annual report to the Office of Environmental Services by March 1 of each year, in violation of LAC 33:V.1111.B.1. Specifically, at the time of the inspection, the Respondent had not submitted the 2019 Annual Hazardous Waste Report to the Department. On or about July 27, 2020, the Department received the 2019 Annual Hazardous Waste Report.
- G. The Respondent failed to have the waste minimization plan certified by a Louisiana professional engineer, as specified in LAC 33:V.2245.J, in violation of LAC 33:V.1109.E.1.e. Specifically, at the time of the inspection, the facility's waste minimization plan, titled "Hazardous Waste Management Plan," was not certified by a Louisiana professional engineer. The waste minimization plan was certified by a Louisiana professional engineer on or about August 25, 2020. A copy of the certified waste minimization plan was submitted to the Department on or about January 3, 2021.
- H. The Respondent failed to maintain training records of current facility personnel, until the closure of the facility, as specified in LAC 33:V.1515.E, in violation of LAC 33:V.1109.E.1.e. Specifically, at the time of the inspection, a representative of the Respondent could only provide employee training records for 2017. On or about June 10, 2020, employee training records for 2020 were provided. The representative stated employee training records for 2018 and 2019 could not be located due to personnel changes at the facility. Responses submitted by the Respondent dated December 9, 2020 and January 3, 2021, stated an annual hazardous waste refresher training was held

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on June 10, 2020, for all employees that manage hazardous waste and that all training records will be maintained electronically.

- I. The Respondent failed to conduct weekly inspections of its hazardous waste containers, as specified in LAC 33:V.2109.A, in violation of LAC 33:V.1109.E.1.a.i. Specifically, a review of the facility's weekly hazardous waste inspection records from January 1, 2020, through June 3, 2020, revealed multiple weeks in which weekly inspections were not performed. A response submitted by the Respondent dated August 14, 2020, stated a weekly hazardous waste inspection form was created, and weekly hazardous waste inspections have been occurring since June 3, 2020. Hazardous Waste Weekly Inspection records from August 12, 2020 to December 14, 2020, were submitted to the Department on or about January 3, 2021.
- J. The Respondent failed to keep hazardous waste accumulation containers closed during storage, except when necessary to add or remove hazardous waste, as specified in LAC 33:V.2107.A, in violation of LAC 33:V.1109.E.4. Specifically, two (2) drums containing hazardous waste (F005, D001) labeled "F-301 Drum Solvent Recovery" had lids on the drums but failed to have a ring clamp securing the lids. Both of the drums were approximately half full and were located in the Main Plant Area. On or about January 7, 2020, the Respondent provided photographs showing the hazardous waste containers are properly closed.
- K. The Respondent failed to clearly label each container of hazardous waste with the words "Hazardous Waste," as specified in LAC 33:V.1109.E.1.d. Specifically, eighty nine (89) drums containing acetone/water and eleven (11) drums containing methanol and toluene labeled "for recovery" located in the less than ninety (90) day container storage area were not labeled "Hazardous Waste." According to a response submitted on or about December 9, 2020, these drums were sent off-site for disposal on or about July 14, 2020, as verified by hazardous waste manifest 019410482JJK.
- L. On or about June 3, 2020, an inspection conducted by the Department revealed that the Respondent failed to prepare a complete Spill Prevention and Control (SPC) Plan. Specifically, during the inspection it was determined that the Respondent's SPC Plan failed to include the hazardous waste container and the flammable (raw materials) storage areas. These areas consisted of several containers and drums. Chemicals stored in these areas included methanol, toluene, isopropanol, ethanol, methyl methacrylate, and acetone. The storage capacity for each area exceeded 1,320 gallons (See Attachment 3, Photos 22 through 24 of the inspection report). A representative of the Respondent informed the Department that these areas were included on page 3 of the SPC Plan (See Attachment 5 of the inspection report); however, a review of the plan revealed that it did not list the "identity, amount, and location of substances stored at the facility" for the hazardous waste container and flammable (raw materials) storage areas. The failure to prepare a complete SPC Plan is a violation of La. R.S. 30:2076(A)(3), and LAC 33:IX.905.B. The Department received a response dated January 3, 2021, which included an updated SPC Plan date December 9, 2020. The updated SPC Plan addressed the missing information.

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- M. A file review on or about December 10, 2020, conducted by the Department revealed that the Respondent failed to comply with LPDES Permit LA0108936. Specifically, a review of Discharge Monitoring Reports (DMRs) between October 2015 and September 2020, revealed that the Respondent reported the following exceedances of permit effluent limitations:

MP Eff Date	Outfall	Parameter	Limit	DMR Value	Units
12/31/2016	001-A	BOD, 5-day, 20 deg. C --- MO AVG	24	70	mg/L
12/31/2016	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	64	70	mg/L
12/31/2016	001-S	Hexachlorobenzene --- MO AVG	.0405	<4	ug/L
12/31/2016	001-S	Hexachlorobenzene --- DAILY MX	.0964	<4	ug/L
02/28/2017	001-A	pH range excursions, > 60 minutes --- DAILY MX	0	1	occur/mo
07/31/2017	001-A	BOD, 5-day, 20 deg. C --- MO AVG	24	38	mg/L
07/31/2017	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	64	128	mg/L
09/30/2017	001-A	pH range excursions, > 60 minutes --- DAILY MX	0	2	occur/mo
11/30/2017	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	64	121	mg/L
12/31/2017	001-S	Hexachlorobenzene --- MO AVG	.0405	<.4	ug/L
12/31/2017	001-S	Hexachlorobenzene --- DAILY MX	.0964	<.4	ug/L
01/31/2018	001-A	BOD, 5-day, 20 deg. C --- MO AVG	24	37	mg/L
01/31/2018	001-A	Zinc, total [as Zn] --- MO AVG	439	1760	ug/L
01/31/2018	001-A	Zinc, total [as Zn] --- DAILY MX	1043	1760	ug/L
02/28/2018	001-A	Zinc, total [as Zn] --- MO AVG	439	817	ug/L
02/28/2018	001-A	Zinc, total [as Zn] --- DAILY MX	1043	1230	ug/L
02/28/2018	002-A	Carbon, tot organic [TOC] --- DAILY MX	50	334	mg/L
06/30/2018	001-A	pH range excursions, > 60 minutes --- DAILY MX	0	1	occur/mo
06/30/2018	001-A	pH range excursions, monthly total accum --- DAILY MX	446	3780	min
06/30/2018	001-S	Hexachlorobenzene --- MO AVG	.0405	<.00404	ug/L
06/30/2018	001-S	Hexachlorobenzene --- DAILY MX	.0964	<.00404	ug/L
10/31/2018	001-A	BOD, 5-day, 20 deg. C --- MO AVG	24	122	mg/L
10/31/2018	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	64	122	mg/L
12/31/2018	001-S	Hexachlorobenzene --- MO AVG	.0405	<4	ug/L
12/31/2018	001-S	Hexachlorobenzene --- DAILY MX	.0964	4	ug/L
03/31/2019	001-A	BOD, 5-day, 20 deg. C --- MO AVG	24	71.5	mg/L
03/31/2019	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	64	109	mg/L
04/30/2019	001-A	BOD, 5-day, 20 deg. C --- MO AVG	24	30	mg/L
04/30/2019	001-A	Zinc, total [as Zn] --- MO AVG	439	721	ug/L
04/30/2019	001-A	pH range excursions, > 60 minutes --- DAILY MX	0	1	occur/mo
06/30/2019	001-A	pH range excursions, > 60 minutes --- DAILY MX	0	1	occur/mo
11/30/2019	001-A	BOD, 5-day, 20 deg. C --- MO AVG	24	97	mg/L
11/30/2019	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	64	97	mg/L
11/30/2019	001-A	Solids, total suspended --- MO AVG	40	244	mg/L
11/30/2019	001-A	Solids, total suspended --- DAILY MX	130	244	mg/L
11/30/2019	001-A	Zinc, total [as Zn] --- MO AVG	789	1230	ug/L
12/31/2019	001-A	Solids, total suspended --- MO AVG	40	99	mg/L
12/31/2019	002-A	Carbon, tot organic [TOC] --- DAILY MX	50	51.4	mg/L

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MP End Date	Outfall	Parameter	Limit	DMR Value	Units
01/31/2020	001-A	BOD, 5-day, 20 deg. C --- MO AVG	24	44	mg/L
01/31/2020	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	64	70	mg/L
01/31/2020	001-A	Solids, total suspended --- MO AVG	40	78.7	mg/L
01/31/2020	001-A	Zinc, total [as Zn] --- MO AVG	789	2132	ug/L
01/31/2020	001-A	Zinc, total [as Zn] --- DAILY MX	1873	3550	ug/L
02/29/2020	001-A	Solids, total suspended --- MO AVG	40	92	mg/L
02/29/2020	001-A	Zinc, total [as Zn] --- MO AVG	789	1100	ug/L
03/31/2020	001-A	BOD, 5-day, 20 deg. C --- MO AVG	24	135	mg/L
03/31/2020	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	64	135	mg/L
03/31/2020	001-A	Solids, total suspended --- MO AVG	40	47	mg/L
03/31/2020	001-A	Zinc, total [as Zn] --- MO AVG	789	792	ug/L
04/30/2020	001-A	BOD, 5-day, 20 deg. C --- MO AVG	24	75	mg/L
04/30/2020	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	64	75	mg/L
05/31/2020	001-A	BOD, 5-day, 20 deg. C --- MO AVG	24	32	mg/L
05/31/2020	001-A	Solids, total suspended --- MO AVG	40	72	mg/L
05/31/2020	001-A	Solids, total suspended --- DAILY MX	130	139	mg/L

Each exceedance of a permit effluent limitation prior to July 1, 2019, is a violation of LPDES Permit LA0108936 (Part I, pgs. 2-9 of 9, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Each exceedance of a permit effluent limitation after to July 1, 2019, is a violation of LPDES Permit LA0108936 (Part I, pgs. 2-6 of 6, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

- N. A file review on or about December 10, 2020, conducted by the Department revealed that the Respondent failed to comply with LPDES Permit LA0108936. Specifically, the Respondent failed to sample the effluent from Outfall 001 on a semiannual or annual basis for the following parameters:

MP End Date	Outfall	Parameter
12/31/2015	001-S	1,2-Dichloroethane --- MO AVG
12/31/2015	001-S	1,2-Dichloroethane --- DAILY MX
12/31/2015	001-S	Toluene --- MO AVG
12/31/2015	001-S	Toluene --- DAILY MX
12/31/2015	001-S	Phenol --- MO AVG
12/31/2015	001-S	Phenol --- DAILY MX
12/31/2015	001-Y	Carbon tetrachloride --- MO AVG
12/31/2015	001-Y	Carbon tetrachloride --- DAILY MX
12/31/2015	001-Y	Chloroform --- MO AVG
12/31/2015	001-Y	Chloroform --- DAILY MX
12/31/2015	001-Y	Benzene --- MO AVG
12/31/2015	001-Y	Benzene --- DAILY MX
12/31/2015	001-Y	Acenaphthylene --- MO AVG
12/31/2015	001-Y	Acenaphthylene --- DAILY MX
12/31/2015	001-Y	Acenaphthene --- MO AVG
12/31/2015	001-Y	Acenaphthene --- DAILY MX
12/31/2015	001-Y	Acrylonitrile --- MO AVG

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NP 519 Date	Outfall	Parameter
12/31/2015	001-Y	Acrylonitrile --- DAILY MX
12/31/2015	001-Y	Anthracene --- MO AVG
12/31/2015	001-Y	Anthracene --- DAILY MX
12/31/2015	001-Y	Benzo[b]fluoranthene --- MO AVG
12/31/2015	001-Y	Benzo[b]fluoranthene --- DAILY MX
12/31/2015	001-Y	Benzo[k]fluoranthene --- MO AVG
12/31/2015	001-Y	Benzo[k]fluoranthene --- DAILY MX
12/31/2015	001-Y	Benzo[a]pyrene --- MO AVG
12/31/2015	001-Y	Benzo[a]pyrene --- DAILY MX
12/31/2015	001-Y	Chlorobenzene --- MO AVG
12/31/2015	001-Y	Chlorobenzene --- DAILY MX
12/31/2015	001-Y	Chrysene --- MO AVG
12/31/2015	001-Y	Chrysene --- DAILY MX
12/31/2015	001-Y	Diethyl phthalate --- MO AVG
12/31/2015	001-Y	Diethyl phthalate --- DAILY MX
12/31/2015	001-Y	Dimethyl phthalate --- MO AVG
12/31/2015	001-Y	Dimethyl phthalate --- DAILY MX
12/31/2015	001-Y	Ethylbenzene --- MO AVG
12/31/2015	001-Y	Ethylbenzene --- DAILY MX
12/31/2015	001-Y	Fluoranthene --- MO AVG
12/31/2015	001-Y	Fluoranthene --- DAILY MX
12/31/2015	001-Y	Fluorene --- MO AVG
12/31/2015	001-Y	Fluorene --- DAILY MX
12/31/2015	001-Y	Hexachlorobutadiene --- MO AVG
12/31/2015	001-Y	Hexachlorobutadiene --- DAILY MX
12/31/2015	001-Y	Hexachloroethane --- MO AVG
12/31/2015	001-Y	Hexachloroethane --- DAILY MX
12/31/2015	001-Y	Methyl chloride [Chloromethane] --- MO AVG
12/31/2015	001-Y	Methyl chloride [Chloromethane] --- DAILY MX
12/31/2015	001-Y	Methylene chloride --- MO AVG
12/31/2015	001-Y	Methylene chloride --- DAILY MX
12/31/2015	001-Y	Nitrobenzene --- MO AVG
12/31/2015	001-Y	Nitrobenzene --- DAILY MX
12/31/2015	001-Y	Phenanthrene --- MO AVG
12/31/2015	001-Y	Phenanthrene --- DAILY MX
12/31/2015	001-Y	Pyrene --- MO AVG
12/31/2015	001-Y	Pyrene --- DAILY MX
12/31/2015	001-Y	Tetrachloroethylene --- MO AVG
12/31/2015	001-Y	Tetrachloroethylene --- DAILY MX
12/31/2015	001-Y	1,1-Dichloroethane --- MO AVG
12/31/2015	001-Y	1,1-Dichloroethane --- DAILY MX
12/31/2015	001-Y	1,1-Dichloroethylene --- MO AVG
12/31/2015	001-Y	1,1-Dichloroethylene --- DAILY MX
12/31/2015	001-Y	1,1,1-Trichloroethane --- MO AVG
12/31/2015	001-Y	1,1,1-Trichloroethane --- DAILY MX
12/31/2015	001-Y	1,1,2-Trichloroethane --- MO AVG

AMCOL HEALTH & BEAUTY SOLUTIONS, INCORPORATED

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MP End Date	Outfall	Parameter
12/31/2015	001-Y	1,1,2-Trichloroethane --- DAILY MX
12/31/2015	001-Y	Benzo[a]anthracene --- MO AVG
12/31/2015	001-Y	Benzo[a]anthracene --- DAILY MX
12/31/2015	001-Y	1,2-Dichlorobenzene --- MO AVG
12/31/2015	001-Y	1,2-Dichlorobenzene --- DAILY MX
12/31/2015	001-Y	1,2-Dichloropropane --- MO AVG
12/31/2015	001-Y	1,2-Dichloropropane --- DAILY MX
12/31/2015	001-Y	trans-1,2-Dichloroethylene --- MO AVG
12/31/2015	001-Y	trans-1,2-Dichloroethylene --- DAILY MX
12/31/2015	001-Y	1,2,4-Trichlorobenzene --- MO AVG
12/31/2015	001-Y	1,2,4-Trichlorobenzene --- DAILY MX
12/31/2015	001-Y	1,3-Dichlorobenzene --- MO AVG
12/31/2015	001-Y	1,3-Dichlorobenzene --- DAILY MX
12/31/2015	001-Y	1,4-Dichlorobenzene --- MO AVG
12/31/2015	001-Y	1,4-Dichlorobenzene --- DAILY MX
12/31/2015	001-Y	2-Chlorophenol --- MO AVG
12/31/2015	001-Y	2-Chlorophenol --- DAILY MX
12/31/2015	001-Y	2-Nitrophenol --- MO AVG
12/31/2015	001-Y	2-Nitrophenol --- DAILY MX
12/31/2015	001-Y	2,4-Dichlorophenol --- MO AVG
12/31/2015	001-Y	2,4-Dichlorophenol --- DAILY MX
12/31/2015	001-Y	2,4-Dimethylphenol --- MO AVG
12/31/2015	001-Y	2,4-Dimethylphenol --- DAILY MX
12/31/2015	001-Y	2,4-Dinitrotoluene --- MO AVG
12/31/2015	001-Y	2,4-Dinitrotoluene --- DAILY MX
12/31/2015	001-Y	2,4-Dinitrophenol --- MO AVG
12/31/2015	001-Y	2,4-Dinitrophenol --- DAILY MX
12/31/2015	001-Y	2,6-Dinitrotoluene --- MO AVG
12/31/2015	001-Y	2,6-Dinitrotoluene --- DAILY MX
12/31/2015	001-Y	4-Nitrophenol --- MO AVG
12/31/2015	001-Y	4-Nitrophenol --- DAILY MX
12/31/2015	001-Y	4,6-Dinitro-o-cresol --- MO AVG
12/31/2015	001-Y	4,6-Dinitro-o-cresol --- DAILY MX
12/31/2015	001-Y	Naphthalene --- MO AVG
12/31/2015	001-Y	Naphthalene --- DAILY MX
12/31/2015	001-Y	Di[2-ethylhexyl] phthalate [DEHP] --- MO AVG
12/31/2015	001-Y	Di[2-ethylhexyl] phthalate [DEHP] --- DAILY MX
12/31/2015	001-Y	Di-n-butyl phthalate --- MO AVG
12/31/2015	001-Y	Di-n-butyl phthalate --- DAILY MX
12/31/2015	001-Y	Vinyl chloride --- MO AVG
12/31/2015	001-Y	Vinyl chloride --- DAILY MX
12/31/2015	001-Y	Trichloroethylene --- MO AVG
12/31/2015	001-Y	Trichloroethylene --- DAILY MX
12/31/2015	001-Y	Hexachlorobenzene --- MO AVG
12/31/2015	001-Y	Hexachlorobenzene --- DAILY MX
12/31/2015	001-Y	1,3-Dichloropropylene --- MO AVG

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MP End Date	Outfall	Parameter
12/31/2015	001-Y	1,3-Dichloropropylene --- DAILY MX
12/31/2015	001-Y	Chloroethane --- MO AVG
12/31/2015	001-Y	Chloroethane --- DAILY MX
12/31/2016	001-Y	Methyl chloride [Chloromethane] --- MO AVG
12/31/2016	001-Y	Methyl chloride [Chloromethane] --- DAILY MX
12/31/2016	001-Y	Nitrobenzene --- MO AVG
12/31/2016	001-Y	Nitrobenzene --- DAILY MX
12/31/2016	001-Y	Tetrachloroethylene --- MO AVG
12/31/2016	001-Y	Tetrachloroethylene --- DAILY MX
12/31/2016	001-Y	1,1-Dichloroethylene --- MO AVG
12/31/2016	001-Y	1,1-Dichloroethylene --- DAILY MX
12/31/2016	001-Y	1,2-Dichloropropane --- MO AVG
12/31/2016	001-Y	1,2-Dichloropropane --- DAILY MX
12/31/2016	001-Y	trans-1,2-Dichloroethylene --- MO AVG
12/31/2016	001-Y	trans-1,2-Dichloroethylene --- DAILY MX
12/31/2016	001-Y	2,4-Dichlorophenol --- MO AVG
12/31/2016	001-Y	2,4-Dichlorophenol --- DAILY MX
12/31/2016	001-Y	2,4-Dimethylphenol --- MO AVG
12/31/2016	001-Y	2,4-Dimethylphenol --- DAILY MX
12/31/2016	001-Y	2,4-Dinitrotoluene --- MO AVG
12/31/2016	001-Y	2,4-Dinitrotoluene --- DAILY MX
12/31/2016	001-Y	2,6-Dinitrotoluene --- MO AVG
12/31/2016	001-Y	2,6-Dinitrotoluene --- DAILY MX
12/31/2016	001-Y	4,6-Dinitro-o-cresol --- MO AVG
12/31/2016	001-Y	4,6-Dinitro-o-cresol --- DAILY MX
12/31/2016	001-Y	Di[2-ethylhexyl] phthalate [DEHP] --- MO AVG
12/31/2016	001-Y	Di[2-ethylhexyl] phthalate [DEHP] --- DAILY MX
12/31/2016	001-Y	Di-n-butyl phthalate --- MO AVG
12/31/2016	001-Y	Di-n-butyl phthalate --- DAILY MX
12/31/2016	001-Y	Trichloroethylene --- MO AVG
12/31/2016	001-Y	Trichloroethylene --- DAILY MX
12/31/2016	001-Y	1,3-Dichloropropylene --- MO AVG
12/31/2016	001-Y	1,3-Dichloropropylene --- DAILY MX
08/31/2017	001-A	Flow, in conduit or thru treatment plant --- MO AVG
08/31/2017	001-A	Flow, in conduit or thru treatment plant --- DAILY MX
12/31/2018	001-Y	2-Chlorophenol --- MO AVG
12/31/2018	001-Y	2-Chlorophenol --- DAILY MX
12/31/2018	001-Y	2,4-Dinitrotoluene --- MO AVG
12/31/2018	001-Y	2,4-Dinitrotoluene --- DAILY MX
12/31/2018	001-Y	2,6-Dinitrotoluene --- MO AVG
12/31/2018	001-Y	2,6-Dinitrotoluene --- DAILY MX
12/31/2018	001-Y	4,6-Dinitro-o-cresol --- MO AVG
12/31/2018	001-Y	4,6-Dinitro-o-cresol --- DAILY MX
09/30/2020	001-Q	Hexachlorobutadiene --- MO AVG
09/30/2020	001-Q	Hexachlorobutadiene --- DAILY MX
09/30/2020	001-Q	Hexachlorobenzene --- MO AVG

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MP End Date	Outfall	Parameter
09/30/2020	001-Q	Hexachlorobenzene --- DAILY MX

Each failure to sample prior to July 1, 2019, is a violation of LPDES Permit LA0108936 (Part I, pgs. 2-9 of 9, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Each failure to sample after July 1, 2019, is a violation of LPDES Permit LA0108936 (Part I, pgs. 2-6 of 6, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

- O. A file review on or about December 10, 2020, conducted by the Department revealed that the Respondent failed to comply with LPDES Permit LA0108936. Specifically, the Respondent failed to submit monthly DMRs for the following parameters:

MP End Date	Outfall	Parameter
04/30/2016	001-A	BOD, 5-day, 20 deg. C --- MO AVG
04/30/2016	001-A	BOD, 5-day, 20 deg. C --- DAILY MX
04/30/2016	001-A	pH --- MINIMUM
04/30/2016	001-A	pH --- MAXIMUM
04/30/2016	001-A	Solids, total suspended --- MO AVG
04/30/2016	001-A	Solids, total suspended --- DAILY MX
04/30/2016	001-A	Zinc, total [as Zn] --- MO AVG
04/30/2016	001-A	Zinc, total [as Zn] --- DAILY MX
04/30/2016	001-A	Flow, in conduit or thru treatment plant --- MO AVG
04/30/2016	001-A	Flow, in conduit or thru treatment plant --- DAILY MX
04/30/2016	001-A	pH range excursions, > 60 minutes --- DAILY MX
04/30/2016	001-A	pH range excursions, monthly total accum --- DAILY MX
05/31/2016	001-A	BOD, 5-day, 20 deg. C --- MO AVG
05/31/2016	001-A	BOD, 5-day, 20 deg. C --- DAILY MX
05/31/2016	001-A	pH --- MINIMUM
05/31/2016	001-A	pH --- MAXIMUM
05/31/2016	001-A	Solids, total suspended --- MO AVG
05/31/2016	001-A	Solids, total suspended --- DAILY MX
05/31/2016	001-A	Zinc, total [as Zn] --- MO AVG
05/31/2016	001-A	Zinc, total [as Zn] --- DAILY MX
05/31/2016	001-A	Flow, in conduit or thru treatment plant --- MO AVG
05/31/2016	001-A	Flow, in conduit or thru treatment plant --- DAILY MX
05/31/2016	001-A	pH range excursions, > 60 minutes --- DAILY MX
05/31/2016	001-A	pH range excursions, monthly total accum --- DAILY MX
06/30/2016	001-A	BOD, 5-day, 20 deg. C --- MO AVG
06/30/2016	001-A	BOD, 5-day, 20 deg. C --- DAILY MX
06/30/2016	001-A	pH --- MINIMUM
06/30/2016	001-A	pH --- MAXIMUM
06/30/2016	001-A	Solids, total suspended --- MO AVG
06/30/2016	001-A	Solids, total suspended --- DAILY MX
06/30/2016	001-A	Zinc, total [as Zn] --- MO AVG
06/30/2016	001-A	Zinc, total [as Zn] --- DAILY MX
06/30/2016	001-A	Flow, in conduit or thru treatment plant --- MO AVG

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MP End Date	Outfall	Parameter
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06/30/2016	001-A	Flow, in conduit or thru treatment plant --- DAILY MX
06/30/2016	001-A	pH range excursions, > 60 minutes --- DAILY MX
06/30/2016	001-A	pH range excursions, monthly total accum --- DAILY MX

Each failure to submit a monthly DMR is a violation of LPDES Permit LA0108936 (Part II, Section L, and Part III, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4)

- P. A file review on or about December 10, 2020; conducted by the Department revealed that the Respondent failed to comply with LPDES MSGP LAR05M140. Specifically, the Respondent failed to conduct the required benchmark monitoring for the following parameters:

MP End Date	Outfall	Parameter
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06/30/2019	S001-Q	Zinc, total [as Zn] --- DAILY MX
06/30/2019	S002-Q	Zinc, total [as Zn] --- DAILY MX
06/30/2019	S003-Q	Zinc, total [as Zn] --- DAILY MX

Each failure to conduct the required benchmark monitoring is a violation of LPDES MSGP LAR05M140 (Table 3, Sector C, pg. 31 of 122), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

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 Adrienne Landry at (225) 219-3805 or Adrienne.Landry@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.

AMCOL HEALTH & BEAUTY SOLUTIONS, INCORPORATED

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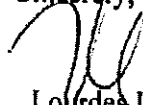
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For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right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

The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter 7. 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.

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/ARL/sbp

Alt ID Nos. LAD981522295; LA0108936; LAR05M140

c: AMCOL Health & Beauty Solutions, Inc.
c/o Andrea Blair -- Plant Manager
301 Laser Lane
Lafayette, LA 70507



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION

NOTICE OF POTENTIAL PENALTY
REQUEST TO SETTLE (OPTIONAL)

POST OFFICE BOX 4312

BATON ROUGE, LOUISIANA 70821-4312

Enforcement Tracking No.	MM-PP-20-00768	Contact Name	Adrienne Landry
Agency Interest (AI) No.	40486	Contact Phone No.	225-219-3805
Alternate ID Nos.	LAD981522295; LA0108936; LAR05M140		
Respondent:	AMCOL HEALTH & BEAUTY SOLUTIONS, INCORPORATED	Facility Name:	AMCOL HEALTH & BEAUTY SOLUTIONS, INCORPORATED
	c/o CT Corporation System	Physical Location:	301 Laser Lane
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Lafayette, LA 70507
	Baton Rouge, LA 70816	Parish:	Lafayette

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 MM-PP-20-00768, 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 MM-PP-20-00768, 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 MM-PP-20-00768 and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

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

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

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

SETTLEMENT AGREEMENTS

Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times (\text{Penalty Event Maximum} - \text{Penalty Event Minimum}))$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement.

Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

Settlement Offers	searchable in EDMS using the following filters Media: Air Quality, Function: Enforcement, Description: Settlement
Settlement Agreements	Enforcement Division's website specific examples can be provided upon request
Penalty Determination Method	LAC 33:1 Chapter 7
Beneficial Environmental Projects	LAC 33:1 Chapter 25
Judicial Interest.....	FAQs provided by the Louisiana State Bar Association



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After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

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WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

Settlement Offers	searchable in EDMS using the following filters Media: Air Quality, Function: Enforcement, Description: Settlement
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