

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

DANOS, L.L.C.

AI # 194680

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

* Settlement Tracking No.
* SA-MM-20-0015
*
* Enforcement Tracking No.
* MM-PP-19-00116
*
*
*
*
*

SETTLEMENT

The following Settlement is hereby agreed to between Danos, 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 Amelia, Assumption Parish, Louisiana (“the Facility”).

II

On May 6, 2019, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. MM-PP-19-00116 (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 THREE THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$3,200.00), of which One Thousand Six Hundred Seventy-One and 81/100 Dollars (\$1,671.81) 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), 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 Assumption 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.

DANOS, L.L.C.

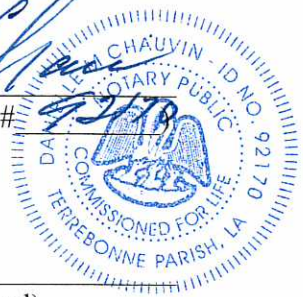
BY: [Signature]
(Signature)

Issac Dentin
(Printed)

TITLE: Safety Director

THUS DONE AND SIGNED in duplicate original before me this 30 day of June, 20 20, at Grady LA

[Signature]
NOTARY PUBLIC (ID # 92170)



(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 15th day of September, 20 20, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 92503)

Amber Greenmillon Litchfield
(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, 2019

CERTIFIED MAIL (7017 2400 0000 7557 3767)
RETURN RECEIPT REQUESTED

DANOS, L.L.C.
c/o Khanh Labat
Agent for Service of Process
3878 West Main Street
Gray, Louisiana 70359

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-PP-19-00116
AGENCY INTEREST NO. 194680**

Dear Sir:

On or about September 13, 2018, an inspection of **DANOS, L.L.C.** (the facility), owned and/or operated by **DANOS, L.L.C. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Solid Waste and Hazardous Waste Regulations. The facility is located at 2500 Highway 662 South in Amelia, Assumption Parish, Louisiana. The Respondent is notified as a large quantity generator of hazardous waste and operates under EPA identification number LAR000085142.

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 clearly label or mark each container of hazardous waste with an accumulation start date, in violation of LAC 33:V.1109.E.1.c. Specifically, during the September 13, 2018 inspection, one (1) fifty-five (55) gallon steel drum of paint waste (D001, D003, F003, F005) located in the Less than 90-Day Storage Area was not marked with an accumulation start date. A response to the inspection report received by the Department from a representative of the Respondent on October 1, 2018 stated the accumulation start date was marked on this steel drum on September 13, 2018.
- B. The Respondent failed to label a container in which universal waste batteries are contained with the words "Universal Waste - Battery," or "Waste Battery(ies)," or "Used Battery(ies)," in violation of LAC 33:V.3823.A.1. Specifically, during the September 13, 2018 inspection, one (1) clear plastic



Danos, L.L.C.
MM-PP-19-00116
Page 2

- poly container was observed being used to hold a broken battery, and was not labeled "Universal Waste – Battery," or "Waste Battery(ies)," or "Used Battery(ies)." A response to the inspection report received by the Department from a representative of the Respondent on October 1, 2018 stated this clear tote containing the broken battery was labeled "Universal Waste – Battery" on September 18, 2018.
- C. The Respondent failed to contain any waste lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps, in violation of LAC 33:V.3821.D.1. Specifically, during the September 13, 2018 inspection, one (1) bucket of waste fluorescent lamps was stored in the Maintenance Building. The bucket was not closed and did not fully contain the waste lamps. A response to the inspection report received by the Department from a representative of the Respondent on October 1, 2018 stated the used bulbs were stored in a proper container on October 1, 2018. A response to the Warning Letter received by the Department from a representative of the Respondent on March 6, 2019, shows waste lamps are being stored in a closed container labeled "Universal Waste – Waste Lamps."
- D. The Respondent failed to label a container in which waste lamps are contained with one of the following phrases: "Universal Waste – Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)," in violation of LAC 33:V.3823.A.6. Specifically, during the September 13, 2018 inspection, one (1) bucket of waste fluorescent lamps was stored in the Maintenance Building. This bucket was not labeled with the words "Universal Waste – Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)." A response to the inspection report received by the Department from a representative of the Respondent on October 1, 2018 stated the waste lamps were placed in a proper container and labeled "Universal Waste – Used Bulbs" on October 1, 2018. A response to the Warning Letter received by the Department from a representative of the Respondent on March 6, 2019, shows waste lamps are being stored in a closed container labeled "Universal Waste – Waste Lamps."
- E. The Respondent failed to label containers used to store used oil with the words "Used Oil," in violation of LAC 33:V.4013.D.1. Specifically, during the September 13, 2018 inspection, one (1) fifty-five (55) gallon poly drum of used oil and one (1) fifty-five (55) gallon poly drum of used oil filters and pads located in the Maintenance Building were not labeled "Used Oil." Both containers' labels were marked as "Used Oil" during the September 13, 2018 inspection.
- F. The Respondent failed to keep out water and prevent leakage from containers used to store solid waste, in violation of LAC 33:VII.503.A.2.c. Specifically, during the September 13, 2018 inspection, multiple solid waste containers were observed outside around the Laydown Yard. These containers are not designed to keep out water and have no means of preventing water from entering and mixing with the solid waste. A response to the inspection report received by the Department from a representative of the Respondent on October 1, 2018 stated all solid waste containers were either covered or moved by October 1, 2018. A response to the Warning Letter received by the Department from a

Danos, L.L.C.
MM-PP-19-00116
Page 3

representative of the Respondent on March 6, 2019, shows solid waste containers have been placed under constructed covers that prevent water from entering.

- G. The Respondent failed to update their Hazardous Waste Notification (HW-1) within seven (7) days of an information change, in violation of LAC 33:V.1105.B. Specifically, a Notification of Change Form (NOC-1) submitted to the Department by a representative of the Respondent on May 4, 2017, shows the company name was changed from Danos and Curole Marine Contractors, L.L.C. to Danos, L.L.C. on April 3, 2017. A response to the Warning Letter received from a representative of the Respondent on March 6, 2019 provided documentation that an HW-1 Form was submitted to the Department on May 5, 2017, with certified mail tracking number 7017 0660 0000 3610 8263. The green card indicates this document was received by the Department on May 9, 2017.
- H. The Respondent failed to provide a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed in LAC 33:V.1515.D.1, as specified in LAC 33:V.1515.D.3, in violation of LAC 33:V.1109.E.1.e. Specifically, during the September 13, 2018 inspection, the Respondent failed to provide a written description of the type and amount of training that will be given to each person filling a position at the facility related to hazardous waste management. A response to the Warning Letter received from a representative of the Respondent on March 6, 2019 provided documentation of the language added to the facility's AISC EAP plan that specifies initial training to be followed by annual training for every position at the facility related to hazardous waste management.
- I. The Respondent failed to describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services within the contingency plan, as specified in LAC 33:V.1513.B.3, in violation of LAC 33:V.1109.E.1.e. Specifically, during the September 13, 2018 inspection, the contingency plan did not include the aforementioned arrangements. A response to the inspection report received by the Department from a representative of the Respondent on October 1, 2018 provided a copy of the updated Emergency Action Plan containing the required information.
- J. The Respondent failed to include the location and a physical description of all emergency equipment (where required) and a brief outline of its capabilities, as specified in LAC 33:V.1513.B.5, in violation of LAC 33:V.1109.E.1.e. Specifically, during the September 13, 2018 inspection, the contingency plan did not include the aforementioned information. A response to the inspection report received by the Department from a representative of the Respondent on October 1, 2018 provided a copy of the updated Emergency Action Plan containing the required information.
- K. The Respondent failed to develop and retain a waste minimization plan on-site, as specified in LAC 33:V.2245.K, in violation of LAC 33:V.1109.E.1.e. Specifically, the Respondent did not have a waste minimization plan available

Danos, L.L.C.
MM-PP-19-00116
Page 4

at the time of inspection. A response to the inspection report received by the Department from a representative of the Respondent on October 1, 2018 provided a copy of the facility's waste minimization plan, which had been certified by a professional engineer on September 14, 2018.

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 Amanda Marshall at (225) 219-3095 or Amanda.Marshall@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 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.

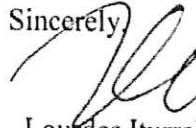
For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. 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.

Danos, L.L.C.
MM-PP-19-00116
Page 5

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/ACM/acm
Alt ID No. LAR000085142

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.	MM-PP-19-00116	Contact Name	Amanda Marshall
Agency Interest (AI) No.	194680	Contact Phone No.	(225) 219-3095
Alternate ID No.	LAR000085142		
Respondent:	Danos, L.L.C.	Facility Name:	DANOS, L.L.C.
	c/o Khanh Labat	Physical Location:	2500 Highway 662 South
	Agent for Service of Process		
	3878 West Main Street	City, State, Zip:	Amelia, Louisiana 70380
	Gray, Louisiana 70359	Parish:	Assumption

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** (MM-PP-19-00116), 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** (MM-PP-19-00116), 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.

- 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.

_____ The Respondent has reviewed the violations noted in **NOTICE OF POTENTIAL PENALTY** (MM-PP-19-00116) 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
P.O. Box 4312
Baton Rouge, LA 70821
Attn: Amanda Marshall