

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

U S LIQUIDS OF LA., L.P.

AI # 33872

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

\* Settlement Tracking No.  
\* SA-WE-17-0025  
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\* Enforcement Tracking No.  
\* WE-CN-14-00389  
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SETTLEMENT

The following Settlement is hereby agreed to between U S Liquids of LA., L.P. (“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 partnership that owns and/or operates a facility located in Bourg, Lafourche Parish, Louisiana (“the Facility”).

II

On September 22, 2014, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-14-00389, which was based upon the following findings of fact:

“The Respondent owns and/or operates a commercial oilfield exploration and production waste treatment and disposal facility located at 843 Bourg-Larose Highway in Bourg, Lafourche Parish, Louisiana. The Department issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0068420 to US Liquids of La., L.P., with an effective date of February 1, 2005,

and an expiration date of January 31, 2010. On or about August 4, 2009, the Respondent submitted a permit renewal application to the Department for the reissuance of LPDES Permit LA0068420, and LPDES Permit LA0068420 was administratively continued. LPDES Permit LA0068420 was reissued with an effective date of November 1, 2011, and will expire on October 31, 2016. Under the terms and conditions of LPDES permit LA0068420, the Respondent is authorized to discharge stormwater from areas outside land treatment cells and outside the process area to the St. Louis Canal, waters of the state.

A file review conducted by the Department on or about August 13, 2014, revealed that the Respondent failed to submit a Name/Ownership/Operator Change Form (NOC-1 Form) to the Department prior to or no later than 45 days after the change. Specifically, a letter dated December 20, 2013, with an attached NOC-1 Form dated December 19, 2013, was received by the Department. The letter and NOC-1 Form indicated that in the Fall of 2012, the name of the owner of the Respondent for the Bourg facility changed from R360 Environmental Solutions, Inc. to R360 Environmental Solutions, LLC. Additionally, the Department received a NOC-1 Form under cover letter dated March 15, 2014, indicating a company name change from R360 Environmental Solutions, Inc. to R360 Environmental Solutions of Louisiana, LLC on or about October 21, 2013. Each failure to submit a NOC-1 Form prior to or no later than 45 days after the change is a violation of LPDES Permit LA0068420 (Part III, Sections A.2, and D.3) and LAC 33:I.1905.A.

A file review conducted by the Department on or about August 13, 2014, revealed the following exceedences of the permitted discharge limitations as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Non-Compliance Reports (NCRs):

<b>Date</b>	<b>Outfall</b>	<b>Parameter</b>	<b>Permit Limit</b>	<b>Sample Value</b>
07/2011	002A	Phenol Daily Maximum	.026 mg/L	<.05 mg/L
04/2012	002A	COD Daily Maximum	100 mg/L	156 mg/L
04/04/2012*	002A	COD Daily Maximum	100 mg/L	110 mg/L
04/06/2012*	002A	COD Daily Maximum	100 mg/L	127 mg/L
04/07/2012*	002A	COD Daily Maximum	100 mg/L	153 mg/L
06/2012	002A	COD Daily Maximum	100 mg/L	188 mg/L
06/18/2012*	002A	COD Daily Maximum	100 mg/L	153 mg/L
06/20/2012*	002A	COD Daily Maximum	100 mg/L	170 mg/L
10/31/2012	002A	COD Daily Maximum	100 mg/L	113 mg/L
05/31/2013	002A	Mercury Daily Maximum	0.00083 mg/L	<0.002 mg/L

\* As reported by the Respondent on a Non-Compliance Report

Each exceedence of a permit discharge limitation is a violation of LPDES Permit LA0068420 (Part I, Page 2 of 3 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

A file review conducted by the Department on or about August 13, 2014, revealed that the Respondent failed to sample in accordance with LPDES permit LA0068420. Specifically, the Respondent failed to sample the following parameters:

<b>Date</b>	<b>Outfall</b>	<b>Parameter</b>	<b>Permit Limit</b>
9/30/2012	002A	Arsenic, Daily Maximum	0.137 mg/L
		Beryllium, Daily Maximum	0.275 mg/L
		Cadmium, Daily Maximum	0.2439 mg/L
		Hexavalent Chromium, Daily Maximum	0.0796 mg/L
		Total Chromium, Daily Maximum	0.343 mg/L
		Copper, Daily Maximum	0.5712 mg/L
		Lead, Daily Maximum	0.275 mg/L
		Thallium, Daily Maximum	0.549 mg/L
		Nickel, Daily Maximum	0.549 mg/L
		Silver, Daily Maximum	0.11 mg/L

Date	Outfall	Parameter	Permit Limit
		Zinc, Daily Maximum	0.686 mg/L
		Antimony, Daily Maximum	0.549 mg/L
		Selenium, Daily Maximum	0.11 mg/L
		Toluene, Daily Maximum	0.08 mg/L
		Benzene, Daily Maximum	0.05236 mg/L
		Total Phenol, Daily Maximum	0.026 mg/L
		Ethylbenzene, Daily Maximum	0.108 mg/L
		Mercury, Daily Maximum	0.00083 mg/L

Each failure to sample the effluent is a violation of LPDES permit LA0068420 (Part I, page 2 of 3 and Part III, Sections A.2 and C.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.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 SEVEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$7,500.00), of which Two Thousand Four Hundred Thirteen and 44/100 Dollars (\$2,413.44) 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 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 Lafourche 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.

U S LIQUIDS OF LA., L.P.

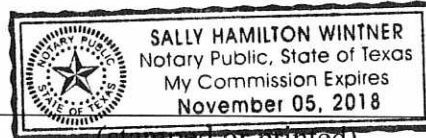
BY: [Signature]  
(Signature)

Benson Henry  
(Printed)

TITLE: Regional Vice President

THUS DONE AND SIGNED in duplicate original before me this 13th day of June, 20 18, at 3 Waterway Square Place, The Woodlands, TX 77380

[Signature]  
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 29th day of Oct, 20 18, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 19181)

Perry Theriot  
(stamped or printed)

Approved: [Signature]  
Lourdes Iturralde, Assistant Secretary