

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

BAYOU INSPECTION SERVICES, INC.

AI # 30587

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

* Settlement Tracking No.
* SA-RE-17-0024
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* Enforcement Tracking No.
* RE-CN-12-01005
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SETTLEMENT

The following Settlement is hereby agreed to between Bayou Inspection Services, Inc. (“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 Amelia, St. Mary Parish, Louisiana (“the Facility”).

II

On November 30, 2012, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. RE-CN-12-01005, which was based upon the following findings of fact:

“The Respondent owns and/or operates Bayou Inspection Services, Inc., an industrial radiography licensee, located at 318 DeGravelle Road in Amelia, Saint Mary Parish, Louisiana. The Respondent currently operates under the Radioactive Material License No. LA-7112-L01 issued by the Department on May 21, 2012.

On or about June 26, 2012, the Department conducted an inspection of the Respondent's facility. 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 record the exposure history, as required by LAC 33:XV.414.A, on Department Form DRC-4, or other clear and legible record, of all the information required on that form, in violation of LAC 33:XV.414.D. Specifically, the Respondent assigned spare badge #2 to a new employee with no previous exposure history, however, the badge had already accrued exposure from the previous radiographer. The Respondent altered the exposure history to reflect radiation received by badge #2 for the period between the time the new employee began working and the time that the new employee's badge arrived in an attempt to reflect accurate values. The Respondent submitted copies of the dosimetry reports to the Department on or about April 10, 2012.
- B. The Respondent failed to maintain, for inspection by the Department, until disposition is authorized by the Department, the Records of Annual Refresher Safety Training and Semiannual Inspections of Job Performance for each radiographer or radiographer trainee, in violation of LAC 33:XV.575.C.2. Specifically, the last record of annual refresher training for radiography technician, Stephen Hernandez, Agency Interest Number 85904 indicated that it was conducted on November 9, 2010.
- C. The Respondent failed to conduct a program of internal audits, not to exceed once every six (6) months, to ensure that the Radiation Protection Regulations, Louisiana Radioactive Material License Conditions, and the Respondents Operating and Emergency Procedures were followed by each radiographer or radiographer trainee, in violation of LAC 33:XV.575.D. Specifically, the latest record of a semi-annual internal inspection available for radiography technician, Brant Rodrigue, Agency Interest Number 92322 was dated November 19, 2010.
- D. The Respondent failed to ensure that survey meter calibration records were maintained for a period of at least three (3) years after the calibration date for inspection by the Department, in violation of LAC 33:XV.543.C. Specifically, the calibration records for the Model ND2000 survey instrument, serial number 53488, were not available from April 19, 2011, through March 8, 2012.
- E. The Respondent failed to ensure that there was a dependable means to transmit information between and among, the various components used to detect and identify an unauthorized intrusion, to inform the assessor, and to summon the appropriate responder, in violation of LAC 33:XV.320.A.2, Radioactive

Materials License LA-7112-L01 condition number 17.B, and the Nuclear Regulatory Commission Order Imposing Increased Controls Principle 2.c.”

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 THREE THOSAND AND NO/100 DOLLARS (\$3,000.00), of which Four Hundred Sixty-One and 29/100 Dollars (\$461.29) 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 Consolidated Compliance Order & 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 St. Mary 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 (Exhibit A).

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.

BAYOU INSPECTION SERVICES, INC.

BY: Willie Tezard
(Signature)

WILLIE TEZARD
(Printed)

TITLE: PRESIDENT

THUS DONE AND SIGNED in duplicate original before me this 9th day of NOVEMBER, 20 17, at BERWICK, LA.

David M. Patterson
NOTARY PUBLIC (ID # 65603)

DAVID M. PATTERSON
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary

BY: [Signature]
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 28th day of Feb, 20 18, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary