

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

**IN THE MATTER OF:**

\* Settlement Tracking No.  
\* SA-HE-18-0022

**INDUSTRIAL COATINGS CONTRACTORS  
INCORPORATED**

\*  
\* Enforcement Tracking No.  
\* HE-PP-15-01457

**AI # 85899**

\*  
\*

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

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**SETTLEMENT**

The following Settlement is hereby agreed to between Industrial Coatings Contractors, Incorporated (“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 paint and sandblasting facility located in Ascension Parish, Louisiana (“the Facility”).

**II**

On September 20, 2017, the Department issued to Respondent Notice of Potential Penalty, Enforcement No. HE-PP-15-01457, attached as Exhibit A.

**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 ONE THOUSAND SIX HUNDRED AND NO/100 DOLLARS (\$1,600.00), of which Six Hundred Eleven and 94/100 Dollars (\$611.94) 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)/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.

#### 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 Ascension 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 B).

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.



Industrial Coatings Contractors, Incorporated

BY: Chris F  
(Signature)

Chris Fuscon  
(Printed)

TITLE: Safety Director

THUS DONE AND SIGNED in duplicate original before me this 17 day of August, 20 18, at Boston Rouge, LA.

F. Dominic Amato

NOTARY PUBLIC (ID # 67999)  
**F. Dominic Amato**  
Notary Public  
Bar Roll No. 27941  
My commission is for life.

(stamped or printed)

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

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

THUS DONE AND SIGNED in duplicate original before me this 25th day of April, 20 19, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 19187)

Perry Theriot  
(stamped or printed)

Approved: [Signature]  
Loures Iturralde, Assistant Secretary

JOHN BEL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, Ph.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE  
September 20, 2017

CERTIFIED MAIL (7014 1200 0000 7864 0785)  
RETURN RECEIPT REQUESTED

**INDUSTRIAL COATINGS CONTRACTORS, INCORPORATED**  
c/o Capitol Corporate Services, Inc.  
Agent for Service of Process  
8550 United Plaza Building II, Ste. 305  
Baton Rouge, LA 70809

**RE: NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. HE-PP-15-01457  
AGENCY INTEREST NO. 85899**

Dear Sir/Madam:

On or about September 24, 2015, an inspection of **INDUSTRIAL COATINGS CONTRACTORS, INC. - GEISMAR PAINT AND BLAST YARD** owned and/or operated by **INDUSTRIAL COATINGS CONTRACTORS, INCORPORATED (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Louisiana Hazardous Waste Regulations. The facility is located at 4259 Bowden Road in Geismar, Ascension Parish, Louisiana. The facility notified the Department as a large quantity generator (LQG) of hazardous waste and operates under the EPA facility identification number LAR000041814.

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 stored regulated hazardous waste for more than ninety (90) days without a permit or other authorization, in violation of LAC 33:V.303.B. Specifically, a review of the weekly container inspection records during the inspection found that the facility stored hazardous waste for greater than ninety (90) days, but did not obtain an extension or a permit to store the hazardous waste. The Respondent submitted a response to the Department on January 19, 2016 indicating that the facility will have scheduled waste pickups in February, April, June, August, October, and December of 2016, regardless of the quantity. According to the Respondent, the scheduled waste pickups will ensure that the ninety (90) day hazardous waste storage limit will not be exceeded in the future. On or about July 24, 2017, a representative of the Respondent submitted, via email correspondence, hazardous waste manifests





Notice of Potential Penalty  
INDUSTRIAL COATINGS CONTRACTORS, INCORPORATED  
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which indicate that hazardous waste storage has not exceeded ninety (90) days since the inspection. This violation has been addressed.

- B. The Respondent failed to maintain, at the facility, a copy of each manifest signed for three (3) years or until a signed copy is received from the designated facility which received the waste, as specified by LAC 33:V.1111.A.1, in violation of LAC 33:V.1107.D.1. Specifically, the hazardous waste manifests were not maintained at the facility; they were maintained at the Industrial Coatings Contractors office located in Prairieville, Louisiana instead. The Respondent submitted a response to the Department on or about October 24, 2015 indicating that a Drop Box was developed for the upload of all environmental records to ensure all required records are kept.
- C. The Respondent failed to maintain, at the facility, a copy of each Annual Report and/or Exception Report for a period of at least three (3) years from the due date of the report, in violation of LAC 33:V.1111.A.2. Specifically, the annual reports were not maintained at the facility; they were maintained at the Industrial Coatings Contractors office located in Prairieville, Louisiana instead. The Respondent submitted a response via e-mail to the Department on October 24, 2015 indicating that a Drop Box was developed for the upload of all environmental records to ensure all required records are kept.
- D. The Respondent failed to maintain, at the facility, training records of current facility personnel, until the closure of the facility, as specified in LAC 33:V.1515.E, in violation of LAC 33:V.1109.E.1.e and LAC 33:V.4319.A. Specifically, the employee training records were not maintained at the facility; they were maintained at the Industrial Coatings Contractors office located in Prairieville, Louisiana instead. The Respondent submitted a response via e-mail to the Department on October 24, 2015 indicating that a Drop Box was developed for the upload of all environmental records to ensure all required records are kept.
- E. The Respondent failed to mark containers of hazardous waste with an accumulation start date, in violation of LAC 33:V.1109.E.1.c. Specifically, a cardboard cubic yard box in the ninety (90) day container storage area was not marked with an accumulation start date. This violation was addressed as verified by an e-mail sent to the Department dated October 24, 2015. The Respondent labeled the box immediately following the inspection and disposed of it as hazardous waste.
- F. 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, a cardboard cubic yard box in the ninety (90) day container storage area was not labeled as "Hazardous Waste." This violation was addressed as verified by an e-mail sent to the Department dated October 24, 2015. The Respondent labeled the box immediately following the inspection and disposed of it as hazardous waste.

Notice of Potential Penalty  
INDUSTRIAL COATINGS CONTRACTORS, INCORPORATED  
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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 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. LAR000041814

c: Industrial Coatings Contractors, Inc.  
P.O. Box 1320  
Prairieville, LA 70769



**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**OFFICE OF ENVIRONMENTAL COMPLIANCE**  
**ENFORCEMENT DIVISION**  
**POST OFFICE BOX 4312**  
**BATON ROUGE, LOUISIANA 70821-4312**

**NOTICE OF POTENTIAL PENALTY**  
**REQUEST TO SETTLE (OPTIONAL)**



<b>Enforcement Tracking No.</b>	HE-PP-15-01457	<b>Contact Name</b>	Cynthia Arrison
<b>Agency Interest (AI) No.</b>	85899	<b>Contact Phone No.</b>	(225) 219-3796
<b>Alternate ID No.</b>	LAR000041814		
<b>Respondent:</b>	<b>INDUSTRIAL COATINGS CONTRACTORS, INCORPORATED</b>	<b>Facility Name:</b>	Industrial Coatings Contractors, Inc. – Geismar Paint and Blast Yard
	c/o Capitol Corporate Services, Inc.	<b>Physical Location:</b>	4259 Bowden Road
	Agent for Service of Process		
	8550 United Plaza Building II, Ste. 305 Baton Rouge, LA 70809	<b>City, State, Zip:</b>	Geismar, LA 70734
		<b>Parish:</b>	Ascension

**SETTLEMENT OFFER (OPTIONAL)**

*(check the applicable option)*

- 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 (HE-PP-15-01457)**, 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 (HE-PP-15-01457)**, 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.
- 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 (HE-PP-15-01457)** 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.*

<b>Respondent's Signature</b>	<b>Respondent's Printed Name</b>	<b>Respondent's Title</b>
<b>Respondent's Physical Address</b>	<b>Respondent's Phone #</b>	<b>Date</b>

**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