

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ETHYL CORPORATION

AI # 3085

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

\* Settlement Tracking No.  
\* SA-HE-23-0022  
\*  
\* Enforcement Tracking No.  
\* HE-PP-16-00322  
\*  
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\*  
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SETTLEMENT

The following Settlement is hereby agreed to between Ethyl Corporation (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a corporation that owned and/or operated a facility located in Baton Rouge, East Baton Rouge Parish, Louisiana (“the Facility”).

II

On July 1, 2016, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. HE-PP-16-00322 (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 SIX THOUSAND AND NO/100 DOLLARS (\$6,000.00), of which One Thousand Ninety-Two and 59/100 Dollars (\$1,092.59) 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).

V

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

VI

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.

VII

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.

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

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form attached hereto.

XI

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

## 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.

**ETHYL CORPORATION**

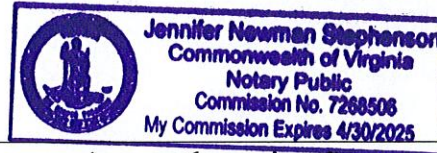
BY: *John W. Street*  
(Signature)

John W. Street  
(Printed)

TITLE: Director Operations

THUS DONE AND SIGNED in duplicate original before me this 10 day of July, 20 23, at \_\_\_\_\_.

*Jennifer Newman Stephenson*  
NOTARY PUBLIC (ID # 7268506)



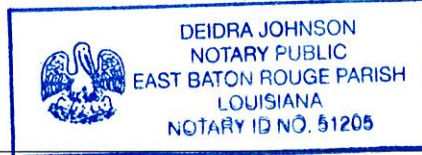
(stamped or printed)

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Roger W. Gingles, Secretary

BY: *Celena J. Cage*  
Celena J. Cage, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 19th day of September, 20 23, at Baton Rouge, Louisiana.

*Deidra Johnson*  
NOTARY PUBLIC (ID # 51205)



(stamped or printed)

*Lifetime Commission*

Approved: *Celena J. Cage*  
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

July 1, 2016



CERTIFIED MAIL (7014 1200 0000 7863 9567)  
RETURN RECEIPT REQUESTED

**ETHYL CORPORATION**  
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-16-00322  
AGENCY INTEREST NO. 3085**

Dear Sir/Madam:

On or about December 14, 2015, an inspection of **ETHYL CORPORATION**, a previously operating manufacturer of lead fuel-additive compounds, tetraethyl lead (TEL) and tetramethyl lead (TML), sodium chlorine, and chlorinated hydrocarbons, owned and/or operated by **ETHYL CORPORATION (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations. The facility has been closed since 1985 and is now only performing activities associated with the assessment and remediation of the site. The facility is located on Gulf States Road in Baton Rouge, East Baton Rouge Parish, Louisiana (the Site). The Respondent is classified as a generator of hazardous waste and operates under EPA Identification No. LAD079460895. The Respondent operates under Hazardous Waste Post-Closure Renewal Permit LAD079460895-PC-RN-1, which became effective as of October 2, 2008, and remains in effect until October 2, 2018.

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

- A. The Respondent failed to place hazardous waste in a container, in violation of LAC 33:V.1109.E.1.a.i and LAC 33:V.1121.A. Specifically, a small amount of spent carbon on top of a super sack of spent carbon was not containerized in the super sack in the Less Than 90-Day Container Storage Area. In an e-mail sent to the Department on December 17, 2015, the Respondent stated that the carbon vender, TetraSolv, was made aware of this issue prior to the inspection and is making arrangements to repack the carbon before it is

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Ethyl Corporation  
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- shipped offsite. Additionally, in a response to Warning Letter HE-L-16-00322 dated May 12, 2016, the Respondent stated that the spent carbon noted during the inspection was repackaged in a new supersack before the carbon was shipped off-site. The Respondent also stated that the Waste Standard Operating Procedure was modified to clarify that carbon must be properly containerized during changeouts. This violation has been addressed.
- B. The Respondent failed to submit an annual report covering all hazardous waste units and their activities during the previous calendar year to the Office of Environmental Services by March 1 of each year, in violation of LAC 33:V.1529.D and Permit LAD079460895-PC-RN-1, Condition II.E.29. Specifically, the Respondent did not submit an annual report for the following years: 2012 and 2013. The Respondent did submit at least some of the information required by LAC 33:V.1529.D, but failed to submit the information in a single report. At the time, the Respondent was managing the carbon shipped offsite under the wastewater treatment unit sludge exemption. The EPA contested the applicability of the sludge exemption which was resolved under the Consent Agreement & Final Order (CAFO) dated January 21, 2015. In an e-mail sent to the Department on December 17, 2015, the Respondent stated that since the CAFO was issued, the carbon has been managed in accordance with hazardous waste regulations. The 2014 Annual Hazardous Waste Report was submitted to the Department on February 25, 2015. The 2012 and 2013 Annual Hazardous Waste Reports were submitted to the Department on May 12, 2016. This violation has been addressed.
- C. The Respondent failed to develop and retain a waste minimization plan on-site as required by LAC 33:V.2245.K, in violation of LAC 33:V.1109.E.1.e. Specifically, the facility had no waste minimization plan at the time of the inspection. The Respondent prepared the plan after the inspection and provided a copy of it in an e-mail sent to the Department on December 17, 2015. This violation has been addressed.
- D. The Respondent failed to submit the Waste Minimization certification annually as required by the permit, in violation of Permit LAD079460895-PC-RN-1, Condition VII.A.1. Specifically, the Respondent failed to submit the Waste Minimization certification for the following years: 2012, 2013, and 2014. The Respondent provided a copy of the certified statement for the Waste Minimization Plan dated December 15, 2015, in an e-mail sent to the Department on December 17, 2015 in accordance with Permit LAD079460895-PC-RN-1, Condition VII.A.1.
- E. The Respondent failed to amend the contingency plan immediately after the emergency coordinator list changed, in violation of LAC 33:V.1513.D.5 and Permit LAD079460895-PC-RN-1, Condition III.L.3. Specifically, the facility updated the Contingency Plan with the current emergency coordinator in March 2015. However, the previous emergency coordinator listed in the plan left the facility in September 2013. Therefore, the plan should have been immediately amended when the previous emergency coordinator left the facility. An updated Contingency Plan was submitted to the Department on

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- behalf of the Respondent from SEMS, Inc. on January 14, 2016, to reflect the change in emergency coordinator. This violation has been addressed.
- F. The Respondent failed to submit the March 2015 Contingency Plan revisions to the Department for approval, in violation of LAC 33:V.1513.D.5; Permit LAD079460895-PC-RN-1, Condition II.E.28.b; and Permit LAD079460895-PC-RN-1, Condition III.L.4. Specifically, an updated Contingency Plan was not submitted to the Department after the emergency coordinator changed. This violation was addressed on January 14, 2016.
- G. The Respondent failed to include on the hazardous waste manifests the name, physical address, telephone number, and active EPA identification number of each transporter, in violation of LAC 33:V.1107.B.1.b. Specifically, a transporter was not listed on manifest number 001118054. In an e-mail sent to the Department on December 17, 2015, the Respondent submitted the name of the transporter and an e-mail from the transporter acknowledging the shipment on that manifest was transported by that transporter. This violation has been addressed.
- H. The Respondent failed to have facility personnel successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of LAC 33:V.1515, in violation of LAC 33:V.1515.A.1 and Permit LAD079460895-PC-RN-1, Condition III.F. Specifically, the Respondent failed to provide annual training from 2013 to 2015 to employees managing hazardous waste, including but not limited to contracted employees Ken Eiswirth and Gary Byrd. In an e-mail sent to the Department on January 21, 2016, the Respondent submitted a copy of training records from January 19, 2016, for three (3) employees, including Ken Eiswirth and Gary Byrd. This violation has been addressed.

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

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



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utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement.

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.

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

LI/CLA/cla  
Alt ID No. LAD079460895

c: Ethyl Corporation  
P.O. Box 341  
Baton Rouge, LA 70821