

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

QUALA SERVICES, LLC

AI # 5190

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

\* Settlement Tracking No.  
\* SA-HE-20-0025  
\*  
\* Enforcement Tracking No.  
\* HE-PP-19-00037  
\*  
\*  
\*  
\*

SETTLEMENT

The following Settlement is hereby agreed to between Quala Services, 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 owned and/or operated a tank trailer washing, repairing, and testing facility located in Baton Rouge, East Baton Rouge Parish, Louisiana (“the Facility”).

II

On March 25, 2019, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. HE-PP-19-00037 (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 SIX THOUSAND AND NO/100 DOLLARS (\$6,500.00), of which Five Hundred Seventy-Five and 65/100 Dollars (\$575.65) 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 East Baton Rouge 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.

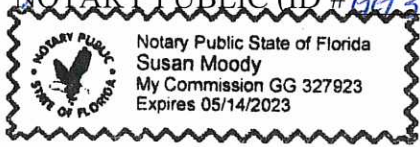
QUALA SERVICES, LLC

BY: [Signature]  
(Signature)

Earl LETO  
(Printed)

TITLE: COO

THUS DONE AND SIGNED in duplicate original before me this 16 day of July, 20 20, at Tampa, Florida.

[Signature]  
NOTARY PUBLIC (ID # 66327923)  


(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 18th day of September, 20 20, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 92803)

Amber Gremillion 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  
March 25, 2019



CERTIFIED MAIL (7017 2400 0000 7557 2586)  
RETURN RECEIPT REQUESTED

**QUALA SERVICES, LLC**  
c/o National Registered Agents, Inc.  
Agent for Service of Process  
3867 Plaza Tower Drive  
Baton Rouge, LA 70816

**RE: NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. HE-PP-19-00037  
AGENCY INTEREST NO. 5190**

Dear Sir:

On or about July 30, 2018, an inspection of **QUALA SERVICES- BATON ROUGE PLANT**, a tank trailer washing, repairing, and testing facility, owned and/or operated by **QUALA SERVICES, 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 6735 Airline Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The Respondent notified as a large quantity generator of hazardous waste and operates under EPA ID number LAD980876833.

On or about July 30, 2018, the Department responded to a notification provided by the Respondent regarding a tanker containing polymerizing acrylamide located at the facility. The July 30, 2018 inspection revealed that the Respondent purchased Tanker # 800430, containing approximately 6,000 gallons of acrylamide, in January of 2018. Tanker # 800430 had been stored at the facility since February 2, 2018. After several unsuccessful attempts to sell the product, the Respondent made the decision, on or about June 21, 2018, that the acrylamide was a waste (Hazardous Waste Code U007 and D003). The inhibitor placed in the acrylamide to prevent it from polymerizing has a shelf life of six (6) months. On or about July 28, 2018, the acrylamide began to polymerize and Tanker # 800430 began to emit steam. The Louisiana State Police Hazmat team responded to notification from the Respondent. After contacting SNF Flopam, the creator of the acrylamide solution, it was determined that the polymerization process could not be stopped, and the safest course of action was to allow it to completely polymerize, rendering it chemically inert and non-hazardous before disposal. After the event, the Respondent transported all waste acrylamide off-site for disposal. The Respondent submitted to the Department non-hazardous waste manifests dated December 4, 2018 through December 6, 2018. Therefore, Tanker # 800430 was emptied of all contents.

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 take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, as specified in LAC 33:V.1517.A and LAC 33:V.2113, in violation of LAC 33:V.1109.E.1.a.i. Specifically, the Respondent stored Tanker # 800430 containing acrylamide from February 2, 2018, determined it was a hazardous waste (U007 and D003) on June 21, 2018, and continued to store the waste. During storage, the inhibitor expired and the acrylamide began to polymerize on or about July 28, 2018. Once polymerization was complete, the Respondent conducted clean-up activities and submitted to the Department non-hazardous waste manifests dated December 4, 2018 through December 6, 2018. According to waste manifests dated December 4, 2018 to December 6, 2018, Tanker # 800430 was emptied of all contents.
- B. The Respondent failed to maintain weekly inspection records of the hazardous waste storage area, as specified in LAC 33:V.1529 and LAC 33:V.2109.C, in violation of LAC 33:V.1109.E.1.a.i. Specifically, the July 30, 2018 inspection revealed that the Respondent performs daily visual checks and records them using a barcode system. Tanker # 800430 did not have a barcode on it; therefore, no records exist of daily inspections. According to waste manifests dated December 4, 2018 to December 6, 2018, Tanker # 800430 was emptied of all contents.
- C. The Respondent failed to clearly mark the date upon which each period of accumulation begins on each container holding hazardous waste, in violation of LAC 33:V.1109.E.1.c. Specifically, the Respondent made a waste determination on or about June 21, 2018; however, Tanker #800430 was not marked with a date for which accumulation began. According to waste manifests dated December 4, 2018 to December 6, 2018, Tanker # 800430 was emptied of all contents.
- D. The Respondent failed to clearly label or mark each container holding hazardous waste with the words "Hazardous Waste," in violation of LAC 33:V.1109.E.1.d. Specifically, Tanker # 800430 was not marked with the words "Hazardous Waste." According to waste manifests dated December 4, 2018 to December 6, 2018, Tanker # 800430 was emptied of all contents.

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 Danielle Laguaite at (225) 219-3069 or [Danielle.Laguaite@la.gov](mailto:Danielle.Laguaite@la.gov) within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

QUALA SERVICES, LLC

HE-PP-19-00037

Page 3

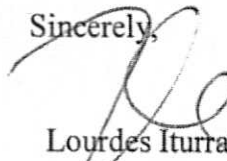
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue 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.

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/DLL/dll

Alt ID No. LAD980876833

c:

Chuck Boyd

500 North Westshore Boulevard



QUALA SERVICES, LLC

HE-PP-19-00037

Page 4

Tampa, Florida 33609

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-19-00037	Contact Name	Danielle Laguaite
Agency Interest (AI) No.	5190	Contact Phone No.	(225) 219-3069
Alternate ID No.	LAD980876833		
Respondent:	Quala Services, LLC	Facility Name:	Quala Services
	c/o National Registered Agents, Inc. Agent for Service of Process	Physical Location:	6735 Airline Highway
	3867 Plaza Tower Drive	City, State, Zip:	Baton Rouge, LA, 70805
	Baton Rouge, LA, 70816	Parish:	East Baton Rouge

**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-19-00037)**, 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-19-00037)**, 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 (HE-PP-19-00037)** 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: Danielle Laguaite