

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CATALYST RECOVERY OF LOUISIANA, LLC

AI # 28267

PROCEEDINGS UNDER THE LOUISIANA

ENVIRONMENTAL QUALITY ACT

LA. R.S. 30:2001, ET SEQ.

* Settlement Tracking No.
* SA-HE-18-0023
*
* Enforcement Tracking No.
* HE-PP-17-00284
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SETTLEMENT

The following Settlement is hereby agreed to between Catalyst Recovery of Louisiana, 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 owns and/or operates a spent catalyst regeneration and recycling facility located in Lafayette Parish, Louisiana (“the Facility”).

II

On June 30, 2017, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. HE-PP-17-00284, 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 ELEVEN THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$11,800.00), of which Six Hundred Seventy-Five and 16/100 Dollars (\$675.16) 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 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.

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.

Catalyst Recovery of Louisiana, LLC

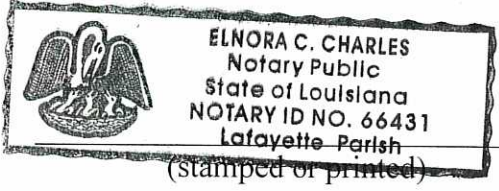
BY: [Signature]
(Signature)

John Brawos
(Printed)

TITLE: Regional Operations Manager

THUS DONE AND SIGNED in duplicate original before me this 18th day of March, 20 19, at 100 American Boulevard Lafayette, LA 70508

Elnora C. Charles
NOTARY PUBLIC (ID # 66431)



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 10th day of March, 20 20, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
June 30, 2017

CERTIFIED MAIL (7016 0910 0000 2672 8306)
RETURN RECEIPT REQUESTED

CATALYST RECOVERY OF LOUISIANA, LLC
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-PP-17-00284
AGENCY INTEREST NO. 28267**

Dear Sir/Madam:

On or about December 29, 2016, an inspection of a spent catalyst regeneration and recycling facility, owned and/or operated by **CATALYST RECOVERY OF LOUISIANA, LLC (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 100 American Boulevard in Lafayette, Lafayette Parish, Louisiana. The Respondent is classified as a large quantity generator of hazardous waste and operates under EPA Identification No. LAD980622161. The Respondent operates under Hazardous Waste Operating Permit LAD980622161-OP-RN-1, which became effective as of November 25, 2013, and remains in effect until November 25, 2023.

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 failed to keep containers storing hazardous waste closed in accordance with LAC 33:V.2107.A, in violation of LAC 33:V.309.A and Permit LAD980622161-OP-RN-1, Condition V.A.4. Specifically, two (2) 55-gallon drums located in Satellite Accumulation Area (SAA) 2 used to collect sweepings from the Plant floors (consisting of unregenerated dust and fines carrying the following waste codes: D004, D008, D010, and potentially K171 or K172) were not closed. Additionally, one (1) 55-gallon drum containing solid hazardous waste located in SAA 3 was closed, but the bolt ring around the drum was unhitched. The violation was addressed as verified by an e-mail sent to the Department following the inspection dated December 29, 2016.



Catalyst Recovery of Louisiana, LLC

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- B. The Respondent failed to manage spilled hazardous waste in a timely manner in accordance with LAC 33.V.2111.B.5 and LAC 33.V.2111.B.6, in violation of LAC 33:V.309.A and Permit LAD980622161-OP-RN-1, Condition V.A.7. Specifically, filter cake (carrying waste code K172) was observed freely lying on one (1) of the pallets in P4, one (1) of the three (3) permitted hazardous waste container storage areas. A facility representative speculated that some of the filter cake must have spilled when the pallet carrying drums was taken to the wastewater system. The accumulation start date on the drum was January 28, 2016. The violation was addressed as verified by an e-mail sent to the Department following the inspection dated December 29, 2016.
- C. The Respondent failed to determine if solid wastes generated at its facility were hazardous wastes, in violation of LAC 33:V.1103. Specifically, the Respondent shipped hazardous waste offsite with the wrong profile number leading to the hazardous waste not being treated when it should have undergone treatment for metals. On October 31, 2016, the Respondent received an invoice from Chemical Waste Management (CWM) with the incorrect waste profile number listed for bio and metals treatment (LA954445). A representative of the Respondent notified CWM of the error. The waste material was tested to see if treatment could possibly have been forgone: the results were that the material did not need bio treatment, but it did indeed need metals treatment because of nickel exceedance. Ultimately, the correct waste profile number that should have been on the manifest was LA954430. By the time of discovery, the waste had been sent directly to the landfill with asbestos and microencapsulation vaults in the same cell. Approximately 26,418 cubic yards of waste was spread with and on top of the Respondent's waste by the time the issue was discovered. On or about November 1, 2016, CWM notified the Department's Single Point of Contact (SPOC) Division of the incident and submitted a written report seven (7) days later. CWM and the Respondent submitted a letter to the Department requesting to leave the waste in place under the reasoning that disturbing the waste would cause more safety concerns and environmental harm than leaving the waste in place as it. CWM certifies that there are no air emissions concerns with leaving the waste in place. On or about December 14, 2016, the Respondent notified the SPOC Division of the incident. The Respondent stated in correspondence dated March 17, 2017, that they implemented policies, procedures, and checks and balances to ensure a similar incident does not occur.

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 or Cynthia.Arrison@la.gov 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

Catalyst Recovery of Louisiana, LLC
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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. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

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.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" 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.

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. LAD980622161

c: Catalyst Recovery of Louisiana
c/o Chad Callais, ESH Manager
P. O. Box 3077
Lafayette, LA 70502



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)

Enforcement Tracking No.	HE-PP-17-00284	Contact Name	Cynthia Arrison
Agency Interest (AI) No.	28267	Contact Phone No.	(225) 219-3796
Alternate ID No.	LAD980622161		
Respondent:	CATALYST RECOVERY OF LOUISIANA, LLC	Facility Name:	Catalyst Recovery of Louisiana
	c/o CT Corporation System	Physical Location:	100 American Boulevard
	Agent for Service of Process		
	3867 Plaza Tower Drive Baton Rouge, LA 70816	City, State, Zip:	Lafayette, LA 70508
		Parish:	Lafayette

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-17-00284), 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-17-00284), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ 11,300.00 which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.
 - Monetary component = \$ 1
 - 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-17-00284) 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.

	Chad Callous	Corporate HSE Mgr
Respondent's Signature	Respondent's Printed Name	Respondent's Title
100 American Blvd. Lafayette, La	337-839-3115	12-2-19
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
 P.O. Box 4312
 Baton Rouge, LA 70821
 Attn: Cynthia Arrison