

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	Settlement Tracking No.
	*	SA-HE-19-0029
COLFAX TREATING COMPANY, L.L.C.	*	
	*	Enforcement Tracking No.
AI # 1399, 188240	*	HE-CN-17-00534
	*	HE-CN-17-00534A
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	Docket No. 2019-6443-DEQ
LA. R.S. 30:2001, <u>ET SEQ.</u>	*	

SETTLEMENT

The following Settlement is hereby agreed to between Colfax Treating Company, L.L.C. (“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 facility located in Pineville, Rapides Parish, Louisiana (“the Facility”).

II

On February 9, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. HE-CN-17-00534 (Exhibit 1).

On October 5, 2018, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. HE-CN-17-00534A (Exhibit 2).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing.

In response to the Amended Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing.

IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

V

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 EIGHTEEN THOUSAND AND NO/100 DOLLARS (\$18,000.00), of which Eight Hundred Fourteen and 06/100 Dollars (\$814.06) 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).

VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty, Amended 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.

VII

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.

VIII

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.

IX

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.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Rapides 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.

XI

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).

XII

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XIII

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.

COLFAX TREATING COMPANY, L.L.C.

BY: [Signature]
(Signature)

Brooks Harris
(Printed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 7th day of October, 20 19, at Alexandria, LA.

[Signature]
NOTARY PUBLIC (ID # 42297)

**Patti D. Busby, Notary Public
Rapides Parish, Louisiana
Notary No. 42297**

(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 14th day of Feb, 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

February 9, 2018

CERTIFIED MAIL (7016 0910 0000 2672 8511)
RETURN RECEIPT REQUESTED

COLFAX TREATING COMPANY, L.L.C.
c/o Randall L. Wilmore
Agent for Service of Process
2001 Macarthur Drive
Alexandria, LA 71301

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-CN-17-00534
AGENCY INTEREST NOS. 1399 and 188240**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **COLFAX TREATING COMPANY, L.L.C. (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Cynthia Arrison at (225) 219-3796 or Cynthia.Arrison@la.gov.

Sincerely,
Nicole V. Anthony
for Celena J. Cage
Celena J. Cage
Administrator
Enforcement Division

CJC/cla
Alt ID No. LAD008184616; LAR000079723
Attachment



c: Colfax Treating Company
c/o Natalie Monroe
26630 East Coulee Crossing
Woodworth, LA 71485

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**COLFAX TREATING COMPANY, L.L.C.
RAPIDES PARISH
ALT ID NOS. LAD008184616 &
LAR000079723**

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

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ENFORCEMENT TRACKING NO.

HE-CN-17-00534

AGENCY INTEREST NOS.

1399 and 188240

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **COLFAX TREATING COMPANY, L.L.C. (RESPONDENT)** 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

I.

The Respondent owns and/or operates the Colfax Treating Company, L.L.C.—Pineville facility, located at 74 Wadley Street in Pineville, Rapides Parish, Louisiana (Agency Interest No. 1399). Prior to 1980, the Respondent operated a wood preserving facility that treated pipes, ties, and timber with creosote, pentachlorophenol (PCP), borax, or CCA (copper, chromium, and arsenic). Since 1988, the surface impoundments have been in post-closure care, which includes groundwater monitoring and recovery. On or about July 29, 2013, the facility was sold to Kisatchie Treating, L.L.C. The Respondent now maintains the portion of the facility requiring corrective action by the Department. The Respondent also owns and/or operates groundwater recovery wells that recover groundwater contaminated with creosote and pentachlorophenol (PCP) associated with the post-closure unit. McFarland Cascade Holdings, LLC, is a wood treating facility also located at 74 Wadley Street in Pineville, Rapides Parish,

Louisiana. McFarland Cascade Holdings, LLC (Agency Interest No. 188240), receives creosote and PCP contaminated groundwater from the Respondent's surface impoundment. A representative of McFarland Cascade Holdings, LLC, stated during a December 15, 2016 inspection that an agreement was made to give the Respondent the allowance for the contaminated groundwater to be pumped and treated at the McFarland Cascade Holdings, LLC, wastewater treatment facility. The Respondent is classified as a large quantity generator of hazardous waste and operates under EPA Identification No. LAD008184616.

II.

On or about December 14, 2016, a release was discovered during a soil and surface water sampling inspection conducted by the Department at McFarland Cascade Holdings, LLC. On or about ~~December 15, 2016, an emergency response evaluation inspection was conducted to investigate the~~ release. The release occurred on McFarland Cascade property, but the waste released originated from a leak in a pump line containing groundwater from recovery wells owned and/or operated by the Respondent. The line that was found leaking was a metal pipe approximately two (2) inches in diameter that traverses a metal culvert that extends underneath railroad tracks. A representative from McFarland Cascade Holdings, LLC, shut down the pump line on December 14, 2016, upon discovering the release. The release was contained in a storm water pond (known to the Department as the Cat Tail Pond) that did not have standing water in it at that time. The culvert exiting the Cat Tail Pond was dammed off, and no evidence of the release extending past the dam was observed.

III.

On or about December 16, 2016, a follow up inspection was conducted by the Department to observe the clean-up progress. A representative of Safety Kleen stated that at the time, fourteen (14) totes of contaminated groundwater with approximately 250 gallons in each had been collected, and two (2) roll-off boxes one-third (1/3) filled with contaminated soil had been collected. During the inspection, the Department's inspector also observed that the Respondent had replaced the leaking portion of the line. The culvert was cleaned twice with a heated pressure washer. Both ends of the culvert were then dammed off and filled with degreaser to soak the spilled material. During the inspection, sampling was conducted by Providence Engineering and Environmental Group LLC (Providence) and was witnessed by the Department. Thirteen (13) soil samples were collected from various areas of the impacted area, but two (2) were not collected (SW-5 and Base 3), due to residual creosote in those areas. The Department returned to the facility on December 19, 2016, and December

20, 2016, to witness the remaining sampling, but Providence decided not to sample in both instances. During the December 20, 2016 site visit, a representative of the Respondent suspended further excavating of the contaminated media pending further investigation of the site.

IV.

On or about December 15, 2016, and February 2, 2018, the Department conducted an inspection and subsequent file review at the above referenced facility to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the supporting Regulations. 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 and file review:

- A. The Respondent disposed of hazardous waste without a permit, in violation of LAC 33:V.303.B. Specifically, based on the area of visual contamination, the Respondent released contaminated groundwater (hazardous waste codes F032, F034) onto the ground and into unprotected soils in the Cat Tail Pond.
- B. The Respondent failed to submit a copy of the Hazardous Waste Annual Report to the Office of Environmental Services by March 1 of each year, in violation of LAC 33:V.1111.B.1. Specifically, the Respondent failed to submit an annual report to the Department for 2014, 2015, and 2016.

V.

Providence submitted a Site Investigation Work Plan dated April 27, 2017, on behalf of the Respondent. The work plan was received by the Department on or about April 28, 2017, and was approved on or about June 15, 2017. A subsequent inspection performed on September 12, 2017, revealed that the Respondent was following the approved work plan; however, due to an inability to determine the vertical and horizontal extent of contamination, clean-up efforts stopped.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Hazardous Waste Regulations.

II.

To submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, to and for the approval of the Department's Remediation Division, a Risk-Based Corrective Action Program (RECAP) Site Investigation Work Plan. The RECAP Site Investigation shall address the assessment of residual contamination as described in Findings of Fact paragraphs II and III.

III.

To implement, within thirty (30) days of the Department's approval, the RECAP Site Investigation Work Plan upon obtaining permission from the landowner. The Respondent shall notify the Department's Remediation Division at least seven (7) days prior to any sampling event conducted in association with the RECAP site investigation to allow the Department to witness the sampling event and to approve the number and location of samples collected. The notification shall be submitted to:

Office of Environmental Assessment
Remediation Division
P. O. Box 4314
Baton Rouge, LA 70821-4314
Attn: Percy Harris, Administrator

IV.

To submit to the Department's Remediation Division, the RECAP Site Investigation Report within sixty (60) days of completion of the RECAP Site Investigation.

V.

To submit, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, Annual Hazardous Waste Report for the years 2014 to 2016 to the Office of Environmental Services in accordance with LAC 33:V.1111.B.1. A copy of the reports shall also be submitted to the Enforcement Division.

VI.

To submit, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, all field notes and sampling and analysis associated with the remedial activities referenced in Findings of Fact paragraph V.

VII.

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 violations 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:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Cynthia Arrison
Re: Enforcement Tracking No. HE-CN-17-00534
Agency Interest No. 1399 and 188240

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

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 following:

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. HE-CN-17-00534
Agency Interest No. 1399 and 188240

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.), and the Department's Rules of Procedure. 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 twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, 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 Cynthia Arrison at (225) 219-3796 or Cynthia.Arrison@la.gov 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. 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.

IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **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 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 "**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.

V.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 5th day of February, 2018.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Cynthia Arrison

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER &
 POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY
 BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE



Enforcement Tracking No.	HE-CN-17-00534	Contact Name	Cynthia Arrison
Agency Interest (AI) No.	1399 and 188240	Contact Phone No.	(225) 219-3796
Alternate ID No.	LAD008184616; LAR000079723		
Respondent:	COLFAX TREATING COMPANY, L.L.C.	Facility Name:	Colfax Treating Company
	c/o Randall L. Wilmore	Physical Location:	74 Wadley Street
	Agent for Service of Process		
	2001 Macarthur Drive	City, State, Z p:	Pineville, LA 71360
Alexandria, LA 71301	Parish:	Rapides	

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph VII 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 Paragraph II, V, and VI of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department in accordance with Paragraphs III and IV 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 33:1.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (HE-CN-17-00534), 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 (HE-CN-17-00534), 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 (HE-CN-17-00534) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT		
<p><i>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.</i></p>		
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 P.O. Box 4312 Baton Rouge, LA 70821 Attn: Cynthia Arrison		



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

October 5, 2018

CERTIFIED MAIL (7017 1070 0000 2657 8144)
RETURN RECEIPT REQUESTED

COLFAX TREATING COMPANY, L.L.C.
c/o Randall L. Wilmore
Agent for Service of Process
2001 Macarthur Drive
Alexandria, LA 71301

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-CN-17-00534A
AGENCY INTEREST NOS. 1399 and 188240**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **COLFAX TREATING COMPANY, L.L.C. (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Cynthia Arrison at (225) 219-3796.

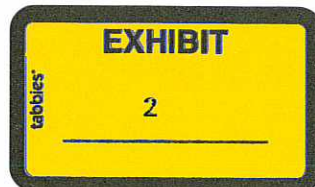
Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/cia
Alt ID Nos. LAD008184616; LAR000079723

Attachment

c: Colfax Treating Company
c/o Natalie Monroe
26630 East Coulee Crossing
Woodworth, LA 71485



**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**COLFAX TREATING COMPANY, L.L.C.
RAPIDES PARISH
ALT ID NO. LAD008184616 and
LAR000079723**

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

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ENFORCEMENT TRACKING NO.

HE-CN-17-00534A

AGENCY INTEREST NOS.

1399 and 188240

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

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. HE-CN-17-00534** issued to **COLFAX TREATING COMPANY, L.L.C. (RESPONDENT)** on February 9, 2018, in the above-captioned matter as follows:

I.

The Department hereby removes Paragraph IV.B of the Findings of Fact portion, in its entirety.

II.

The Department hereby adds Paragraph VI of the Findings of Fact portion to read as follows:

“VI.

A file review conducted by the Department on or about August 8, 2018, revealed the following violations:

- A. Respondent failed to determine if solid wastes generated at its facility were hazardous wastes, in violation of LAC 33:V.1103. Specifically, the Respondent failed to determine whether the contaminated soil described in Findings of Fact paragraph IV.A was a hazardous waste. The waste was transported offsite as nonhazardous material; however, it was transported to an authorized hazardous waste disposal facility, Clean Harbors Deer Park, LLC (TXD

0355141378). In an e-mail submitted to the Department dated August 1, 2018, a representative of the Respondent stated that the waste was ultimately properly disposed of as hazardous waste.

B. The Respondent failed to include on the hazardous waste manifests the description of the waste, in violation of LAC 33:V.1107.B.1.d. Specifically, no hazardous waste codes were listed on manifest numbers 005513939 SKS, 005513940 SKS, 005513941 SKS, 1604399347J, and 1604399348J.”

III.

The Department hereby removes Paragraph V of the Order portion, in its entirety.

IV.

The Department hereby adds Paragraph VIII of the Order portion to read as follows:

“VIII.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**, a written report that includes a detailed description of the circumstances surrounding the cited violations added in this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** and actions taken or to be taken to achieve compliance with the Order Portion of this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**. This report and all other reports or information required to be submitted to the Enforcement Division by this **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Cynthia Arrison
Re: **Enforcement Tracking No. HE-CN-17-00534A**
Agency Interest Nos. 1399 and 188240”


V.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. HE-CN-17-00534** and **AGENCY INTEREST NOS. 1399 and 188240** as if reiterated herein.

VI.

This **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 5th day of October, 2018.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
Post Office Box 4312
Baton Rouge, LA 70821-4312
Attention: Cynthia Arrison