

**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-25-0034**  
\*  
\* **Enforcement Tracking No.**  
\* **HE-PP-24-00297**  
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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 17, 2024, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. HE-PP-24-00297 (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 FOUR THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$4,500.00), of which Two Thousand Five Hundred Forty-Nine and 82/100 Dollars (\$2,549.82) 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 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 or by Electronic Funds Transfer (EFT) to the Department of Environmental Quality, in accordance with

instructions provided to Respondent by the Financial Services Division. 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**  
Courtney J. Burdette, 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

JEFF LANDRY  
GOVERNOR

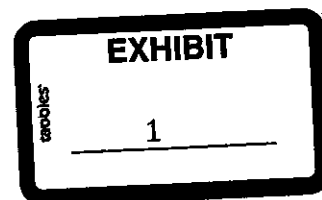


AURELIA S. GIACOMETTO  
SECRETARY

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

DEC 17 2024

CERTIFIED MAIL (7021 2720 0002 6035 4731)  
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: NOTICE OF POTENTIAL PENALTY**  
**ENFORCEMENT TRACKING NO. HE-PP-24-00297**  
**AGENCY INTEREST NO. 1409**

Dear Sir/Madam:

On or about December 6, 2023, the Louisiana Department of Environmental Quality (the Department) conducted an inspection of **THE DOW CHEMICAL COMPANY-LOUISIANA OPERATIONS**, a Large Quantity Generator (LQG) of hazardous waste, owned and/or operated by **THE DOW CHEMICAL COMPANY (RESPONDENT)**, to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations. The Facility is located at 21255 Highway 1 in Plaquemine, Iberville Parish, Louisiana. The Facility operates under EPA identification number LAD008187080 and hazardous waste permit LAD008187080-OP-RN-2-PC, which became effective on January 5, 2021, and remains in effect until January 5, 2031.

On or about December 6, 2023, an inspection was conducted to determine compliance with the Act and supporting regulations. The Department issued Warning Letter (WL) HE-L-24-00297 to the Respondent on or about May 21, 2024, for areas of concern noted during the inspection. The Department received a response to the WL on or about July 2, 2024.

While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent failed to keep hazardous waste containers closed during accumulation, except when necessary to add, remove, or consolidate hazardous waste, in violation of LAC 33:V.1011.A.4. Specifically, the following was observed:

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1. On December 6, 2023, one (1) 25-gallon Dak Pak (DP) approximately 80% full (collecting used Personal Protection Equipment [PPE], D001), located in a cabinet under Hood #1 in the Hydrocarbon (HC) Laboratory in Block 57 of Light Hydrocarbon (LHC) I, was not closed. During the inspection, waste was not being added to, removed from, or consolidated in the container.
2. On December 6, 2023, one (1) 25-gallon DP approximately 5% full (collecting used PPE, D001), located in a cabinet under Hood #6 in the HC Laboratory in Block 57 of LHC I, was not closed. During the inspection, waste was not being added to, removed from, or consolidated in the container.

A representative of the Respondent stated any vapors generated are routed through the hoods, which are covered by the Facility's air permit, to prevent personnel exposure from frequent opening of the container and/or prevent pressure build up. Although vapors may be recovered, the containers are still required to be closed when not in use. On July 2, 2024, the Department received a WL response from a representative of the Respondent stating the Respondent implemented procedures to keep the containers closed when waste is not being added.

B. The Respondent failed to clearly mark or 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, the following was observed:

1. On December 6, 2023, one (1) 25-gallon DP storing process oil and absorbent pads (D018), located in the <90 day accumulation area in Block 48 of LHC II, was not labeled with a date to note the beginning of the accumulation period. On December 8, 2023, a photograph was submitted to the Department demonstrating the container was labeled with the accumulation start date.
2. On December 6, 2023, three (3) 25-gallon DPs storing solvent based paint/solvents (D001, D004, D007, F003, F005) and pyrolysis gas/booms (D001, D018), located in the <90 day accumulation area in Block 68 of LHC III, were not labeled with a date to note the beginning of the accumulation period. On December 11, 2023, photographs were submitted to the Department demonstrating the containers were labeled with the accumulation start date.
3. On December 6, 2023, four (4) 25-gallon DPs storing spent catalyst (D001, D003), located in the LHC III <90 day accumulation area outside Building 6801, were not labeled with a date to note the beginning of the accumulation period. On December 11, 2023, photographs were submitted to the Department demonstrating the containers were labeled with the accumulation start date.

C. The Respondent failed to accumulate hazardous waste on-site for no more than ninety (90) days, in violation of LAC 33:V.1015.B. Specifically, on December 6, 2023, eleven (11) 25-gallon DPs storing spent catalyst (D001, D003) located

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in the LHC III <90 day accumulation area near Building 6801 were stored for greater than ninety (90) days. Seven (7) of these containers were labeled with an accumulation start date of August 28, 2023. In addition, four (4) containers were not labeled with an accumulation start date. A representative of the Respondent stated these containers had been stored in this location for the same amount of time as the other seven (7) containers. On December 8, 2023, a representative of the Respondent stated all eleven (11) containers had been moved to the permitted container storage area (EOP). In addition, on December 11, 2023, photographs were submitted via e-mail, demonstrating the accumulation start date was marked on the containers prior to being moved to the EOP.

D. The Respondent failed to inspect central accumulation areas at least weekly, in violation of LAC 33:V.1015.B.1.e. Specifically, the following was observed during the December 6, 2023 inspection:

1. The December 1, 2023 Weekly Waste Container Inspection Form for the <90 day storage areas indicated all containers were legibly labeled with the date the container was filled; however, the December 6, 2023 inspection revealed the hazardous waste containers aforementioned in Paragraphs B and C were not labeled with a date to note the beginning of the accumulation period. On December 8, 2023, and December 11, 2023, photographs were submitted to the Department demonstrating the containers were labeled with the accumulation start dates.
2. The December 1, 2023 Weekly Waste Container Inspection Form for the <90 day storage areas indicated all hazardous waste containers were less than eighty-nine (89) days old; however, the December 6, 2023 inspection revealed the hazardous waste containers aforementioned in Paragraph C were stored >90 days. On December 8, 2023, a representative of the Respondent submitted a response to the Department stating the containers had been moved to the permitted container storage area (EOP).
3. There were no weekly container storage area inspection reports for the LHC II <90 day storage area for May 19, 2023, June 2, 2023, and June 9, 2023. On July 2, 2024, the Department received a WL response from a representative of the Respondent stating the Respondent provided additional personnel training to emphasize the importance of conducting thorough inspections of the storage area.

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



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like to have such a meeting, please contact Deonne Bodin at (504) 736-7715 or Deonne.Bodin@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.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 may submit the settlement offer within one hundred and eighty (180) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. 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,



Jerry Lang  
Assistant Secretary  
Office of Environmental Compliance

JL/DB/db  
Alt ID No. LAD008187080

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

## 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)



Enforcement Tracking No.	HE-PP-24-00297	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 System	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

(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-24-00297), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
_____	The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this NOTICE OF POTENTIAL PENALTY (HE-PP-24-00297).
_____	<p>In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (HE-PP-24-00297), 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.</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 NOTICE OF POTENTIAL PENALTY (HE-PP-24-00297) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.</p>

*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: Deonne Bodin