

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

LBC BATON ROUGE, LLC

AI # 3492

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT

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

* Settlement Tracking No.
* SA-HE-18-0064
*
* Enforcement Tracking No.
* HE-PP-16-00067
*
*
*
*
*

SETTLEMENT

The following Settlement is hereby agreed to between LBC Baton Rouge, 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 petroleum terminal facility located in Iberville Parish, Louisiana (“the Facility”).

II

On May 6, 2016, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. HE-PP-16-00067, 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 TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$2,500.00) of which Six Hundred Twenty-Nine and 11/100 Dollars (\$629.11) 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 Iberville 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.

LBC Baton Rouge, LLC

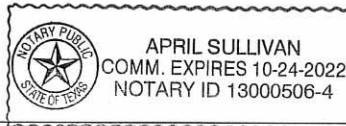
BY: [Signature]
(Signature)

Bruce Moore
(Printed)

TITLE: Manager

THIS DONE AND SIGNED in duplicate original before me this 9th day of January, 20 20, at 11:41 am.

[Signature]
NOTARY PUBLIC (ID # 13000506-4)



(stamped or printed)

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

BY: [Signature]

Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THIS DONE AND SIGNED in duplicate original before me this 8th day of April, 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

May 6, 2016

CERTIFIED MAIL (7014 1200 0000 7863 9437)
RETURN RECEIPT REQUESTED

LBC BATON ROUGE, 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-16-00067
AGENCY INTEREST NO. 3492**

Dear Sir/Madam:

On or about March 12, 2015, an inspection of **LBC BATON ROUGE, LLC**, a petroleum terminal facility, owned and/or operated by **LBC BATON ROUGE, 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 1725 Highway 75 in Sunshine, Iberville Parish, Louisiana. The Respondent is classified as a large quantity generator of hazardous waste and operates under EPA Identification No. LAD096040712.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent stored regulated hazardous waste without a permit or other authorization, in violation of LAC 33:V.303.B. Specifically, the Respondent stored five (5) hazardous waste drums of "pig waste" in the Hazardous Waste Storage Area for greater than ninety (90) days. The drums were shipped to Philips Reclamation Services on March 18, 2015, as verified by a letter sent to the Department dated June 16, 2015. This violation has been addressed.
- B. The Respondent failed to clearly label or mark each container of hazardous waste with the words "Hazardous Waste," in violation of LAC 33:V.1109.E.1.d. Specifically, four (4) super sack containers of spent activated carbon filter material located in the Laydown Yard were not labeled at the time of the inspection. Facility personnel stated the material was hazardous due to benzene levels. This violation was addressed on March 16, 2015, as verified by a letter sent to the Department dated June 16, 2015.



- C. The Respondent failed to store hazardous waste in a container that is compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired as required by LAC 33:V.2105, in violation of LAC 33:V.1109.E.1.a. Specifically, the Respondent stored spent activated carbon filter material in super sacks, which allowed the material to leak out. The super sacks were shipped to Siemens on April 9, 2015, as verified by a letter sent to the Department dated June 16, 2015. A representative from the facility stated in an e-mail sent to the Department dated November 5, 2015, that the facility has ceased using super sacks to store and transport the spent carbon filter material and now utilizes metal containers. This violation has been addressed.
- D. The Respondent failed to inspect areas where hazardous waste containers are stored at least weekly as required by LAC 33:V.2109.A, in violation of LAC 33:V.1109.E.1.a. Specifically, there was a gap noted in the weekly logs from August 13, 2014, to December 12, 2014. The facility revised their Waste Storage Inspection Record and included the requirement that an inspection of the waste storage areas will be conducted weekly, as verified by a letter sent to the Department dated June 16, 2015, and documents of inspection reports submitted in an e-mail sent to the Department dated October 20, 2015. This violation has been addressed.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Cynthia Arrison at (225) 219-3796 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement.

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

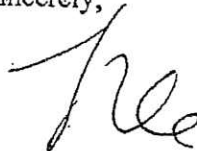
Notice of Potential Penalty

LBC Baton Rouge, LLC

Page 3

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/cia

Alt ID No. LAD096040712

c: Kevin Chimento, Plant Manager
1725 Highway 75
Sunshine, LA 70780