

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

SAFETY-KLEEN SYSTEMS, INC.

AI # 1362

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

* Settlement Tracking No.
* SA-WE-18-0006
*
* Enforcement Tracking No.
* WE-CN-16-00765
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SETTLEMENT

The following Settlement is hereby agreed to between Safety-Kleen Systems, 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 petroleum liquids packaging and distribution facility located in Metairie, Jefferson Parish, Louisiana (“the Facility”).

II

On May 11, 2017, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-16-00765 (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 THIRTEEN THOUSAND FIVE HUNDRED TEN AND NO/100 DOLLARS (\$13,510.00), of which One Thousand Four Hundred Fifty-Nine and 47/100 Dollars (\$1,459.47) 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 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 Jefferson 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 thirty (30) 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.

SAFETY-KLEEN SYSTEMS, INC

BY: _____

[Handwritten Signature]

(Signature)

Michael R. McDonald
(Printed)


TITLE: _____

Assistant Secretary

THUS DONE AND SIGNED in duplicate original before me this 27th day of July, 2018, at Norwell, MA.

[Handwritten Signature]

NOTARY PUBLIC (ID # _____)

 **COLEEN O'DONNELL ROBBIE**
Notary Public
Commonwealth of Massachusetts
My Commission Expires April 17, 2020
(stamped or printed)

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

BY: _____

[Handwritten Signature]

Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 27th day of Sept, 2018, at Baton Rouge, Louisiana.

[Handwritten Signature]

NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: _____

[Handwritten Signature]

Lourdes Iturralde, Assistant Secretary

Lourdes Iturralde, Assistant Secretary

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

**CONSOLIDATED COMPLIANCE ORDER &
 NOTICE OF POTENTIAL PENALTY**



Enforcement Tracking No.	WE-CN-16-00765	Certified Mail No.	7016 0910 0000 2672 5558
Agency Interest (A) No.	1362	Contact Name	Richard Ober, Jr.
Alternate ID No.	LAG480080	Contact Phone No.	(225) 219-3135
Respondent:	Safety-Kleen Systems, Inc.	Facility Name:	Safety-Kleen Systems, Inc.
	c/o C T Corporation System	Physical Location:	3000 Airline Drive
	Agent for Service of Process	City, State, Zip:	Metairie, Louisiana 70001
	3867 Plaza Tower Drive	Parish:	Jefferson
	Baton Rouge, Louisiana 70816		

This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is issued by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.

I.		The Respondent owns and/or operates a petroleum liquids packaging and distribution facility located at or near 3000 Airline Drive, Metairie, Jefferson Parish, Louisiana. The facility was previously owned and/or operated by Delta Petroleum Company, Inc. Delta Petroleum Company, Inc. was reauthorized coverage under LPDES permit LAG480080 on August 11, 2011. LPDES permit LAG480080 was automatically reauthorized to Delta Petroleum Company, Inc. on or about March 28, 2016, and will expire on November 30, 2020. On or about May 27, 2016, the Department received a Notification of Change Form (NOC-1) from the Respondent under cover letter dated May 27, 2016. The NOC-1 form indicated that there was a transfer of ownership and operator from Delta Petroleum Company, Inc. to Safety-Kleen Systems, Inc. on or about April 29, 2016. Pursuant to the request made in the NOC-1 form, the Department transferred the coverage granted under LPDES LAG480080 from Delta Petroleum Company, Inc. to Safety-Kleen Systems, Inc. with the effective date of April 29, 2016. The Department's records also reflect the change in the facility name from Delta Petroleum to Safety-Kleen Systems, Inc. According to the NOC-1 Form, the Respondent is responsible for all existing violations prior to the transfer, including any potential fines for such past violations and outstanding fees. Under the terms and conditions of LPDES Permit LAG480080, the Respondent is permitted to discharge treated boiler blowdown, plant wash down water and stormwater runoff into Lake Pontchartrain via the 17th Street Canal and a parish sub surface drainage in Subsegment No. 041302 of the Lake Pontchartrain Basin, all waters of the state.
	Date of Violation	Description of Violation
II.	Inspection(s) September 9, 2015	Delta Petroleum Company, Inc. failed to comply with LPDES Permit LAG480080. Specifically, Delta Petroleum Company, Inc. failed to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) in accordance with Part 4 of the Storm Water Multi-Sector General Permit (MSGP) and required by Outfall 009 of LPDES Permit LAG480080. (LPDES Permit LAG480080 (Section B, RLP 9 Outfall 009 (Outfall 009 is combined Outfalls 003, 006, and 009), page 24 of 29; Section C.6; and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A)
III.	Inspection(s) September 9, 2015	Delta Petroleum Company, Inc. failed to comply with LPDES permit LAG480080. Specifically, Delta Petroleum Company, Inc. reported exceedances of permit effluent limitations for TOC and Oil & Grease specified for Outfall 003 (Outfall 009 is combined Outfalls 003, 006 and Outfall 009) on DMRs or exceedances were noted on laboratory analysis results viewed at the time of the inspection. See Attachment 1 (LPDES Permit LAG480080 (Section B, RLP 3 Outfall 003 (Outfall 009 is combined Outfalls 003, 006, and 009), page 14 of 29, page 19 of 29 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)
IV.	Inspection(s) September 9, 2015	Delta Petroleum Company, Inc. failed to comply with LPDES permit LAG480080. Specifically, Delta Petroleum Company, Inc. failed to report the sampling results for Oil and Grease specified for Outfall 003 on DMRs. Laboratory data obtained from the Respondent revealed that the Respondent failed to report all sampling results on DMRs. The Respondent failed to report the sampling result of 25.9 mg/L for oil and grease on its September 2013 DMR, sampling result of 22.3 mg/L for oil and grease on its September 2014, and sampling result of 87 mg/L for oil and grease on its December 2014 Discharge Monitoring Report with the additional sampling result of 48.3 mg/L on a noncompliance report attached to the DMR. (LPDES Permit LAG480080 (Section B, RLP 3 Outfall 003 (Outfall 009 is combined Outfalls 003, 006, and 009), page 14 of 29 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4)
V.	Inspection(s) September 9, 2015 File Review March 29, 2017	Delta Petroleum Company, Inc. failed to comply with LPDES permit LAG480080. Specifically, Delta Petroleum Company, Inc. failed to conduct monthly measurements of temperature specified for Outfall 006 from January 1, 2012, until April 2016, with the exception of the months of October 2015 and January 2016. (LPDES Permit LAG480080 (Section B, RLP 6 Outfall 006 (Outfall 009 is combined Outfalls 003, 006 and Outfall 009), page 19 of 29 prior to March 28, 2016; Outfall 006 (Outfall 009 is combined Outfalls 003, 006 and Outfall 009), page 35 of 45 on and after March 28, 2016, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A) The Respondent failed to report temperature measurements from May 2016 through June 2016. (LPDES Permit LAG480080 (Part I, Section B, Outfall 006 (Outfall 009 is combined Outfalls 003, 006, and 009), page 35 of 45 on and after March 28, 2016, Part I, Section C.6 and Part III, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4)



VI.	File Review March 29, 2017	Delta Petroleum Company, Inc. failed to comply with LPDES permit LAG480080. Specifically, Delta Petroleum Company, Inc. failed to report pH on monthly DMRs in accordance with the monitoring requirements of Outfalls 003 and 006 during the time period of August 2012 through April 2016. The Respondent failed to report pH on monthly DMRs in accordance with the monitoring requirements of Outfalls 003 and 006 during the time period of May 2016 through December 2016. <i>See Attachment 2</i> (LPDES Permit LAG480080 (Section B, RLP 3 Outfall 003 (Outfall 009 is combined Outfalls 003, 006, and 009), page 14 of 29 and Section B, RLP 6 Outfall 006 (Outfall 009 is combined Outfalls 003, 006 and 009), page 19 of 29 prior to March 28, 2016; Part I, Section B, Outfall 003 (Outfall 009 is combined Outfalls 003, 006 and 009), page 30 of 45 and Part I, Section B, Outfall 006 (Outfall 009 is combined Outfalls 003, 006, and 009), page 35 of 45 on and after March 28, 2016, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)
VII.	File Review March 29, 2017	Delta Petroleum Company, Inc. failed to comply with LPDES permit LAG480080. Specifically, the Respondent failed to submit Discharge Monitoring Reports (DMRs) during the time period of March 2013 through June 2013. (LPDES Permit LAG480080 (Section B, RLP 9 Outfall 009 (Outfall 009 is combined Outfalls 003, 006, and 009), page 24 of 29; Section C.6; and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.)
VIII.	Inspection(s) September 9, 2015	Delta Petroleum Company, Inc. failed to comply with LPDES permit LAG480080. Specifically, Delta Petroleum Company, Inc. failed to document as specified in Part 5.1.2 of the MSGP, the results of quarterly visual assessments of storm water samples from Outfall 009. (LPDES Permit LAG480080 (Section B, RLP 9 Outfall 009 (Outfall 009 is combined Outfalls 003, 006, and 009), page 24 of 29 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A)
IX.	Inspection(s) February 21, 2016 – March 14, 2016	Delta Petroleum Company, Inc. caused and/or allowed the discharge of wastewater from a source or location not authorized by the permit. Specifically, Delta Petroleum Company, Inc. reported an unauthorized discharge of 1,000 gallons of oily water that occurred on February 21, 2016. Delta Petroleum Company, Inc. noted that the discharge from Outfall 009 was caused by a failure of the operator to shut off the water treatment system prior to the oil cap being reached in the water tanks from which were being pulled. Oily water was observed in Jefferson Parish sub surface drainage along Labarre Road and in sub-surface drainage along the south side of Airline Drive on the east side of the Delta facility. The oily water traveled through sub-surface drainage until reaching sub surface drainage in the 17th Street Canal and was observed north and south of pump station #6 on the 17th Street Canal and at pump station #7. The discharge was cleaned-up by the Respondent. (La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D)

ORDER

Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:

I.	To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting <u>all</u> of the violations described in the "Findings of Fact" portion.
II.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, a written report that includes a detailed description of the circumstances surrounding the cited violation(s) and actions taken or to be taken to achieve compliance with the "Order" portion of this COMPLIANCE ORDER. This report and all other reports or information required to be submitted to the Enforcement Division by this COMPLIANCE ORDER shall be submitted to the Department at the address specified in this document.
III.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, properly completed DMRs for the monitoring periods of the last three (3) years mentioned in Paragraph IV, V, VI, and VII of the "Findings of Fact" portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and certified. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."
IV.	To develop and implement, within thirty (30) days after receipt of this COMPLIANCE ORDER, an adequate and complete SWPPP as outlined in Part 4 of the MSGP as required by LPDES Permit LAG480080 (Outfall 009) and submit a copy to the Enforcement Division within forty-five (45) days after receipt of this COMPLIANCE ORDER.
V.	To submit a completed NetDMR Subscriber Agreement to the Department for approval to submit DMRs electronically using NetDMR, within thirty (30) days after receipt of this COMPLIANCE ORDER. The Subscriber Agreement shall be signed and dated with an original signature and submitted to the Enforcement Division. (NetDMR is accessed through: www.epa.gov/netdmr . For assistance establishing and maintaining a NetDMR account or for NetDMR training, see attached instructions or contact the Permit Compliance Unit at deqnetdmr@la.gov .)
VI.	To submit DMRs and associated reports electronically using NetDMR beginning with the first monitoring period after approval of the NetDMR Subscriber Agreement unless otherwise notified in writing by the Department.

RIGHT TO APPEAL

I.	The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this COMPLIANCE ORDER. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this COMPLIANCE ORDER.
II.	The request for an adjudicatory hearing shall specify the provisions of the COMPLIANCE ORDER on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the address specified in this document.
III.	Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.). The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.	This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.
V.	The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.
VI.	Civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this COMPLIANCE ORDER and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.
VII.	For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.	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.
II.	Prior to the issuance of additional appropriate enforcement action(s), 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 Richard Ober, Jr. at (225) 219-3135 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY .
III.	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 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 violation(s) 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 that statement.
IV.	This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.

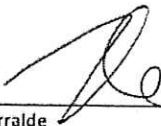
CONTACTS AND SUBMITTAL OF INFORMATION

Enforcement Division:		Hearing Requests:	
Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Richard Ober, Jr.		Department of Environmental Quality Office of the Secretary Post Office Box 4302 Baton Rouge, Louisiana 70821-4302 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. WE-CN-16-00765 Agency Interest No. 1362	
Permit Division (if necessary):		Physical Address (if hand delivered):	
Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division		Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802	

HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

- To appeal the **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**.
- To request closure of the **COMPLIANCE ORDER** portion, the Respondent must demonstrate compliance with the "Order" portion of this **COMPLIANCE ORDER** by completing the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form and returning it to the address specified.
 - The **COMPLIANCE ORDER** will not be closed if the Respondent owes outstanding fees or penalties to the Department. Please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.
- To expedite closure of the **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.
 - The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7.
 - The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
 - The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer.
 - **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
 - The **NOTICE OF POTENTIAL PENALTY** will not be closed if the Respondent owes outstanding fees to the Department. Please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

If you have questions or need more information, you may contact Richard Ober, Jr. at (225) 219-3135 or richard.ober@la.gov.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Date: 5-11-17

cc: Ms. Cynthia Kilchrist
EHS Manager
10325 River Road
St. Rose, Louisiana 70087

Attachment(s)

- Request to Close
- Attachment 1
- Attachment 2
- NetDMR brochure
- Settlement brochure

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

**CONSOLIDATED COMPLIANCE ORDER &
 NOTICE OF POTENTIAL PENALTY
 REQUEST TO CLOSE**



Enforcement Tracking No.	WE-CN-16-00765	Contact Name	Richard Ober, Jr.
Agency Interest (AI) No.	1362	Contact Phone No.	(225) 219-3135
Alternate ID No.	LAG480080		
Respondent:	Safety-Kleen Systems, Inc.	Facility Name:	Safety-Kleen Systems, Inc.
	c/o C T Corporation System	Physical Location:	3000 Airline Drive
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Metairie, Louisiana 70001
	Baton Rouge, Louisiana 70816	Parish:	Jefferson

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs III and V of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph IV of the "Order" portion of the COMPLIANCE ORDER.		
Submitted DMRs and associated reports electronically using NetDMR in accordance with Paragraph VI of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<input type="checkbox"/>	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:II.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-16-00765), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-16-00765), 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. <ul style="list-style-type: none"> • 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.
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-16-00765) 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.

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality
 Office of Environmental Compliance
 Enforcement Division
 Post Office Box 4312
 Baton Rouge, LA 70821
 Attn: Richard Ober, Jr.

If you have questions or need more information, you may contact Richard Ober, Jr. at (225) 219-3135 or richard.ober@la.gov.

Attachment 1

Effluent Exceedances

Date	Outfall	Parameter	Permit Limit	Sample Value
10/22/2012	009**	TOC	50 mg/l	55.2 mg/l
4/25/2013*	009**	Oil & Grease	15 mg/l	45.6 mg/l
8/13/2013	009**	TOC	50 mg/l	70.4 mg/l
8/16/2013	009**	Oil & Grease	15 mg/l	42 mg/l
8/27/2013*	009**	Oil & Grease	15 mg/l	37.7 mg/l
9/18/2013*	009**	Oil & Grease	15 mg/l	25.9 mg/l
8/5/2014	009**	Oil & Grease	15 mg/l	70.2 mg/l
8/5/2014	009**	TOC	50 mg/l	140 mg/l
9/23/2014*	009**	Oil & Grease	15 mg/l	22.3 mg/l
11/4/2014	009**	Oil & Grease	15 mg/l	51.6 mg/l
11/11/2014	009**	Oil & Grease	15 mg/l	37.9 mg/l
12/11/2014	009**	Oil & Grease	15 mg/l	63.2 mg/l
12/16/2014*	009**	Oil & Grease	15 mg/l	87.0 mg/l
12/29/2014	009**	Oil & Grease	15 mg/l	48.3 mg/l

*On laboratory analysis results obtained at the time of the inspection.

Note: Outfall 009 is combined Outfalls 003, 006 and 009. **Effluent Limitation is listed under Outfall 003.

Attachment 2

No Reporting of Parameter Monitoring

Monitoring Period	Parameter	Outfall
August 2012	pH**	009
September 2012	pH**	009
November 2012	pH**	009
December 2012	pH**	009
February 2013	pH**	009
July 2013	pH**	009
September 2013	pH**	009
November 2013	pH**	009
December 2013	pH**	009
February 2014	pH**	009
March 2014	pH**	009
May 2014	pH**	009
June 2014	pH**	009
July 2014	pH**	009
September 2014	pH**	009
October 2014	pH**	009
November 2014	pH**	009
December 2014	pH**	009
October 2014 – December 2014	pH*	009
January 2015	pH**	009
February 2015	pH**	009
April 2015	pH**	009
June 2015	pH**	009
August 2015	pH**	009
September 2015	pH**	009
November 2015	pH**	009
December 2015	pH**	009
February 2016	pH**	009
March 2016	pH**	009
April 2016	pH**	009
May 2016	pH**	009
June 2016	pH**	009
April 2016 – June 2016	pH*	009
August 2016	pH**	009
September 2016	pH**	009
November 2016	pH**	009
December 2016	pH**	009

Note: Outfall 009 is combined Outfalls 003, 006 and 009.

*Monitoring Requirement is listed under Outfall 003.

**Monitoring Requirement is listed under Outfall 006.



The attached enforcement action requires the use of NetDMR

WHAT IS NETDMR?

NetDMR is a Web-based tool that allows facilities to electronically sign and submit LPDES discharge monitoring reports (DMRs) to the LDEQ.

HOW DO I USE NETDMR?

1. Register in NetDMR
2. Submit Subscriber Agreement to LDEQ
3. Receive approval by LDEQ
4. Sign and Submit On-line

Training is offered by both LDEQ and EPA. Please check the LDEQ NetDMR Training website at <http://www.deq.louisiana.gov/netdmr> for training materials and current information offered by LDEQ. Information about EPA's training can be found at www.epa.gov/netdmr

HOW DO I REGISTER AND SUBMIT A SUBSCRIBER AGREEMENT?

(The first person to register must be an authorized signatory.)

1. Go to NetDMR website at <https://netdmr.epa.gov/netdmr>
2. Choose "Louisiana DEQ" as the Regulatory Authority from the drop-down list
3. Click the "Create a NetDMR Account" link in the login box
4. Complete the account information as required
 - a. Type of user must be "Permittee User"
 - b. Security answers must be unique and are case sensitive
5. Click "Submit" and confirm account information
6. Click the link within the verification email that has been sent to your email address
7. Create password by following instructions on the page
8. Login to NetDMR
9. Click "Request Access" link in the top left corner
10. Enter Permit Number and click "Update"
11. Select "Signatory" role and click "Add Request"
12. Click "Submit" and confirm
13. Provide Signatory Information, click "Submit" and confirm
14. Click button to print Subscriber Agreement
15. Mail in signed, original Subscriber Agreement to LDEQ for approval

If you have additional questions, please email deqnetdmr@la.gov.



SETTLEMENT AGREEMENTS

WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

		NATURE AND GRAVITY OF THE VIOLATION		
		MAJOR	MODERATE	MINOR
DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY	MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
	MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
	MINOR	\$3,000 to \$1,500	\$1,500 to \$500	\$500 to \$100

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.

