

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

AXIALL, LLC

AI # 2455

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

* **Settlement Tracking No.**
* **SA-MM-22-0051**
*
* **Enforcement Tracking Nos.**
* **HE-CN-16-00672**
* **MM-CN-18-00730**
*
* **Docket Nos. 2019-8740-DEQ**
* **2020-1199-DEQ**

SETTLEMENT

The following Settlement is hereby agreed to between Westlake Chemicals & Vinyls LLC (formerly Axiall, LLC) (“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 limited liability company that owns and/or operates a facility located in Plaquemine, Iberville Parish, Louisiana (“the Facility”).

II

On May 7, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. HE-CN-16-00672 (Exhibit 1).

On November 8, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-18-00730 (Exhibit 2).

III

In response to the Consolidated Compliance Orders & Notices of Potential Penalty,

Respondent made timely requests for hearings.

IV

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

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00), of which Three Thousand Seven Hundred Ninety-Eight and 76/100 Dollars (\$3,798.76) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

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

VII

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may

be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VIII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

IX

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

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Iberville Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XI

Payment is to be made within thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental

Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XII

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

XIII

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

WESTLAKE CHEMICALS & VINYL
LLC (FORMERLY AXIAL, LLC)

BY: [Signature]
(Signature)

Nathaniel Johnson
(Printed)

TITLE: Plant Manager

THUS DONE AND SIGNED in duplicate original before me this 3rd day of January, 20 24, at Iberville Parish.

[Signature]
NOTARY PUBLIC (ID # 145103)

Sarah Simmers
(stamped or printed) **SARAH SIMMERS**
Notary Public
State of Louisiana
West Baton Rouge Parish
Notary ID# 145163
My Commission Expires On Death

LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY

BY: [Signature]
Arrelia S. Giacometto, Secretary

THUS DONE AND SIGNED in duplicate original before me this 6th day of March, 20 24, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 91143)



Approved: [Signature]
Celena J. Cage, Assistant Secretary



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 7, 2018

CERTIFIED MAIL (7016 0910 0000 2672 8498)
RETURN RECEIPT REQUESTED

AXIALL, LLC
c/o C T Corporation System
Agent for Service of Process
5616 Corporate Boulevard
Baton Rouge, LA 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-CN-16-00672
AGENCY INTEREST NO. 2455**

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 **AXIALL, LLC (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 Cynthia Arrison at (225) 219-3796 or Cynthia.Arrison@la.gov.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/CLA
Alt ID No. LAD057117434
Attachment



c: Axiall, LLC Plaquemine
c/o Hillary Garner, EHS Manager
P.O. Box 629
Plaquemine, LA 70765

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

IN THE MATTER OF

**AXIALL, LLC
IBERVILLE PARISH
ALT ID NO. LAD057117434**

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

*	
*	
*	ENFORCEMENT TRACKING NO.
*	
*	HE-CN-16-00672
*	
*	AGENCY INTEREST NO.
*	
*	2455
*	

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

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

FINDINGS OF FACT

I.

The Respondent owns and/or operates Axiall, LLC – Plaquemine Facility located at 26100 Highway 405 South in Plaquemine, Iberville Parish, Louisiana. The Respondent previously operated under the name Georgia Gulf Chemicals & Vinyls, LLC until April 3, 2013, when the name was changed to Axiall, LLC. The facility is classified as a large quantity generator of hazardous waste and a hazardous waste treatment, storage, and disposal facility. The facility operates under EPA Identification No. LAD057117434. The Respondent operates under Hazardous Waste Operating Permit LAD057117434-OP-RN-1-MO-1, which became effective as of May 24, 2008. The Respondent submitted a renewal application dated May 31, 2017, to the Department; therefore, Hazardous Waste Operating Permit LAD057117434-OP-RN-1-MO-1 will remain in effect until the Department issues a final decision.

II.

On or about November 8, 2011, the Department conducted an inspection of the facility which revealed the following violations:

- A. The Respondent failed to determine if solid wastes generated at its facility were hazardous wastes, in violation of LAC 33:V.1103. Specifically, the Respondent failed to determine whether or not three (3) waste aerosol cans floating on top of the oil sump/skimmer next to the Hydrogen Compressor in the Phenol Unit were a hazardous waste. During the inspection, representatives of the Respondent addressed the violation by removing the cans and properly managing them as a hazardous waste (D003).
- B. The Respondent failed to clearly label or mark each tank of hazardous waste with the words "Hazardous Waste," in violation of LAC 33:V.1109.E.1.d and Permit LAD057117434-OP-RN-1-MO-1, Condition V.A.1.b.(2). Specifically, the following permitted hazardous waste tanks were not labeled with the words "Hazardous Waste":
 - 1. Tank V-441-B in the VCM Unit; and
 - 2. Tank 623-A in the Phenol Unit.

During the inspection, representatives of the Respondent addressed the violation by labeling both tanks with the words "Hazardous Waste."

- C. The Respondent failed to clearly label or mark satellite accumulation containers of hazardous waste with the words "Hazardous Waste" or with other words that identify the contents of the containers, in violation of LAC 33:V.1109.E.4. Specifically, one (1) 55-gallon drum containing hazardous paint waste located in the Blast Yard was not labeled. During the inspection, representatives of the Respondent addressed the violation by properly labeling the drum with the words "Hazardous Waste."
- D. The Respondent failed to include the name and EPA identification number of each transporter used during the reporting year on the annual report, in violation of LAC 33:V.1111.B.1.d. Specifically, one (1) transporter (Stranco) was not included on the OI Form of the 2010 Annual Report, but was listed on Manifest Nos. 001315392 GBF and 001315391 GFB.
- E. The Respondent failed to include the proper description of a waste on the manifest form, in violation of LAC 33:V.1107.B.1.d. Specifically, waste code F024 was on one (1) manifest (Manifest No. 000879008 GFB) but not on the Waste Profile BY1000. During the inspection,

representatives of the Respondent stated that the F024 was inadvertently put on the manifest. The waste code was removed from the manifest on November 9, 2011.

F. The Respondent failed to perform proper inspections of permitted tanks, in violation of LAC 33:V.1911.B and Permit LAD057117434-OP-RN-1-MO-1, Condition V.A.6. Specifically, a review of inspection records from 2010 to 2011 revealed the following:

1. Representatives of the Respondent stated that Tank V-441-B in the VCM Unit was temporarily out of service and blocked off while the exterior of the tank and piping was being repainted. Inspection logs for Tank V-441-B from August 8 to November 11, 2011, did not indicate that the tanks were temporarily out of service. Additionally, inspection logs did not indicate that Tank V-441-B was not labeled.
2. Inspection logs for Tank 623-A in the VCM Unit from May 23 to October 23, 2011 did not note that the tank was not labeled.

III.

On or about March 12, 2014, the Department conducted an inspection of the facility which revealed the following violations:

- A. The Respondent failed to close a container of hazardous waste, except when it is necessary to add or remove waste in accordance with LAC 33:V.2107.A, in violation of LAC 33:V.1109.E.1.a.i. Specifically, in the VCM Unit, Box VB-0525052 (waste code D028) and Box DVB-1125008 (waste codes D028 and D043) were open during the inspection.
- B. The Respondent failed to ensure containers are handled in a manner that prevents them from leaking in accordance with LAC 33:V.2107.B, in violation of LAC 33:V.1109.E.1.a.i. Specifically, in the VCM Unit, two (2) roll off boxes were leaking. The bottom bolt was missing and a side bolt was loose on the front side flange of Box VB-0525052 (waste code D028), and the box was leaking a clear fluid. A similar flange on the opposite end of the box was also unsecured and dripping. Box DVB-1125008 (waste codes D028 and D043) was also dripping onto the concrete. Additional information was provided to the Department via e-mail dated April 14, 2014. The roll off boxes were in an intentional dewatering configuration before being shipped off as waste.
- C. The Respondent failed to accurately record results of weekly inspections in accordance with LAC 33:V.2109.A, in violation of LAC 33:V.1109.E.1.a.i. Specifically, VCM Unit roll off box inspection sheets were reviewed from March 9, and March 15, 2014. The inspection sheets

noted that Box VB-0525052 and Box DVB-1125008 were sealed with no leaks, drips, or spills, despite the fact that they were open and leaking because they were in a dewatering configuration.

- D. The Respondent failed to mark containers containing hazardous waste with an accumulation start date, in violation of LAC 33:V.1109.E.1.c. Specifically, in the Phenol Unit, roll off Box DVB-1125007, labeled "Hazardous Waste Caustic Drum Waste Debris" (waste code D001), was undated. During the inspection, Box DVB-1125007 was labeled with the date March 1, 2014. This violation has been addressed.
- E. The Respondent failed to ensure containers are handled in a manner that prevents them from leaking in accordance with LAC 33:V.2107.B, in violation of LAC 33:V.1109.E.1.a.i. Specifically, in the Phenol Unit, roll off Box DVB-1125007, (waste code D001), was leaking under its rear side. According to an e-mail submitted to the Department dated April 14, 2014, the container was set up in a dewatering configuration before being shipped off as waste. Per the e-mail, as of April 14, 2014, a statement was added to the Waste Disposal Procedure which instructed employees to seal the box and close valves when dewatering is complete.
- F. The Respondent failed to clean up spilled hazardous waste in a timely manner, in violation of LAC 33:V.1121. Specifically, a pool of liquid was observed on the concrete under roll off Box DVB-1125007 (waste code D001). According to an e-mail submitted to the Department dated April 14, 2014, the container was set up in a dewatering configuration before being shipped off as waste. Per the e-mail, as of April 14, 2014, a statement was added to the Waste Disposal Procedure which instructed employees to seal the box and close valves when dewatering is complete. A follow-up inspection conducted by the Department on or about February 10, 2016, revealed that the spill was cleaned up.
- G. The Respondent failed to conduct weekly inspections in accordance with LAC 33:V.2109.A, in violation of LAC 33:V.1109.E.1.a.i. Specifically, no weekly inspections were available for roll off Box DVB-1125007 (waste code D001), which had been stored for twelve (12) days at the time of the inspection. According to an e-mail submitted to the Department dated April 14, 2014, as of April 14, 2014, inspection sheets were updated in the VCM Unit and in the Phenol Unit for <90 Day Storage Boxes.
- H. The Respondent failed to perform proper inspections of permitted tanks, in violation of LAC 33:V.1911.C.1 and Permit LAD057117434-OP-RN-1-MO-2, Condition V.A.6.b.(1).

Specifically, a review of inspection records for permitted Tank 02-47519 and Tank 02-47520 revealed the upper portions of the tanks were omitted from the daily RCRA tank inspection rounds. A representative of the Respondent stated that this was an inadvertent omission. According to an e-mail submitted to the Department dated April 14, 2014, as of March 17, 2014, daily Hazardous Waste Tanks Inspections in the Phenol Unit now include the top of the tanks.

- I. The Respondent failed to inspect overfill prevention controls, in violation of LAC 33:V.1909.B.2 and Permit LAD057117434-OP-RN-1-MO-2, Condition V.A.6.b.(1). Specifically, the Respondent could not produce any record of a calibration or a calibration schedule for the Rosemont level control gauge on Tank 47626, located in the Utilities Unit. According to an e-mail submitted to the Department dated April 14, 2014, the Respondent created an inspection schedule for the level control gauge on Tank 47626 to be calibrated every five (5) years, per manufacturer recommendation.
- J. The Respondent failed to clearly mark or label a container used to store used oil with the words "Used Oil," in violation of LAC 33:V.4013.D. Specifically, in the Utilities Drum Yard of the facility, one (1) 55-gallon drum of used oil filters was labeled "Oil Filters," and two (2) 55-gallon drums of used oil pads and oily rags were labeled "Oil Pads, Oily Rags," instead of "Used Oil." A facility technician confirmed that the filters, pads, and rags contained used oil. According to an e-mail submitted to the Department dated April 14, 2014, as of March 17, 2014, the drums in the Utilities Drum Yard have been labeled "Used Oil."
- K. The Respondent failed to take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, in violation of LAC 33:V.1517.A. Specifically, a 55-gallon satellite accumulation drum located in the Turner Paint Yard and labeled "Hazardous Waste Paint" was closed, but no grounding cables were in place. A review of the Safety Data Sheet (SDS), formerly known as Material Safety Data Sheet (MSDS), revealed the spent paint thinner contains 80% xylene, 19% ethyl benzene, and 1% toluene and possesses a flashpoint on 81 degrees Fahrenheit before use. According to an e-mail submitted to the Department dated April 14, 2014, as of March 17, 2014, the drum in the Turner Paint Yard has been grounded, and the area was reorganized and cleaned.
- L. The Respondent failed to contain any universal waste lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the

lamps, in violation of LAC 33:V.3821.D.1. Specifically, fourteen (14) uncontainerized used universal waste lamps were found in the Obligated Storage Building. According to an e-mail submitted to the Department dated April 14, 2014, as of March 17, 2014, the light bulbs were containerized and labeled.

- M. The Respondent failed to amend the contingency plan immediately after the emergency coordinator list changed, in violation of LAC 33:V.1513.D.5. Specifically, the Respondent failed to remove Barry Meyers, who had retired in December 2013, from the list of emergency coordinators. According to an e-mail submitted to the Department dated April 14, 2014, as of March 17, 2014, the contingency plan emergency responder list was updated.
- N. The Respondent failed to submit an exception report to the Department after a copy of the manifest with the handwritten signature of the owner or operator of the designated facility was not received within forty-five (45) days of the date the waste was accepted by the initial transporter. Specifically, seven (7) manifest loads spent more than forty-five (45) days in transportation. The shipment with the longest transportation delay did not reach the destination facility until sixty (60) days after it left the generator. All of the seven (7) shipments were sent to the same facility: Giant Cement Company in South Carolina. According to an e-mail submitted to the Department dated April 14, 2014, as of March 24, 2014, the Respondent resolved the issue with Giant Cement Company. Additionally, the Respondent submitted exception reports on May 8, 2014.

IV.

On or about February 10, 2016, the Department conducted an inspection of the facility which revealed the following violations:

- A. The Respondent failed to determine if solid wastes generated at its facility were hazardous wastes, in violation of LAC 33:V.1103. Specifically, in the less than 90-day storage area, two (2) 55-gallon drums were labeled "Used Varsol – Nonhazardous Waste, 10/1/2015." During the inspection, a representative of the Respondent tested the drums, determined that the used varsol showed a flashpoint of 66 degrees Fahrenheit, and relabeled the material as hazardous waste D001. The violation was addressed during the inspection.
- B. The Respondent treated, stored, and or disposed of hazardous waste without a permit, in violation of LAC 33:V.303.B. Specifically, the Respondent stored hazardous waste for greater than ninety (90) days without a permit. The two (2) varsol drums described in

Finding of Fact Paragraph V.A were labeled with accumulation start dates of August 2, 2015, and October 1, 2015. The Respondent submitted a storage extension request with the Department dated February 23, 2016. The drums were shipped off-site on February 26, 2016. This violation has been addressed.

- C. The Respondent failed to notify the Department in writing prior to the initiation of closure activities beginning thirty (30) days after the tank received its last volume of waste, in violation of LAC 33:V.3511.D.2.a and Permit LAD057117434-OP-RN-1-MO-1, Condition III.O.3 and Section 3.0 of the Closure Plan. Specifically, at the time of the inspection, permitted Tank 02-47519 and permitted Tank 02-47520 located in the Phenol Unit had been emptied and washed. According to an e-mail dated April 4, 2016, submitted to the Department on behalf of the Respondent, the two (2) tanks last received hazardous waste (K022) in October 2015, when the Phenol Unit was shut down. Additionally, permitted Tank 01-47507 was observed to be decontaminated, which was confirmed by a representative of the Respondent during the inspection. According to the e-mail dated April 4, 2016, the tank might still receive waste. In a response submitted to the Department dated June 16, 2016, the Respondent stated that notice of intent to close Tank 02-47519 and Tank 02-47520 was made on February 23, 2016, and notice of intent to close Tank 01-47507 was made on May 25, 2016.
- D. The Respondent failed to obtain rinsate samples during the washing and steam cleaning of Tanks 02-47519, 02-47520, and 02-47507, in violation of LAC 33:V.309.A and Permit LAD057117434-OP-RN-1-MO-1, Condition II.E.37 and Section 5.2 of the Closure Plan.
- E. The Respondent failed to submit a request for a permit modification to authorize a change in the approved closure plan when changes in operating plans or facility design affect the closure plan, in violation of LAC 33:V.3511.C.2.a. Specifically, Section 5.1.2 of the Closure Plan for Tanks 02-47519, 02-47520, and 02-47536 specifies that waste removed from the tanks during closure would be processed in the Nebraska Boiler, but the boiler was certified closed on April 26, 2007.
- F. The Respondent failed to take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, in violation of LAC 33:V.1517.A. Specifically, one (1) 55-gallon satellite accumulation drum, located in the Turner Paint Yard, labeled "Hazardous Waste

- Paint" (D001/F003/F005) was not grounded. The violation was addressed during the inspection.
- G. The Respondent failed to close a container of hazardous waste, except when it is necessary to add or remove waste in accordance with LAC 33:V.2107.A, in violation of LAC 33:V.1109.E.1.a.i. Specifically, one (1) 55-gallon satellite accumulation drum, located in the Turner Paint Yard, labeled "Hazardous Waste Paint" (D001/F003/F005) had an open funnel in the bung. The violation was addressed during the inspection.
- H. The Respondent failed to contain any universal waste lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps, in violation of LAC 33:V.3821.D.1. Specifically, in the Obligated Storage Building, four (4) 4-foot used universal waste lamps were found uncontainerized, and one (1) box of 8-foot used universal waste lamps was open. The violation was addressed during the inspection.
- I. The Respondent failed to ensure samples and measurements taken for the purpose of monitoring are representative of the monitored activity, in violation of LAC 33:309.J.1 and Permit LAD057117434-OP-RN-1-MO-1, Condition II.E.9.a. Specifically, for the Phenol Waste Oil (D001/D018) stored in permitted Tank 01-47507 the heat of combustion (BTU/lb) from 2011 to 2015 was reported in the annual reports as: 17,000 (2011); 16,144 (2012); 1,300 (2013), 1,600 (2014); and 17,000 (2015). For 2013 and 2014, the BTU values were well below the 5,000 BTU/lb benchmark to evaluate if materials possess significant heat content when burned for energy recovery. Following the inspection, a representative of the Respondent supplied 19 BTU values for 2013 and 11 for 2014, showing averages of 16,200 and 16,300 BTU/lb, respectively. The Respondent failed to ensure that samples of phenol waste oil taken from Tank 02-47507 to report BTU values for the 2013 and 2014 Annual Reports were representative. The representative of the Respondent stated that the samples were unrepresentative due to inadequate purging on the part of the sampler.
- J. The Respondent failed to notify the Office of Environmental Services within seven (7) days if any of the information submitted in the application for the identification number changes, in violation of LAC 33:V.1105.B. Specifically, the Respondent failed to update the facility contact after Kevin Spargo left employment in October 2015. This violation was addressed on February 22, 2016 when an updated HW-1 form was submitted to the Department.

V.

On or about May 25, 2016, the Department conducted an inspection of the facility which revealed the following violations:

- A. The Respondent placed waste in a hazardous waste tank prior to the Department's approval and issuance of an Order to Proceed, in violation of LAC 33:V.303.I.2. Specifically, the Respondent submitted a Tank Certification Engineering Report for the replacement of hazardous waste tank TK-629 on February 29, 2016. The Department reviewed the report and determined the submittal was sufficient on or about May 12, 2016. During the inspection, it was noted that hazardous waste was placed in tank TK-629 on March 5, 2016.
- B. The Respondent failed to document a leak in the inspection logs, in violation of Permit LAD057117434-OP-RN-1-MO-1, Condition V.A.7.b.(7). Specifically, during the inspection, it was noted that a leak had occurred at the "relief hatch," which was repaired; however, no documentation of the leak was noted during the review of the inspection logs.

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 Permit LAD057117434-OP-RN-1-MO-1.

II.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to ensure the name and EPA identification number of each transporter used during the reporting year is included in the annual report in accordance with LAC 33:V.1111.B.1.d.

III.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to ensure proper inspections of permitted tanks are performed daily in accordance with LAC 33:V.1911.B and Permit LAD057117434-OP-RN-1-MO-1, Condition V.A.6. All leaks and spills shall be documented in the daily inspection log in accordance with Permit LAD057117434-OP-RN-1-MO-1, Condition V.A.7.b.(7). The Respondent shall also ensure proper inspections of areas where hazardous waste containers are stored are performed weekly, as specified in LAC 33:V.2109.A, in accordance with LAC 33:V.1109.E.1.a.i.

IV.

To close, immediately upon receipt of this **COMPLIANCE ORDER**, all containers storing hazardous waste, including accumulation containers, and to institute procedures to ensure that containers storing hazardous waste remain closed except when necessary to add or remove waste, as specified in LAC 33:V.2107.A, in accordance with LAC 33:V.1109.E.1.a.i.

V.

To institute procedure, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure spills of hazardous waste are cleaned up in a timely manner in accordance with LAC 33:V.1121.

VI.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to ensure that containers holding hazardous and/or solid waste are in good condition (e.g., free of severe rusting and/or apparent structural defects). The contents of any containers not in good condition or leaking shall immediately be transferred into a container that is in good condition, or manage the material in a way that complies with the Solid or Hazardous Waste Regulations.

VII.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure procedures detailed in the Closure Plan are followed.

VIII.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to ensure samples and measurements taken for the purpose of monitoring are representative of the monitored activity in accordance with LAC 33:309.J.1 and Permit LAD057117434-OP-RN-1-MO-1, Condition II.E.9.a.

IX.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that all leaks and spills are documented in the daily inspection log in accordance with Permit LAD057117434-OP-RN-1-MO-1, Condition V.A.7.b.(7).

X.

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: Cynthia Arrison
Re: Enforcement Tracking No. HE-CN-16-00672
Agency Interest No. 2455

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-16-00672
Agency Interest No. 2455

III.

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

IV.

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

V.

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

VI.

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

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

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

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Cynthia Arrison at (225) 219-3796 or Cynthia.Arrison@la.gov 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 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 17th day of May, 2018.



Lourdes Iturralde
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: Cynthia Arrison



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-16-00672	Contact Name	Cynthia Arrison
Agency Interest (AI) No.	2455	Contact Phone No.	(225) 219-3796
Alternate ID No.	LAD057117434		
Respondent:	Axiall, LLC	Facility Name:	Axiall, LLC – Plaquemine Facility
	c/o C T Corporation System	Physical Location:	26100 Highway 405 South
	Agent for Service of Process		
	5616 Corporate Boulevard	City, State, Zip:	Plaquemine, LA 70764
Baton Rouge, LA 70808	Parish:	Iberville Parish	

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph X 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 NOTICE OF POTENTIAL PENALTY (HE-CN-16-00672), 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"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (HE-CN-16-00672), 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. <ul style="list-style-type: none"> • 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.
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (HE-CN-16-00672) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

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: Cynthia Arrison



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
November 8, 2018

CERTIFIED MAIL (7017 1070 0000 2657 8243)
RETURN RECEIPT REQUESTED

AXIALL, LLC
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. MM-CN-18-00730
AGENCY INTEREST NO. 2455**

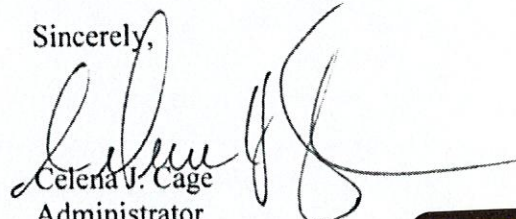
Dear Sir/Madam:

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 **AXIALL, LLC (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 Cynthia Arrison at (225) 219-3796 or Cynthia.Arrison@la.gov.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/CLA
Alt ID No. LAD057117434
Attachment



c: Axiall, LLC
c/o Denee Elwood
P.O. Box 629
Plaquemine, LA 70765

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

IN THE MATTER OF

**AXIALL, LLC
IBERVILLE PARISH
ALT ID NO. LAD057117434**

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

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **MM-CN-18-00730**
*
* **AGENCY INTEREST NO.**
*
* **2455**
*

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

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

FINDINGS OF FACT

I.

The Respondent owns and/or operates Axiall, LLC – Plaquemine Facility located at 26100 Highway 405 South in Plaquemine, Iberville Parish, Louisiana. The Respondent previously operated under the name Georgia Gulf Chemicals & Vinyls, LLC until April 3, 2013, when the name was changed to Axiall, LLC. The facility is classified as a large quantity generator of hazardous waste and a hazardous waste treatment, storage, and disposal facility. The facility operates under EPA Identification No. LAD057117434. The Respondent operates under Hazardous Waste Operating Permit LAD057117434-OP-RN-1-MO-1, which became effective as of May 24, 2008. The Respondent submitted a renewal application dated May 31, 2017, to the Department; therefore, Hazardous Waste Operating Permit LAD057117434-OP-RN-1-MO-1 will remain in effect until the Department issues a final decision.

II.

On or about May 7, 2018, the Department issued Consolidated Compliance Order & Notice of Potential Penalty HE-CN-16-00672 to the Respondent. Consolidated Compliance Order & Notice of Potential Penalty HE-CN-16-00672 was received by the Respondent via certified mail on or about May 11, 2018. The Respondent submitted a hearing request to the Department via email on June 11, 2018. The Respondent and the Department agreed to enter into dispute resolution discussions regarding Consolidated Compliance Order & Notice of Potential Penalty HE-CN-16-00672 on June 25, 2018.

III.

On or about February 28, March 7, and March 8, 2018, the Department conducted inspections at the above referenced facility to determine the degree of compliance with the Act and the supporting Regulations. 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 inspect concrete secondary containment systems daily, in violation of Permit LAD057117434-OP-RN-1-MO-1, Condition V.A.6.b.(1).c and LAC 33:V.309.A. Specifically, solids covered the shared coated concrete secondary containment for Tanks V-441A and V-441B and the secondary containment system for Tank TK-629 in the EDC/VCM Unit; however, recent Daily Hazardous Waste Storage Tank and Piping Inspection Logs indicated that there were no cracks or defects in the secondary containment. In the areas covered by solids, potential cracks would not have been seen for inspection. The amount of solids in the containment area would prevent adequate and proper inspection. The March 7, 2018 inspection revealed the solids were removed from the secondary containment liners. When the solids were removed, some pitted areas in the secondary containment liners were observed. These defects were not noted in recent Daily Hazardous Waste Storage Tank and Piping Inspection Logs.
- B. The Respondent failed to ensure the external liner systems of the secondary containment systems are impermeable to the extent that they would prevent lateral as well as vertical migration of waste into the environment in accordance with LAC 33:V.1907.E.1.e, in violation of Permit LAD057117434-OP-RN-1-MO-1, Condition V.A.3.b.(3), LAC 33:V.1907.E.1.f.i.(a), and LAC 33:V.309.A. Specifically, cracks were noted in several areas of the shared coated concrete secondary containment for Tanks V-441A and V-441B in the EDC/VCM Unit.

- C. The Respondent failed to notify the Department in writing prior to the initiation of closure activities beginning thirty (30) days after the tank received its last volume of waste, in violation of LAC 33:V.3511.D.1 and Permit LAD057117434-OP-RN-1-MO-1, Condition III.O.3, Section 3.0 of the facility's Closure Plan, and LAC 33:V.309.A. Specifically, Tank TK-623A located in the EDC/VCM Unit last received hazardous waste on February 29, 2016, and was drained of all hazardous waste on March 20, 2016, but the Respondent did not submit notification to the Department.
- D. The Respondent failed to clearly label or mark each container of hazardous waste with the words "Hazardous Waste," in violation of LAC 33:V.1109.E.1.d. Specifically, during the February 28, 2018 inspection, one (1) five-gallon container of waste catalyst (D001) located in the Drum Yard was not properly labeled. During the inspection, a facility representative labeled the container "Hazardous Waste."
- E. The Respondent failed to mark containers containing hazardous waste with an accumulation start date, in violation of LAC 33:V.1109.E.1.c. Specifically, the container identified in Findings of Fact paragraph III.D was not labeled. During the inspection, a facility representative labeled the container with an accumulation start date.
- F. The Respondent failed to employ best practical housekeeping in order to control emissions of volatile organic compounds (VOCs) from containers storing hazardous waste, in violation of LAC 33:III.2113.A.2. Specifically, one (1) five-gallon container labeled "Xylene," which is a VOC, located in the Turner Paint Yard was open. The container was closed by a facility representative during the inspection.
- G. The Respondent failed to ensure universal waste lamps are stored in closed containers or packages, in violation of LAC 33:V.3821.D.1. Specifically, one (1) box of universal waste lamps was not closed. Representatives of the Respondent closed the box during the inspection.
- H. The Respondent failed to determine if solid wastes generated at its facility were hazardous wastes, in violation of LAC 33:V.1103. Specifically, the Respondent failed to determine whether or not one (1) box of VPP cartridges located with universal waste in the Obligated Storage Building was hazardous waste. The VPP cartridges are blank cartridges (filled with gunpowder) for use with railroad punches.
- I. The Respondent failed to ensure satellite accumulation containers of hazardous waste remain closed, except when necessary to add or remove waste in accordance with LAC 33:V.2107.A,

in violation of LAC 33:V.1109.E.4. Specifically, one (1) 55-gallon drum of hazardous waste (D001, F003, F005) was closed, grounded, and equipped with a funnel, but the funnel did not have a gasket to control the emission of volatile hazardous waste in the drum.

- J. The Respondent failed to inspect the aboveground portions of the tank system at least once daily for corrosion or release of waste as specified in LAC 33:V.1911.C, in violation of LAC 33:V.1901.E and LAC 33:V.1109.E.1.a.ii. Specifically, a review of the Daily Tank Inspection Records revealed that the Respondent failed to inspect Tank TK-47626 (D001) in May 2016, July 2016, and on October 3, 2016, January 19, 2017, January 20, 2017, January 24, 2017, July 4, 2017, July 29, 2017, July 30, 2017, and December 15, 2017.
- K. The Respondent failed to inspect the aboveground portions of the tank system at least once daily for corrosion or release of waste, in violation of Permit LAD057117434-OP-RN-1-MO-1, Condition V.A.6.b.(1).a, Permit LAD057117434-OP-RN-1-MO-1, Condition III.E, the facility's Inspection Plan, Figure 1509.B – General Inspection Schedule, LAC 33:V.1911.C.1, and LAC 33:V.309.A. Specifically, a review of the Daily Hazardous Waste Storage Tank and Piping Inspection Log revealed the Respondent failed to document whether an external inspection of the Tanks TK-623A, TK-629, and V-441A for corrosion is conducted.
- L. The Respondent failed to conduct weekly inspections of hazardous waste containers in accordance with LAC 33:V.2109.A, in violation of LAC 33:V.1109.E.1.a.i. Specifically, a review of the records for the following containers in the VCM Unit revealed the following weekly inspections were not conducted:

Container Number	No Record
DVB 1325038	January 24, 2016
VB-1225025, DVB-0925032, DVB-0925013	April 16, 2016
F11174, FO4022, 1259	September 11, 2016, September 18, 2016
Not Available	October 15, 2016, December 9, 2016
DVB-1425007	July 16, 2017, July 23, 2017, July 30, 2017

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Air Quality and Hazardous Waste Regulations and Permit LAD057117434-OP-RN-1-MO-1.

II.

To repair, within sixty (60) days of receipt of this **COMPLIANCE ORDER**, all cracks of the shared coated concrete secondary containment for Tanks V-441A and V-441B. Documentation of the repairs shall be submitted to the Enforcement Division with fifteen (15) days of completion. The Respondent shall also ensure the external liner systems of secondary containment systems at the facility satisfy the requirements listed in LAC 33:V.1907.E.1.

III.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to ensure procedures detailed in the Closure Plan are followed.

IV.

To submit, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, to the Enforcement Division a written plan for housekeeping and maintenance that places emphasis on the prevention or reduction of VOC emissions from the facility, as specified in LAC 33:III.2113.A.4.

V.

To perform, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a hazardous waste determination on the wastes specified in Findings of the Fact Paragraph III.I in accordance with LAC 33:V.1103, and institute procedures to ensure waste determinations are made on all waste generated. The results of the determination for the waste described in Findings of Fact Paragraph III.I shall be submitted to the Enforcement Division within fifteen (15) days of performing the waste determination. All waste shall be disposed of in accordance with the Hazardous Waste or Solid Waste regulations, whichever is applicable.

VI.

To close, immediately upon receipt of this **COMPLIANCE ORDER**, all containers storing hazardous waste, including accumulation containers, and to institute procedures to ensure that containers

storing hazardous waste remain closed except when necessary to add or remove waste, as specified in LAC 33:V.2107.A, in accordance with LAC 33:V.1109.E.1.a.i.

VII.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to ensure proper inspections of permitted tanks are performed daily in accordance with LAC 33:V.1911.C and Permit LAD057117434-OP-RN-1-MO-1, Condition V.A.6. The Respondent shall also ensure proper inspections of areas where hazardous waste containers are stored are performed weekly, as specified in LAC 33:V.2109.A, in accordance with LAC 33:V.1109.E.1.a.i.

VIII.

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: Cynthia Arrison
Re: Enforcement Tracking No. MM-CN-18-00730
Agency Interest No. 2455

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. MM-CN-18-00730
Agency Interest No. 2455

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 Cynthia Arrison at (225) 219-3796 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 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 8th day of November, 2018.



Lourdes Iturralde
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: Cynthia Arrison

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE		
Enforcement Tracking No.	MM-CN-18-00730	Contact Name	Cynthia Arrison	
Agency Interest (AI) No.	2455	Contact Phone No.	(225) 219-3796	
Alternate ID No.	LAD057117434			
Respondent:	AXIALL, LLC	Facility Name:	Axiall, LLC – Plaquemine Facility	
	c/o C T Corporation System	Physical Location:	26100 Highway 405 South	
	Agent for Service of Process			
	3867 Plaza Tower Drive	City, State, Zip:	Plaquemine, LA 70734	
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 VIII of the "Order" portion of the COMPLIANCE ORDER.				
All necessary documents were submitted to the Department in accordance with Paragraphs II, IV, and 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)				
<i>(check the applicable option)</i>				
_____	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-CN-18-00730), 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-CN-18-00730), 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. <ul style="list-style-type: none"> • 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-CN-18-00730) 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
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