

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CLEAN HARBORS BATON ROUGE, LLC

AI # 1516

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

* Settlement Tracking No.
* SA-HE-18-0040
*
* Enforcement Tracking Nos.
* HE-PP-15-00979
* HE-PP-15-00222
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SETTLEMENT

The following Settlement is hereby agreed to between Clean Harbors Baton Rouge, 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 owned and/or operated a permitted treatment storage and disposal facility located at 13351 Scenic Highway, Baton Rouge, East Baton Rouge Parish, Louisiana (“the Facility”).

II

On July 23, 2015, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. HE-PP-15-00222 (Exhibit 1).

On March 14, 2016, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. HE-PP-15-00979 (Exhibit 2).

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 THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$3,500.00), of which Six Hundred Sixty-Six and 55/100 Dollars (\$666.55) 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 (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.

CLEAN HARBORS BATON ROUGE, LLC

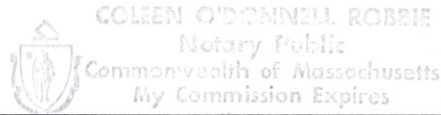
BY: William F. Connors
(Signature)

William F. Connors
(Printed)

TITLE: Sr. Vice President

THUS DONE AND SIGNED in duplicate original before me this 14th day of November, 20 18, at Norwall, MA.

Colleen O'Donnell Robbie
NOTARY PUBLIC (ID # _____)



(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 20th day of Feb, 20 19, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

July 23, 2015

CERTIFIED MAIL (7014 1200 0000 7863 7822)
RETURN RECEIPT REQUESTED

CLEAN HARBORS BATON ROUGE, L.L.C.
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Boulevard, Ste. 400B
Baton Rouge, Louisiana 70808

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-PP-15-00222
AGENCY INTEREST NO. 1516**

Dear Sir/Madam:

On or about December 4, 2014, an inspection of **CLEAN HARBORS BATON ROUGE**, a permitted treatment storage and disposal facility (TSD), a large quantity generator (LQG), importer, and transfer facility of hazardous waste, owned and/or operated by **CLEAN HARBORS BATON ROUGE, L.L.C. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations. The facility is located at 13351 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility operates under EPA Identification No. LAD010395127.

On November 10, 2014, a leachate line from the closed hazardous waste landfill ruptured, releasing approximately three hundred (300) gallons of hazardous waste leachate (F039) into an adjacent storm sewer culvert roughly ten (10) feet away, which then drained into Rain Basin RW-5 that has a capacity of eight million (8,000,000) gallons. At the time of the inspection, the facility had repaired the ruptured pipe and removed the contaminated soil (roughly one cubic yard) to a roll off box that is now stored in a one-year RCRA-permitted storage unit. The facility allowed the spilled leachate to drain to the rain basin, which is not a permitted hazardous waste storage or disposal unit, in violation of LAC 33:V.303.B. The leachate and the rainwater were managed through the on-site waste water treatment system in accordance with the conditions of the facility's LPDES permit.



Notice of Potential Penalty
Clean Harbors Baton Rouge, L.L.C.
Page 2

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.

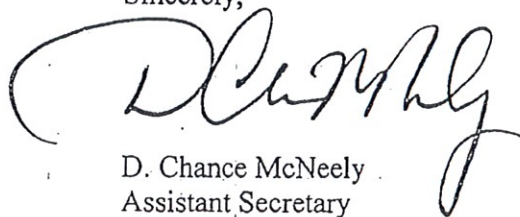
Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Tom Cranford at (225) 219-3095 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement.

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,



D. Chance McNeely
Assistant Secretary
Office of Environmental Compliance

DCM/TLC/tlc
Alt ID No. LAD010395127



John Bel Edwards
Governor

Chuck Carr Brown, Ph.D.
Secretary

Louisiana Department of Environmental Quality
Office of Environmental Compliance

March 14, 2016

CERTIFIED MAIL (7014 1200 0000 7863 8010)
RETURN RECEIPT REQUESTED

CLEAN HARBORS BATON ROUGE, L.L.C.
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Dr.
Baton Rouge, Louisiana 70816

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-PP-15-00979
AGENCY INTEREST NO. 1516**

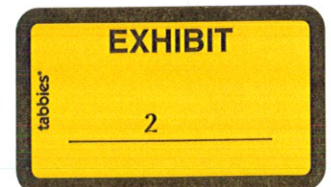
Dear Sir/Madam:

On or about May 13-15, 2015, an inspection of **CLEAN HARBORS BATON ROUGE**, a permitted hazardous waste treatment storage and disposal facility (TSD), a large quantity generator (LQG), importer, and transfer facility, owned and/or operated by **CLEAN HARBORS BATON ROUGE, L.L.C. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations. The facility is located at 13351 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility operates under EPA Identification No. LAD010395127 and hazardous waste permits LAD010395127-OP-RN-1 and LAD010395127-PC-RN-1.

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 exceeded the allowable storage capacity limit of hazardous waste spent carbon in the Drum Storage Area (DSA), in violation of LAC 33:V.309.A and Permit Condition III.O.7.Table 1 of Hazardous Waste Permit LAD010395127-OP-RN-1. Specifically, Pad E of the DSA was holding eleven (11) twenty-five (25) cubic yard roll-off boxes (approximately 5,000 gallons each) of spent carbon (F039, D018, D032, U007, U008, K019). The roll-off boxes represent an estimated total of fifty-five thousand (55,000) gallons of hazardous waste, approximately twelve thousand one hundred (12,100) gallons above the forty-two thousand nine hundred (42,900) gallon permitted storage capacity. The

Post Office Box 4312, Baton Rouge, Louisiana 70821-4312
(225) 219-3700 Phone (225) 219-3708 Fax
www.deq.louisiana.gov



Notice of Potential Penalty
Clean Harbors Baton Rouge, L.L.C.
Page 2

Respondent removed three (3) excess roll-off boxes from the Pad during the inspection, therefore, addressing the violation.

- B. The Respondent failed to close a twenty-five thousand (25,000) gallon frac tank in the permitted Dolly Down Storage Area holding hazardous waste spent parts washer solvent (D001/ D018/ D039/ D040), in violation of LAC 33:V.2107.A, and Permit Condition V.B.1.b.i of Hazardous Waste Permit LAD 010395127-OP-RN-1. The Respondent closed the frac tank during the inspection, therefore, addressing the violation.
- C. The Respondent failed to secure and maintain the closure device in the closed position for a twenty-five thousand (25,000) gallon frac tank in the permitted Dolly Down Storage Area holding hazardous waste spent parts washer solvent (D001/ D018/ D039/ D040), in violation of LAC 33:V.1759.C.3 and Permit Condition VII.B.2.c.i of Hazardous Waste Permit LAD 010395127-OP-RN-1. The Respondent closed the frac tank during the inspection, therefore, addressing the violation.

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 Tom Cranford at (225) 219-3095 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

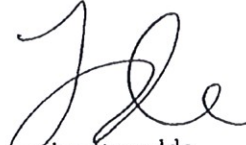
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Notice of Potential Penalty
Clean Harbors Baton Rouge, L.L.C.
Page 3

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Sincerely,

A handwritten signature in black ink, appearing to read 'LI', written in a cursive style.

Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/TLC/tlc
Alt ID No. LAD010395127