

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

UNIVAR USA INC.

AI # 529 and 13372

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

* Settlement Tracking No.
* SA-HE-17-0012
*
* Enforcement Tracking No.
* HE-PP-13-00814
* HE-PP-13-00815
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SETTLEMENT

The following Settlement is hereby agreed to between Univar USA 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 hazardous waste transfer facilities located in Lafayette and Ascension Parishes, Louisiana (“the Facilities”).

II

On November 26, 2013, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. **HE-PP-13-00814**, which was based upon the following findings of fact:

“On or about August 20, 2013, the Louisiana Department of Environmental Quality (the Department) conducted a file review of records associated with a facility known to the Department as Univar USA, INC. – Gesimar Facility, owned an/or operated by Univar USA, INC. (RESPONDENT). The facility is located at 34200 Distribution Lane in Geismar, Ascension Parish, Louisiana. The Respondent operates a hazardous waste transfer facility and has been issued EPA Identification No. LAD000709451.

The Respondent was granted hazardous waste transfer facility authorization for a period of two (2) years in correspondence dated January 11, 2010. The Respondent's hazardous waste transfer facility authorization expired on January 11, 2012. The Respondent did not submit a request for renewal of its hazardous waste transfer facility status until May 2, 2013.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violation was noted:

The Respondent operated a hazardous waste transfer facility without authorization, in violation of LAC 33:V.1305.C. Specifically, the Respondent operated a hazardous waste transfer facility without authorization for a period of 476 days.”

III

On November 26, 2013, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. **HE-PP-13-00815**, which was based upon the following findings of fact:

“On or about August 20, 2013, the Louisiana Department of Environmental Quality (the Department) conducted a file review of records associated with a facility known to the Department as Univar USA, INC. – Carencro Facility, owned and/or operated by Univar USA, INC. (RESPONDENT). The facility is located at 220 Hector Connolly Road in Carencro, Lafayette Parish, Louisiana. The Respondent operates a hazardous waste transfer facility and has been issued EPA Identification No. LAD985194455.

The Respondent was granted hazardous waste transfer facility authorization for a period of two (2) years in correspondence dated January 11, 2010. The Respondent's hazardous waste transfer facility authorization expired on January 11, 2012. The Respondent did not submit a request for renewal of its hazardous waste transfer facility status until May 2, 2013.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violation was noted:

The Respondent operated a hazardous waste transfer facility without authorization, in violation of LAC 33:V.1305.C. Specifically, the Respondent operated a hazardous waste transfer facility without authorization for a period of 476 days.”

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 THREE THOUSAND SEVEN HUNDRED FIFTY AND NO/100 (\$3,750.00) DOLLARS, of which Three Hundred Thirty-One and 04/100 Dollars (\$331.04) 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)/permit record(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.

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 Ascension and Lafayette 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 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).

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.

Univar USA Inc.

BY: Craig M. Lawson
(Signature)

Craig M. Lawson
(Printed)

TITLE: Vice President - Assoc. Gen'l Counsel

THUS DONE AND SIGNED in duplicate original before me this 21st day of November, 20 17, at 4444 Redmond Way
VI

[Signature]
NOTARY PUBLIC (ID # 017001)



Kazumi Takeuchi
(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