

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-HE-24-0024  
\*  
\* Enforcement Tracking No.  
\* HE-CN-22-00650  
\*  
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\*  
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SETTLEMENT AGREEMENT

The following Settlement Agreement 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 facility located in Plaquemine, Iberville Parish, Louisiana (“the Facility”).

II

On December 19, 2022, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. HE-CN-22-00650 (Exhibit 1).

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 TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00), of which Three Thousand Two Hundred Fifty-Three and 77/100 Dollars (\$3,253.77) 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), the Consolidated Compliance Order & 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 Iberville 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 thirty (30) 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. The Respondent shall provide its tax identification number when submitting payment. 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.

**THE DOW CHEMICAL COMPANY**

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**  
Aurelia S. Giacometto, Secretary

BY: \_\_\_\_\_  
Jerrie "Jerry" Lang, Assistant Secretary  
Office of Environmental Compliance

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

\_\_\_\_\_  
NOTARY PUBLIC (ID # \_\_\_\_\_)

\_\_\_\_\_  
(stamped or printed)

Approved: \_\_\_\_\_  
Jerrie "Jerry" Lang, Assistant Secretary



JOHN BEL EDWARDS  
GOVERNOR

CHUCK CARR BROWN, Ph.D.  
SECRETARY

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

DEC 19 2022

CERTIFIED MAIL (7007 2680 0000 8199 9022)  
RETURN RECEIPT REQUESTED

**THE DOW CHEMICAL COMPANY**  
c/o C T Corporation System  
Agent for Service of Process  
3867 Plaza Tower Drive  
Baton Rouge, LA 70816

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. HE-CN-22-00650  
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.

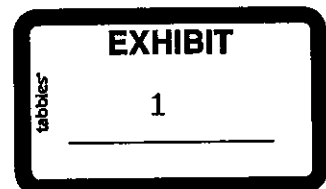
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Deonne Bodin at (504) 736-7715 or [Deonne.Bodin@la.gov](mailto:Deonne.Bodin@la.gov).

Sincerely,

  
Angela Marse  
Administrator  
Enforcement Division

AM/DB/db  
Alt ID No. LAD008187080  
Attachment



c: Lisa Perry, Environmental Manager  
P.O. Box 150  
Plaquemine, Louisiana 70765

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

|  |   |                                 |
|--|---|---------------------------------|
| <b>IN THE MATTER OF</b>                | * |                                 |
|  | * |                                 |
| <b>THE DOW CHEMICAL COMPANY</b>        | * | <b>ENFORCEMENT TRACKING NO.</b> |
| <b>IBERVILLE PARISH</b>                | * |                                 |
| <b>ALT ID NO. LAD008187080</b>         | * | <b>HE-CN-22-00650</b>           |
|  | * |                                 |
|  | * | <b>AGENCY INTEREST NO.</b>      |
| <b>PROCEEDINGS UNDER THE LOUISIANA</b> | * |                                 |
| <b>ENVIRONMENTAL QUALITY ACT,</b>      | * | <b>1409</b>                     |
| <b>La. R.S. 30:2001, ET SEQ.</b>       | * |                                 |

**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 The Dow Chemical Company-Louisiana Operations located at 21255 Highway 1 in Plaquemine, Iberville Parish, Louisiana (facility). The Respondent is a Large Quantity Generator (LQG) of hazardous waste and operates under EPA identification number LAD008187080. The Respondent operates under hazardous waste permit LAD008187080-OP-RN-2-PC, which became effective on January 5, 2021, and remains in effect until January 5, 2031.

**II.**

On or about April 26, 2022, an inspection was conducted to determine compliance with the Act and supporting regulations. The Department issued Warning Letter (WL) HE-L-22-00650 to the Respondent on or about August 29, 2022, for areas of concern noted during the inspection. A response to



the WL was submitted to the Department on or about October 4, 2022, but it did not address all areas of concern identified during the inspection.

### III.

On or about April 26-28, 2022, May 6, 2022, May 11, 2022, and June 23, 2022, the Department performed a routine Full Compliance Evaluation (FCE) of the above referenced facility to determine the degree of compliance with the Act and the Hazardous Waste Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspections:

- A. The Respondent failed to mark or label containers accumulating hazardous waste with the words "Hazardous Waste," in violation of LAC 33:V.1015.B.5.a.i. Specifically, the following was observed:
  1. On April 26, 2022, two (2) Dak Paks located in the Glycol 1 <90 Day Container Storage Area of Block 15 outside Building #1502 had faded or weathered labels such that the words "Hazardous Waste" were not readable. On or about May 25, 2022, a representative of the Respondent submitted a written response which included photographs demonstrating the containers were replaced with readable "Hazardous Waste" labels.
  2. On June 23, 2022, five (5) Dak Paks located in the LHC III <90 Day Container Storage Area of Block 58 south of South Bayou Road were not labeled with the words "Hazardous Waste." On or about June 24, 2022, and October 4, 2022, a representative of the Respondent submitted written responses stating the containers were correctly labeled and transferred to permitted storage immediately after the inspection.
- B. The Respondent failed to indicate the hazards of the contents on containers accumulating hazardous waste, in violation of LAC 33:V.1015.B.5.a.ii. Specifically, the following was observed:
  1. On April 26, 2022, two (2) Dak Paks (referenced in Findings of Fact, Paragraph III.A.1) located in the Glycol 1 <90 Day Container Storage Area were not labeled with an indication of the hazards. On or about May 25, 2022, a representative of the Respondent submitted a written response which included photographs documenting the containers were properly labeled with an indication of the hazards of the contents.

2. On April 26, 2022, one (1) 30-gallon poly hazardous waste container located in the Glycol I <90 Day Container Storage Area was not labeled with an indication of the hazards. On or about May 25, 2022, a representative of the Respondent submitted a written response which included photographs documenting the containers were properly labeled with an indication of the hazards of the contents.
  3. On April 27, 2022, one (1) 55-gallon poly drum container located in the Poly C <90 Day Container Storage Area in the northwest corner of Block 89 was not labeled with an indication of the hazards. On or about May 5, 2022, a representative of the Respondent submitted a response which included a photograph documenting the container was properly labeled with an indication of the hazards of the contents.
  4. On June 23, 2022, five (5) Dak Paks (referenced in Findings of Fact, Paragraph III.A.2) located in the LHC III <90 Day Container Storage Area of Block 58 south of South Bayou Road were not labeled with an indication of the hazards. On or about June 24, 2022, July 26, 2022, and October 4, 2022, a representative of the Respondent submitted written responses stating the containers were correctly labeled and transferred to permitted storage immediately after the inspection.
  5. On April 26, 2022, seven (7) 25-gallon Dak Paks located in the Poly B <90 Day Container Storage Area of Block 9 east of Building 932 were not labeled with an indication of the hazards. On or about May 25, 2022, the Respondent submitted a written response which included photographs demonstrating the labels indicate the hazards of the contents.
- C. The Respondent failed to keep hazardous waste containers closed during storage, except when necessary to add or remove hazardous waste, in violation of LAC 33:V.1011.A.4. Specifically, the following was observed:
1. On April 26, 2022, two (2) 1-gallon containers located in the A-14 Lab in the Glycol I Unit, which were approximately 50% and 75% full of spent hydranal (D001, D022, U083, and F003), were not closed. On or about July 28, 2022, a representative of the Respondent submitted a response stating the practice of

leaving the containers open for a seven (7) day period was part of the handling procedure based on a previous event. In addition, the response stated the need for the open container was reevaluated and determined that it can now be kept closed.

2. On April 26, 2022, one (1) 25-gallon Dak Pak (collecting used Personal Protection Equipment [PPE] and the clean up material used to remove residue from the walls and doors of the cabinet) located in a cabinet under Hood #6 in the HC Laboratory in Block 48 of LHC II was not closed. On or about May 25, 2022, and October 4, 2022 a representative of the Respondent submitted written responses stating the hazardous waste container located under the hood bench has a hole for depositing used PPE and any vapors generated are routed through the hood which is covered by the air permit; this is to prevent personnel exposure from frequent opening of the container, as allowed in LAC 33:V.1011.A.4.b.ii. Although vapors may be recovered, the container is still required to be closed when not in use. The May 25, 2022, and October 4, 2022 responses did not adequately address the violation.
3. On April 26, 2022, one (1) approximately 500ml poly container containing "Gravity Waste" attached to an analyzer located in a cabinet under Hood #6 in the HC Laboratory in Block 48 of LHC II was not closed. Specifically, the container's vent was open. The analyzer was not in use and not actively adding or removing waste at the time of the inspection; therefore, the vent should be closed. On or about May 25, 2022, a representative of the Respondent submitted a written response stating the container is vented to the hood to prevent pressure build up. The May 25, 2022 response did not adequately address the violation.
4. On April 26, 2022, one (1) 25-gallon Dak Pak (collecting used PPE) located in a cabinet under Hood #1 in the HC Laboratory in Block 48 of LHC II was not closed. On or about May 25, 2022, and October 4, 2022, a representative of the Respondent submitted written responses stating the hazardous waste container located under the hood bench has a hole for depositing used PPE, so any vapors generated are routed through the hood which is covered by the air permit; this is to prevent personnel exposure from frequent opening of the container, as

allowed in LAC 33:V.1011.A.4.b.ii. Although vapors may be recovered, the container is still required to be closed when not in use. The May 25, 2022, and October 4, 2022, response did not adequately address the violation.

D. The Respondent failed to label satellite accumulation containers (SACs) of hazardous waste with the words "Hazardous Waste," in violation of LAC 33:V.1011.A.5.a. Specifically, the following was observed at the time of the inspection:

1. On April 26, 2022, two (2) 1-gallon containers located in Hood #1 of the A-14 Lab in the Glycol I Unit, which were approximately 50% and 75% full of spent hydranal (D001, D002, U083, and F003), were not labeled with the words "Hazardous Waste." On or about May 25, 2022, and October 4, 2022, a representative of the Respondent submitted written responses to the Department stating the containers were re-labeled with all of the required information at the time of the inspection.
2. On April 26, 2022, one (1) SAC accumulating spent hydranal (D001 and F003) located in the Glycol II Lab was not labeled with the words "Hazardous Waste." On or about May 5, 2022, a representative of the Respondent submitted a written response to the Department which included a photograph demonstrating a "Hazardous Waste" label was placed on the container.
3. On April 26, 2022, one (1) one-liter container, which was approximately 25% full of "Karl Fisher Waste" (D001, D018, and F003), located in Hood #5 in the HC Lab of LHC II was not labeled "Hazardous Waste." On or about May 25, 2022, and October 4, 2022, a representative of the Respondent submitted written responses to the Department stating a new label which included all required information was applied to the container.

E. The Respondent failed to label a satellite accumulation container of hazardous waste with an indication of the contents, in violation of LAC 33:V.1011.A.5.b. Specifically, the following was observed:

1. On April 26, 2022, two (2) 1-gallon containers (referenced in Findings of Fact, Paragraph III.D.1) located in Hood #1 of the A-14 Lab in the Glycol I Unit, which were approximately 50% and 75% full of spent hydranal (D001, D002, U083, and F003), were not labeled with an indication of the hazards. One (1)

container did not include any of the hazards, and the other container was missing the word "toxic." On or about May 25, 2022, and October 4, 2022, a representative of the Respondent submitted written responses to the Department stating the containers were re-labeled with all of the required information at the time of the inspection.

2. On April 26, 2022, one (1) SAC (referenced in Findings of Fact, Paragraph III.D.2) accumulating spent hydranal (D001 and F003) located in the Glycol II Lab was not labeled with an indication of the hazards, specifically missing the word "ignitable." On or about May 25, 2022, and October 4, 2022, a representative of the Respondent submitted written responses to the Department stating the container was re-labeled with all of the required information at the time of the inspection.
3. On April 27, 2022, one (1) steel 5-gallon container, which contained a 5-gallon polybucket 90% full of used laboratory PPE (D011), located in the Poly C Lab, was not labeled with an indication of the hazards. On or about May 5, 2022, a representative of the Respondent submitted a written response to the Department that included a photograph demonstrating the container was re-labeled with an indication of the hazards of the contents.
4. On April 27, 2022, two (2) partially filled 1-gallon SACs located in Hood #6 in the HC Lab were only labeled "toxic." One SAC contained benzene and sulfuric acid (D001, D002, and D018), but was not labeled "ignitable" and "corrosive." One SAC contained Karl Fisher Waste (D001, D018, and F003), but was not labeled "ignitable." On or about May 5, 2022, a representative of the Respondent submitted a written response to the Department which included a photograph demonstrating the benzene and sulfuric acid container was re-labeled with an indication of all the hazards of the contents.
5. On April 27, 2022, a one-liter container, which was approximately 25% full of "Karl Fisher Waste" (D001, D018, and F003), located in Hood #5 in the HC Lab was not labeled with an indication of the hazards. On or about May 25, 2022, and October 4, 2022, a representative of the Respondent submitted

written responses to the Department stating a new label with all of the required information was applied to the container.

- F. The Respondent failed to close a container of hazardous waste, except when it is necessary to add or remove waste, in violation of LAC 33:V.2107.A, LAC 33:V.309.A, and Permit Condition V.C.4 of Hazardous Waste Operating Permit LAD008187080-OP-RN-2-PC. Specifically, in CSA E located in the North Storage Area of the EOP, one (1) 25-yard roll off container labeled "Hazardous Waste" (U165) had holes in the tarp on April 26, 2022. On or about May 25, 2022, and October 4, 2022, a representative of the Respondent submitted written responses stating the cover was replaced at the time of the inspection.
- G. The Respondent failed to clearly mark the contents of all accumulation containers with the applicable EPA hazardous waste number(s), in violation of LAC 33:V.2205.A.2.a.ii, LAC 33:V.309.A, and Permit Condition II.C No.27 of Hazardous Waste Operating Permit LAD008187080-OP-RN-2-PC. Specifically, on April 28, 2022, twenty-two (22) unlabeled drums located in the Brand Paint Yard containing hazardous waste (D001, D004, D007, F003, and F005) were not labeled with the applicable hazardous waste codes. On June 23, 2022, a representative of the Respondent stated it is facility practice to apply all applicable waste codes to hazardous waste containers prior to offsite shipment. On or about May 18, 2022, July 26, 2022, and October 4, 2022, a representative of the Respondent submitted written responses stating personnel do not place waste codes on the drums when placed in the Container Storage Area (CSA), but are labeled when offsite shipment is imminent. However, Hazardous Waste Operating Permit Condition II.C No.27 of Hazardous Waste Operating Permit LAD008187080-OP-RN-2-PC requires compliance with LAC 33:V.2205.A.2.a.ii which specifies hazardous waste containers shall be clearly marked with the hazardous waste codes during storage.
- H. The Respondent failed to clearly mark the contents of all accumulation containers with the indication of the hazards of the contents, in violation of LAC 33:V.2205.A.2.a.iii, LAC 33:V.309.A, and Permit Condition II.C No.27 of Hazardous Waste Operating Permit LAD008187080-OP-RN-2-PC. Specifically, on April 28, 2022, one (1) 25-gallon Dak Pak located in the Brand Paint Yard containing hazardous waste (D001,

D004, D007, F003, and F005) was not labeled with the indication of the hazards. On or about May 18, 2022, and July 26, 2022, a representative of the Respondent submitted written responses stating personnel do not place waste codes on the drums when placed in the CSA, but are labeled when offsite shipment is imminent. The May 18, 2022, and July 26, 2022, responses did not adequately address the violation. On or about and October 4, 2022, a representative of the Respondent submitted a response stating the electronic label system was reprogrammed to include the hazard indicators. In addition, the October 4, 2022 response stated the label observed during the inspection was an obsolete, preprinted label that was inadvertently used, and the container was relabeled with the applicable hazard indications prior to shipping.

- I. The Respondent failed to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility operation in an emergency, unless aisle space is not needed for any of these purposes, in violation of LAC 33:V.1047.A. Specifically, on June 23, 2022, in the LHC III <90 Day Container Storage Area of Block 58, there was inadequate aisle space (less than shoulder width) between two (2) rows of containers storing hazardous waste. On or about May 25, 2022, and October 4, 2022, a representative of the Respondent submitted written responses stating containers were removed to permitted storage and/or disposed. In addition, the response stated personnel managing the storage area were retrained on aisle space requirements.
- J. The Respondent failed to clean up in a timely manner any spilled material that is hazardous waste or that will be disposed of as a hazardous waste, in violation of LAC 33:V.1067.A. Specifically, the following was observed on June 23, 2022:
  1. In the LHC III <90 Day Container Storage Area of Block 58, a residue was observed on the outside of some Dak Paks containing hazardous waste (D001) with accumulation dates of March 29, 2022, and April 3, 2022. On or about May 25, 2022, and October 4, 2022, a representative of the Respondent submitted written responses stating the containers were cleaned.
  2. In Hood #6 in the HC Lab, residue and/or spillage was observed in the cabinet under the hood where hazardous waste (D001, D018, and F005) was handled. On or about June 24, 2022, and October 4, 2022, a representative of the

Respondent submitted written responses stating the residue was cleaned up and disposed of as hazardous waste.

- K. The Respondent failed to ensure that containers holding hazardous waste are in good condition in accordance with LAC 33:V.2103, in violation of LAC 33:V.1015.B.1.b. Specifically, on June 23, 2022, three (3) Dak Paks located in the LHC III <90 Day Container Storage Area of Block 58 labeled "Hazardous Waste" (D001), were observed to be crushed or malformed. On or about May 25, 2022, and October 4, 2022, a representative of the Respondent submitted written responses stating the waste was repackaged into new Dak Paks and relabeled.
- L. The Respondent failed to ensure hazardous waste manifests contain all applicable EPA hazardous waste codes, in violation of LAC 33:V.1107.B.1.d. Specifically, on or about May 6, 2022, a representative of the Department contacted the Respondent requesting hazardous waste manifests for shipments of the waste generated at the Brand Paint Yard. On or about May 13, 2022, a representative of the Respondent submitted three (3) manifests to the Department. Upon review by the Department, it was noted waste code D004 was missing from the description. On or about July 7, 2022, a representative of the Respondent submitted a response stating the omission was an error in their system and are working on a solution. On or about and October 4, 2022, a representative of the Respondent submitted a response stating the electronic system failed to print additional waste codes on the addendum if they all did not fit on the first page. In addition, the October 4, 2022 response stated a manual addendum is created for manifests to ensure all waste codes are included with the manifest.
- M. The Respondent failed to clearly label containers of hazardous waste with the date upon which each period of accumulation began, in violation of LAC 33:V.1015.B.5.b. Specifically, on June 23, 2022, one (1) container labeled "Hazardous Waste" approximately 75% full (D011) located in the <90 day accumulation area outside the Poly C Lab, was not labeled with a date to note the beginning of the accumulation period.



## **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 Hazardous Waste Regulations and Operating Permit LAD008187080-OP-RN-2-PC.

**II.**

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure all containers storing hazardous waste are kept closed except when necessary to add or remove waste in accordance with LAC 33:V.1011.A.4.

**III.**

To label or mark clearly, immediately upon receipt of this **COMPLIANCE ORDER**, all hazardous waste containers with the words "Hazardous Waste," along with all applicable waste codes and an indication of the hazards of the contents in accordance with LAC 33:V.2205.A.2.a.ii and LAC 33:V.2205.A.2.a.iii.

**IV.**

To label, immediately upon receipt of this **COMPLIANCE ORDER**, all hazardous waste containers with an accumulation start date in accordance with LAC 33:V.1015.B.5.b.

**V.**

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: Deonne Bodin**  
**Re: Enforcement Tracking No. HE-CN-22-00650**  
**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-22-00650**  
**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 Division of Administrative Law (DAL) Procedural Rules. 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 Deonne Bodin at (504) 736-7715 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

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

**PENALTY.** Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

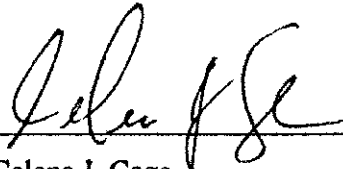
IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. 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 "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this **NOTICE OF POTENTIAL PENALTY** portion but no later than ninety (90) days of achieving compliance with the **COMPLIANCE ORDER** portion. 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.

V.

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

Baton Rouge, Louisiana, this 19<sup>th</sup> day of December, 2022.

  
\_\_\_\_\_  
Celena J. Cage  
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: Deonne Bodin**

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
 OFFICE OF ENVIRONMENTAL COMPLIANCE  
 ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER &  
 POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY  
 BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE



|                          |                              |                    |   |
|--------------------------|------------------------------|--------------------|---|
| Enforcement Tracking No. | HE-CN-22-00650               | Contact Name       | Deonne Bodin                                  |
| Agency Interest (AI) No. | 1409                         | Contact Phone No.  | (504) 736-7715                                |
| Alternate ID No.         | LAD008187080                 |                    |   |
| Respondent:              | THE DOW CHEMICAL COMPANY     | Facility Name:     | The Dow Chemical Company-Louisiana Operations |
|                          | c/o C T Corporation          | Physical Location: | 21255 Highway 1                               |
|                          | Agent for Service of Process |                    |   |
|                          | 3867 Plaza Tower Drive       | City, State, Zip:  | Plaquemine, LA 70765                          |
|                          | Baton Rouge, LA 70816        | Parish:            | Iberville                                     |

**STATEMENT OF COMPLIANCE**

| STATEMENT OF COMPLIANCE  | Date Completed | Copy Attached? |
|--|----------------|----------------|
| A written report was submitted in accordance with Paragraph V of the "Order" portion of the COMPLIANCE ORDER.  |                |                |
| All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of: |                |                |

**SETTLEMENT OFFER (OPTIONAL)**

*(check the applicable option)*

|                          |   |
|--------------------------|---|
| <input type="checkbox"/> | The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.   |
| <input type="checkbox"/> | In order to resolve any claim for civil penalties for the violations in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (HE-CN-22-00650), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.  |
| <input type="checkbox"/> | <p>In order to resolve any claim for civil penalties for the violations in CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY (HE-CN-22-00650), 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. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this NOTICE OF POTENTIAL PENALTY portion but no later than ninety (90) days of achieving compliance with the COMPLIANCE ORDER portion.</p> <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• <b>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM-</b> the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</li> </ul> <p>The Respondent has reviewed the violations noted in CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY (HE-CN-22-00650) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.</p> |

| CERTIFICATION STATEMENT  |                           |                    |
|--|---------------------------|--------------------|
| <p><i>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.</i></p> |                           |                    |
|  |                           |                    |
| 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:  |                           |                    |
| <p>Louisiana Department of Environmental Quality<br/>                     Office of Environmental Compliance<br/>                     Enforcement Division<br/>                     P.O. Box 4312<br/>                     Baton Rouge, LA 70821<br/>                     Attn: Deonne Bodin</p>   |                           |                    |