

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

OCHSNER MEDICAL CENTER -
NORTHSHORE, L.L.C.

OCHSNER MEDICAL CENTER -
WESTBANK, L.L.C.

OCHSNER CLINIC FOUNDATION

AI# 3788, 1949, 7239, 3043, 7747

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

* Settlement Tracking No.
* SA-RE-20-0109
*
* Enforcement Tracking Nos.
* RE-CN-12-00703
* RE-CN-17-00396
* RE-CN-17-00930
* RE-CN-17-01115
*
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*
*
* Docket No. 2019-8640-DEQ
*

SETTLEMENT

The following Settlement is hereby agreed to between Ochsner Medical Center – Northshore, L.L.C., Ochsner Medical Center – Westbank, L.L.C., and Ochsner Clinic Foundation (“Respondents”) 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

Respondents are limited liability companies and a non-profit corporation that own and/or operate facilities located in St. Tammany Parish, Jefferson Parish, and East Baton Rouge Parish, Louisiana (“the Facilities”).

II

On September 17, 2012, the Department issued Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. RE-CN-12-00703 (Exhibit 1).

On November 9, 2017, the Department issued Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. RE-CN-17-00396 (Exhibit 2).

On December 11, 2017, the Department issued Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. RE-CN-17-00930 (Exhibit 3).

On April 18, 2018, the Department issued Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. RE-CN-17-01115 (Exhibit 4).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty (RE-CN-17-01115), Respondents made a timely request for a hearing.

IV

Respondents deny they committed any violations or that they are liable for any fines, forfeitures and/or penalties.

V

Nonetheless, Respondents, 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 TWENTY-THREE THOUSAND AND NO/100 DOLLARS (\$23,000.00), of which Four Thousand Ten and 49/100 Dollars (\$4,010.49) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondents 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

Respondents further agree that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Orders & Notices 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 Respondents, and in any such action Respondents shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondents' 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 Respondents hereby waive 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 Respondents have caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. Tammany Parish, Jefferson Parish, and 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. Respondents have 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.

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
September 17, 2012

CERTIFIED MAIL (7005 1820 0002 2361 0724/0762)
RETURN RECEIPT REQUESTED

OCHSNER MEDICAL CENTER - NORTHSHORE, L.L.C.
c/o Cristina R. Wheat
Agent for Service of Process
1514 Jefferson Highway
New Orleans, LA 70121

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. RE-CN-12-00703
AGENCY INTEREST NO. 3788**

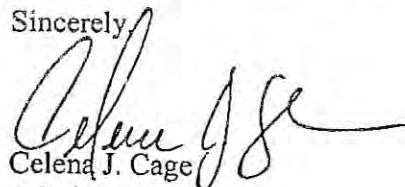
Dear Madam:

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 **OCHSNER MEDICAL CENTER -- NORTHSHORE, 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 Justin Kennedy at (225) 219-3805.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/JBK/jbk
Alt ID No. LA-5138-L01
Attachment

c: Melissa O'Malley, Director of Radiology
100 Medical Center Drive
Slidell, LA 70461-8572

Post Office Box 4312 • Baton Rouge, Louisiana 70821-4312 • Phone 225-219-3715 • Fax 225-219-3708



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF
OCHSNER MEDICAL CENTER -
NORTHSHORE, L.L.C.
SAINT TAMMANY PARISH
ALT ID NO. LA-5138-L01

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* ENFORCEMENT TRACKING NO.
*
* RE-CN-12-00703
*
* AGENCY INTEREST NO.
*
* 3788
*

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

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **OCHSNER MEDICAL CENTER - NORTHSHORE, 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 a nuclear medicine facility known to the Department as Ochsner Medical Center Northshore located at 100 Medical Center Drive in Slidell, Saint Tammany Parish, Louisiana. The Respondent currently operates under Radioactive Materials License LA-5138-L01 issued by the Department on April 16, 2012.

II.

On or about April 20, 2012, the Department conducted an inspection of the facility. While the Louisiana Department of Environmental Quality's (the Department) investigation is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent failed to ensure that one-half of the radiation safety committee's membership was present including the radiation safety officer and the management's

representative to establish quorum and to conduct business at quarterly meetings, in violation of LAC 33:XV.707.A.1.c. Specifically, the radiation safety officer, David Donaldson, M.D., was absent from various meetings including the October 21, 2011, April 8, 2011, and March 2, 2012, meetings.

- B. The Respondent failed to ensure that the minutes of each radiation safety committee meeting included the members present at the meeting, in violation of LAC 33:XI.707.A.1.d. Specifically, the minutes for the radiation safety committee meeting conducted on March 2, 2012, did not indicate which members were present.
- C. The Respondent failed to measure the ventilation rates in areas of use at least once every six (6) months, in violation of LAC 33:XV.733.F. Specifically, the Respondent first measured the ventilation rates in April 2010, and did not measure them again until January 2011, or a period of about nine (9) months, and were not measured again until October 2011, or a period of about nine (9) months after the January 2011 measurement. The most recent measurement was on March 2, 2012.
- D. The Respondent failed to ensure that three (3) month interval inventory records of sealed sources contained the estimated activity of the sources and the signature of the radiation safety officer, in violation of LAC 33:XV.719.G. Specifically, the sealed source inventory records from January 2010 through March 2012 were missing the signature of the radiation safety officer and the estimated activity of the sources.
- E. The Respondent failed to ensure that records of each check and test of dose calibrators and instruments to measure dosages of alpha-emitting or beta-emitting radionuclides included the serial number of each dose calibrator and the signature of the radiation safety officer, in violation of LAC 33:XV.715.E.3. Specifically, a Capintec Model CRC-7 dose calibrator, serial number 70422, was listed with the wrong serial number on linearity records from October 2010 through April 20, 2012; also, the linearity records from July 2010 through April 20, 2012, were missing the radiation safety officer's signature.
- F. The Respondent failed to ensure that an annual review of the "As Low As Reasonably Achievable" (ALARA) program was conducted by the radiation safety committee, in violation of LAC 33:XV.705.C. Specifically, there was no annual review of the ALARA program for 2010.

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 Radiation Protection Regulations.

II.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that at least one-half of the radiation safety committee's membership is present including the radiation safety officer and the management's representative to establish quorum and to conduct business at quarterly meetings.

III.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that the minutes of each radiation safety committee meeting are recorded in accordance with LAC 33:XV.707.A.1.d.

IV.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that ventilation rates in areas of use are measured at least once every six (6) months in accordance with LAC 33:XV.733.F.

V.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that three (3) month inventory checks of sealed sources are recorded in accordance with LAC 33:XV.719.G.

VI.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that records of each check and test of dose calibrators and instruments to measure dosages of alpha-emitting or beta-emitting radionuclides include the serial number of each dose calibrator and the signature of the radiation safety officer as well as all other information required by LAC 33:XV.715.E.3.

VII.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that a review of the ALARA program is conducted at least once every twelve (12) months in accordance with LAC 33:XV.705.C.

VIII.

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. 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: Justin Kennedy
Re: Enforcement Tracking No. RE-CN-12-00703
Agency Interest No. 3788

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. RE-CN-12-00703
Agency Interest No. 3788

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 Justin Kennedy at (225) 219-3805 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.

IV.

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

Baton Rouge, Louisiana, this 17 day of September, 2012.


Cheryl Sonnier Nolan
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: Justin Kennedy

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

November 9, 2017

CERTIFIED MAIL (7014 1200 0000 7864 2505)
RETURN RECEIPT REQUESTED

OCHSNER MEDICAL CENTER – WESTBANK, L.L.C.
c/o CT Corporation System
Agent for Service of Process
3867 Plaza Tower Dr.
Baton Rouge, LA 70816

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. RE-CN-17-00396
AGENCY INTEREST NO. 1949**

Dear Sir/Madam:

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 **OCHSNER MEDICAL CENTER – WESTBANK, 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 Jennifer Boudreaux at (225) 219-3636.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/JMB/jmb
Alt ID No. LA-0002-L01
Attachment



c: Ochsner Medical Center – Westbank
c/o Sandy Gonzales, Radiology Manager
2500 Belle Chasse Hwy.
Gretna, LA 70056

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

OCHSNER MEDICAL CENTER –
WESTBANK, L.L.C.
JEFFERSON PARISH
ALT ID NO. LA-0002-L01

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ENFORCEMENT TRACKING NO.

RE-CN-17-00396

AGENCY INTEREST NO.

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

1949

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **OCHSNER MEDICAL CENTER – WESTBANK, 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 Ochsner Medical Center, West Bank Campus (the facility), a diagnostic nuclear medicine facility, located at 2500 Belle Chasse Highway in Gretna, Jefferson Parish, Louisiana. The Respondent operates under Radioactive Material (RAM) License LA-0002-L01.

II.

On or about February 5, 2017, the Department received e-mail correspondence from a representative of the Respondent in response to a January 25, 2017 inspection of the facility. Additionally, the Department received correspondence from the Respondent dated May 23, 2017, in response to Warning Letter RE-L-17-00396, issued by the Department on or about April 21, 2017. The

response stated that six (6) of the violations noted during the inspection conducted by the Department on or about January 25, 2017, had been corrected.

III.

On or about January 25, 2017, and May 19, 2017, the Department conducted an inspection and subsequent file review of the Respondent's facility to determine the degree of compliance with the Radiation Protection Regulations and the Act. While the Department's investigation is not yet complete, the following violations were noted at the time of the inspection and file review:

- A. The Respondent failed to make available to the Department for inspection, upon reasonable notice, records maintained pursuant to the supporting Regulations, in violation of LAC 33:XV.105.B. Specifically, at the time of the inspection, documentation of an annual review of the "As Low As Reasonably Achievable" (ALARA) program by the Radiation Safety Committee in accordance with LAC 33:XV.705.C and LAC 33:XV.707.A.1.d.vi was not available. In the February 5, 2017 correspondence, the Respondent submitted a copy of the Radiation Control Committee meeting minutes dated February 18, 2016, documenting the 2015 radioactive material receipts and the annual radiation protection program audit. In the May 23, 2017 correspondence, the Respondent stated that on March 21, 2017, the Radiation Control Committee completed an annual review of the Radiation Safety Program including ALARA, radioactive material receipts, and radioactive material worker continuing education.
- B. The Respondent failed to retain a current written description of the ALARA program for the duration of the license, in violation of LAC 33:XV.705.D. Specifically, the inspection report noted a current written description of the ALARA program was not available.
- C. The Respondent failed to test each dose calibrator for accuracy upon installation and at intervals not to exceed twelve (12) months thereafter by assaying at least two (2) sealed sources containing different radionuclides, in violation of LAC 33:XV.715.B.2. Specifically, the last annual accuracy test on the Capintec CRC-12 dose calibrator was performed on January 11, 2016. In the February 5, 2017 correspondence, the Respondent submitted a copy of the dose calibrator annual accuracy test performed on January 26, 2017. This violation has been addressed.

- D. The Respondent failed to test each dose calibrator for linearity upon installation and at intervals not to exceed three (3) months thereafter over a range of use between ten (10) microcuries (370 kBq) and the highest dosage that will be administered, in violation of LAC 33:XV.715.B.3. Specifically, the last linearity check on the Capintec CRC-12 dose calibrator was performed on July 14, 2016. In the February 5, 2017 correspondence, the Respondent submitted a copy of the dose calibrator quarterly linearity test performed on January 30, 2017. In the May 23, 2017 correspondence, the Respondent stated that a subsequent dose calibrator quarterly linearity test was performed on April 24, 2017. This violation has been addressed.
- E. The Respondent failed to test each dose calibrator for geometry dependence upon installation over the range of volumes and volume configurations for which it will be used and/or failed to keep a record of this test for the duration of the use of the dose calibrator, in violation of LAC 33:XV.715.B.4. Specifically, the inspection report noted documentation of the geometry dependence test on the Capintec CRC-12 dose calibrator, after it was installed in its current location, was not available.
- F. The Respondent failed to retain for two (2) years records of sealed sources that were tested for leaks before their first use unless the Respondent had a certificate from the supplier indicating that the source was tested within six (6) months before transfer to the Respondent and records of semiannual leak tests of sealed sources, in accordance with LAC 33:XV.719.B.1 and LAC 33:XV.719.B.2, in violation of LAC 33:XV.719.D. Specifically, the inspection report noted certificates of the initial leak tests for the sealed sources were not available. The last semiannual leak test of the sealed sources performed prior to the inspection was dated January 11, 2016. The February 5, 2017 correspondence states that missing documentation of sealed source leak tests could not be located. In correspondence dated May 23, 2017, the Respondent stated that a sealed source semiannual leak test was performed on January 26, 2017.
- G. The Respondent failed to retain for five (5) years records of physical inventories of all sealed sources or brachytherapy sources, in violation of LAC 33:XV.719.G. Specifically, the last quarterly inventory record available at the time of the inspection was dated April 12, 2016. The February 2, 2017 correspondence stated that the

missing documentation could not be located. In the May 30, 2017 correspondence, the Respondent stated that sealed source quarterly inventories were performed on January 26, 2017, and April 26, 2017.

- H. The Respondent failed to retain for two (2) years records of each sealed source or brachytherapy source survey in accordance with LAC 33:XV.719.H, in violation of LAC 33:XV.719.I. Specifically, the last quarterly survey record available during the inspection was dated April 12, 2016. The February 5, 2017 correspondence stated that the missing documentation could not be located. In the May 30, 2017 correspondence, the Respondent stated that sealed source quarterly ambient exposure rate surveys were performed on January 26, 2017, and April 26, 2017.
- I. The Respondent failed to retain for two (2) years accurate records of surveys required by LAC 33:XV.724.A, B, and E which must include the measured dose rate expressed in milliroentgen per hour (mR/hr) and the serial number and model of the instrument used to make the survey or analyze the samples, in violation of LAC 33:XV.724.H. Specifically, daily survey records included hand-calculated conversion results from counts per second (cps) to mR/hr and contained incorrect survey meter information.
- J. The Respondent failed to possess a portable radiation detection survey instrument capable of detecting dose rates over the range of one tenth (0.1) mR/hr to fifty (50) mR/hr or measuring one (1) mR/hr to fifty (50) mR/hr, in violation of LAC 33:XV.734.A. Specifically, the Morgan Series 900 survey meter Serial Number 35690 used to conduct daily surveys measures in counts per second (CPS) and is not capable of detecting the specified dose rates. However, the inspector confirmed in e-mail correspondence dated June 12, 2017, that the survey meter capable of measuring only in CPS was replaced with a survey meter capable of measuring dose rates in mR/hr immediately following the inspection. This violation has been addressed.
- K. The Respondent failed to post copies of the current amendments to the license, in violation of LAC 33:XV.1011.A.2. Specifically, at the time of the inspection, the current Amendment 77 of License LA-0002-L01 was not posted. Instead, License Amendment 75 was posted. However, the inspector confirmed in e-mail correspondence dated June 12, 2017, that the facility posted the most current copy of

their license immediately following the inspection. This violation has been addressed.

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 Radiation Protection Regulations and RAM License LA-0002-L01.

II.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure records required to be maintained by the Radiation Protection Regulations are made available to the Department for inspection upon reasonable notice, in accordance with LAC 33:XV.105.B.

III.

To submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a current written description of the ALARA program. The Respondent shall also institute procedures to ensure that a current written description of the ALARA program is retained at the facility for the duration of RAM License LA-0002-L01 in accordance with LAC 33:XV.705.D.

IV.

To submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, documentation of geometry dependence tests on the Capintec CRC-12 dose calibrator at its current location. The Respondent shall also institute procedures to ensure that a record of this test be kept for the duration of the use of each dose calibrator in accordance with LAC 33:XV.715.B.4.

V.

To submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, documentation of the semiannual leak test of all sealed sources performed on January 26, 2017. The Respondent shall also institute procedures to ensure that leak test records are retained for a period of two (2) years, in accordance with LAC 33:XV.719.D.

VI.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, documentation of the quarterly physical inventories of all sealed sources performed on April 26, 2017. The Respondent shall also institute procedures to ensure that a physical inventory of all sealed sources or brachytherapy sources is conducted at intervals not to exceed once every three (3) months and that each inventory record is retained for five (5) years in accordance with LAC 33:XV.719.G.

VII.

To submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, documentation of the quarterly ambient exposure rate surveys of all sealed sources or brachytherapy sources performed on January 26, 2017, and April 26, 2017. The Respondent shall also institute procedures to ensure that a survey with a radiation survey instrument of all sealed sources or brachytherapy sources is conducted at intervals not to exceed three (3) months in accordance with LAC 33:XV.719.H and that each survey is retained for two (2) years in accordance with LAC 33:XV.719.I.

VIII.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that records of the surveys required by LAC 33:XV.724.A, B, and E contain accurate information in accordance with LAC 33:XV.724.H.

IX.

To submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violation(s) 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: **Jennifer Boudreaux**
Re: **Enforcement Tracking No. RE-CN-17-00396**
Agency Interest No. 1949

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. RE-CN-17-00396
Agency Interest No. 1949

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 Jennifer Boudreaux at (225) 219-3636 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 33:1.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 9th day of November, 2017.



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: Jennifer Boudreaux

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.	RE-CN-17-00396	Contact Name	Jennifer Boudreaux
Agency Interest (AI) No.	1949	Contact Phone No.	(225) 219-3636
Alternate ID No.	LA-0002-L01		
Respondent:	Ochsner Medical Center - Westbank, L.L.C.	Facility Name:	Ochsner Medical Center – Westbank
	c/o CT Corporation System	Physical Location:	2500 Belle Chasse Highway
	Agent for Service of Process		
	3867 Plaza Tower Dr.	City, State, Zip:	Gretna, LA 70056
Baton Rouge, LA 70816	Parish:	Jefferson	

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph IX 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 Paragraphs III, IV, V, VI, and VII 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 (RE-CN-17-00396), 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 (RE-CN-17-00396), 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 (RE-CN-17-00396) 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: Jennifer Boudreaux

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
December 11, 2017

CERTIFIED MAIL (7016 2140 0000 3607 2676)
RETURN RECEIPT REQUESTED

OCHSNER CLINIC FOUNDATION
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. RE-CN-17-00930
AGENCY INTEREST NO. 7239**

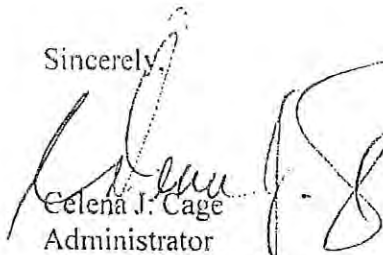
Dear Sir/Madam:

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 **OCHSNER CLINIC FOUNDATION (RESPONDENT)** for the violation described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation 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 Glenn McNeese at (225) 219-3372 or Glenn.McNeese@la.gov.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/EGM/egm
Alt ID No. LA-0002-L01
Attachment



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

IN THE MATTER OF

**OCHSNER CLINIC FOUNDATION
EAST BATON ROUGE PARISH
ALT ID NO. LA-0002-L01**

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

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **RE-CN-17-00930**
*
* **AGENCY INTEREST NO.**
*
* **7239**
*

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **OCHSNER CLINIC FOUNDATION (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 Ochsner Medical Center - Baton Rouge, a diagnostic nuclear medicine facility, located at 17000 Medical Center Drive in Baton Rouge, East Baton Rouge Parish, Louisiana. The Respondent operates under Radioactive Material (RAM) License LA-0002-L01.

II.

On or about April 18, 2017, a RAM event occurred at the facility due to a patient being administered an incorrect dose of radioactive material for a diagnostic scan. The facility initiated an investigation to determine the cause of the event. Documentation was submitted to the Department on or about May 5, 2017, detailing the findings of the investigation.

III.

On or about May 1, 2017, the Department conducted an investigation of a RAM medical event at the above referenced facility to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violation was noted during the course of the inspection:

The Respondent failed to prepare a written directive that shall be dated and signed by an authorized user before the administration of NaI-131 (sodium iodide) greater than 1.11 megabecquerels (30 microcuries (μCi)), any therapeutic dosage of radioactive material, or any therapeutic dose of radiation from radioactive material, in violation of LAC 33:XV.777.A. Specifically, a Nuclear Medicine (NM) Thyroid Scan Limited exam was ordered for a patient using the facility's electronic system, without a written directive. Due to a software programming error a NM Thyroid Cancer Metastatic Scan Limited was scheduled. On April 18, 2017, the patient was administered 2.0 mCi of NaI-131 for a NaI-131 whole body scan. The typical dose for the NM Thyroid Scan Limited exam is 10 μCi of NaI-131. The error was discovered by the facility on April 20, 2017, when the patient returned for the scan. Following discovery, the facility suspended the use of NaI-131 and initiated an investigation into the incident. The patient was prescribed Lugol's solution to block additional thyroid uptake of the isotope.

IV.

On or about September 14, 2017, the Department conducted an inspection at the above referenced facility to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent failed to conduct physical inventories of sealed sources at intervals not to exceed three (3) months and include in the inventory records the identity of each source radionuclide and its estimated activity, in violation of LAC 33:XV.719.G. Specifically, inventories were not performed for the second and third quarters of 2016, and the inventory conducted on June 2, 2017, did not include a current decayed activity.
- B. The Respondent failed to test the sealed source for leakage at intervals not to exceed six (6) months, in violation of LAC 33:XV.719.B.2 Specifically, a representative of

the Respondent stated during the inspection that leak tests were not performed for the second and third quarter of 2016.

- C. The Respondent failed to include the identity of each source radionuclide and its estimated activity in the leak test records, in violation of LAC 33:XV.719.D. Specifically, the sealed source leak tests reviewed at the time of the inspection did not contain the current decayed activity of the source radionuclide.
- D. The Respondent failed to maintain records of all radionuclide disposal as required, in violation of LAC 33:XV.320.A.2 and Radioactive Material License LA-002-L01, Condition 35, Part VII. Specifically, the inspection revealed a reading of twenty (20) mR/hr at the surface of the sink drain in the hot lab. The Respondent's representative stated he was not aware of any radioactive disposal into the sink, and there was no record of disposal to explain the reading.
- E. The Respondent failed to retain a record of each dose calibrator linearity test that includes the signature of the radiation safety officer, in violation of LAC 33:XV.715.E.3. Specifically, the June 2, 2017 linearity test record for the Biodex Atomlab 400 dose calibrator, serial number 12040268, did not have the radiation safety officer's signature.
- F. The Respondent failed to test each dose calibrator for accuracy upon installation and at intervals not to exceed twelve (12) months thereafter by assaying at least two (2) sealed sources containing different radionuclides, in violation of LAC 33:XV.715.B.2. Specifically, the last annual accuracy test on the Biodex Atomlab 400 dose calibrator was performed on August 24, 2016.

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 Radiation Protection Regulations and RAM license LA-0002-L01.

II.

To ensure, immediately upon receipt of this **COMPLIANCE ORDER**, a written directive is prepared before the administration of NaI-131 greater than 1.11 megabecquerels (30 microcuries (μCi)), any therapeutic dosage of radioactive material, or any therapeutic dose of radiation from radioactive material, in accordance with LAC 33:XV.777.A.

III.

To ensure, immediately upon receipt of this **COMPLIANCE ORDER**, that a physical inventory of all sealed sources or brachytherapy sources is conducted at intervals not to exceed once every three (3) months, as required by LAC 33:XV.719.G.

IV.

To submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, copies of the most recent sealed source physical inventories which include the estimated activity for the source radionuclides, as required by LAC 33:XV.719.G.

V.

To ensure, immediately upon receipt of this **COMPLIANCE ORDER**, that sealed sources are tested for leakage at intervals not to exceed six (6) months, as required by LAC 33:XV.719.B.2, unless otherwise approved.

VI.

To submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, copies of the most recent sealed source leak tests which include the estimated activity for the source radionuclides, as required by LAC 33:XV.719.D.

VII.

To ensure, immediately upon receipt of this **COMPLIANCE ORDER**, all radionuclide disposal is properly documented and records are maintained in accordance with LAC 33:XV.320.A.2 and Radioactive Material License LA-002-L01.

VIII.

To ensure, immediately upon receipt of this **COMPLIANCE ORDER**, all dose calibrator linearity tests are signed by the radiation safety officer, as required by LAC 33:XV.715.E.3.

IX.

To perform, immediately upon receipt of this **COMPLIANCE ORDER**, an accuracy test on the Biodex Atomlab 400 dose calibrator, serial number 12040268, as required by LAC 33:XV.715.B.2.

Documentation of the test shall be submitted to the Department within thirty (30) days after receipt of this **COMPLIANCE ORDER**.

X.

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 violation 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: Glenn McNeese
Re: Enforcement Tracking No. RE-CN-17-00930
Agency Interest No. 3043/7239

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. RE-CN-17-00930
Agency Interest No. 3043/7239

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 Glenn McNeese at (225) 219-3372 or Glenn.McNeese@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 11th day of December, 2017.



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: Glenn McNeese



Enforcement Tracking No.	RE-CN-17-00930	Contact Name	Glenn McNeese
Agency Interest (AI) No.	7239	Contact Phone No.	(225) 219-3372
Alternate ID No.	LA-0002-L01		
Respondent:	Ochsner Clinic Foundation	Facility Name:	Ochsner Medical Center – Baton Rouge
	c/o CT Corporation System	Physical Location:	17000 Medical Center Drive
	Agent for Service of Process		
	3867 Plaza Tower Dr.	City, State, Zip:	Baton Rouge, LA 70816
	Baton Rouge, LA 70816	Parish:	East Baton Rouge

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph X 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 Paragraphs IV, VI, and IX 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 (RE-CN-17-00396), 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 (RE-CN-17-00396), 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. The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (RE-CN-17-00396) 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: Glenn McNeese

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

April 18, 2018

CERTIFIED MAIL (7017 2400 0000 7557 3927)
RETURN RECEIPT REQUESTED

OCHSNER CLINIC FOUNDATION

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

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. RE-CN-17-01115
AGENCY INTEREST NOS. 3043 and 7747**

Dear Sir/Madam:

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 **OCHSNER CLINIC FOUNDATION (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 Jennifer Boudreaux at (225) 219-3636 or at Jennifer.Boudreaux@la.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/JMB/jmb
Alt ID No. LA-0002-L01
Attachment



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
OCHSNER CLINIC FOUNDATION	*	ENFORCEMENT TRACKING NO.
JEFFERSON PARISH AND	*	
EAST BATON ROUGE PARISH	*	RE-CN-17-01115
ALT ID NO. LA-0002-L01	*	
	*	AGENCY INTEREST NOS.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	3043 and 7747
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **OCHSNER CLINIC FOUNDATION (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 a diagnostic nuclear medicine facility located at 1516 Jefferson Highway in New Orleans, Jefferson Parish, Louisiana (AI: 3043). The Respondent operates under Radioactive Material (RAM) License LA-0002-L01.

II.

On or about August 3, 2017, and October 4, 2017, the Department conducted inspections at the above referenced facility to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent failed to conduct physical inventories of sealed sources at intervals not to exceed three (3) months, in violation of LAC 33:XV.719.G. Specifically,

during the August 3, 2017 inspection, a records review revealed that physical inventories of eight (8) sealed sources in the Nuclear Medicine Department were performed on or about April 26, 2016, and not again until October 19, 2016. During the October 4, 2017 inspection, a records review revealed that physical inventories of eight (8) sealed sources in the Cardiology Nuclear Medicine Department were performed in July 2015 and not again until June 2016. These sources were also inventoried in January 2017, but not again until June 2017.

- B. The Respondent failed to test the sealed source for leakage at intervals not to exceed six (6) months, in violation of LAC 33:XV.719.B.2. Specifically, during the August 3, 2017 inspection of the Nuclear Medicine and Radiation Oncology Departments, a records review revealed that leak tests were performed on or about July 9, 2015, and not again until October 19, 2016. During the October 4, 2017 inspection of the Cardiology Nuclear Medicine Department, a records review revealed that leak tests were performed in July 2015 and not again until July 2016.
- C. The Respondent failed to test each dose calibrator for accuracy upon installation and at intervals not to exceed twelve (12) months thereafter by assaying at least two (2) sealed sources containing different radionuclides, in violation of LAC 33:XV.715.B.2. Specifically, during the August 3, 2017 inspection, a records review revealed that the last two (2) annual accuracy tests on the Capintec CRC-55tR dose calibrator were performed on or about August 11, 2015, and not again until November 14, 2016. This exceeded the annual requirement.
- D. The Respondent failed to make records available to the Department for inspection, in violation of LAC 33:XV.105.B. Specifically, the Respondent is required to keep a record of the geometry dependence test for the duration of the use of the dose calibrator. During the August 3, 2017 inspection of the Nuclear Medicine and Radiology Oncology Departments, the Respondent was not able to provide a record of the test for the Capintec CRC-55tR dose calibrator.
- E. The Respondent failed to test dose calibrators for linearity in intervals not to exceed three (3) months, in violation of LAC 33:XV.715.B.3. Specifically, during the October 4, 2017 inspection, a records review revealed that a quarterly linearity check

was performed on January 15, 2017, and the following check was performed on June 8, 2017.

III.

The Respondent owns and/or operates a diagnostic nuclear medicine facility located at 9001 Summa Avenue in Baton Rouge, East Baton Rouge Parish, Louisiana (AI: 7747). The Respondent operates under Radioactive Material (RAM) License LA-0002-L01.

IV.

On or about November 8, 2017, the Department conducted an inspection at the above referenced facility to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violation was noted during the course of the inspection:

The Respondent failed to perform annual measurement of entrance rates on all fluoroscopic X-ray systems, in violation of LAC 33:XV.605.A.3.b.i. Specifically, the last annual test was conducted on May 11, 2016. A fluoroscopic performance evaluation was conducted on or about November 17, 2017, with passing results.

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 Radiation Protection Regulations and RAM license LA-0002-L01.

II.

To ensure, immediately upon receipt of this **COMPLIANCE ORDER**, that a physical inventory of all sealed sources or brachytherapy sources is conducted at intervals not to exceed once every three (3) months, as required by LAC 33:XV.719.G.

III.

To ensure, immediately upon receipt of this **COMPLIANCE ORDER**, that sealed sources are tested for leakage at intervals not to exceed six (6) months, as required by LAC 33:XV.719.B.2, unless otherwise approved.

IV.

To ensure, immediately upon receipt of this **COMPLIANCE ORDER**, that dose calibrators are accuracy tested at intervals not to exceed twelve (12) months, as required by LAC 33.XV.715.B.2.

V.

To ensure, immediately upon receipt of this **COMPLIANCE ORDER**, that records of geometry dependence tests are maintained at the facility and made available to the Department for inspection, as required by LAC 33.XV.105.B. The Respondent shall submit a record of the geometry dependence test for the Capintec CRC-55tR dose calibrator to the Enforcement Division, within thirty (30) days of receipt of this **COMPLIANCE ORDER**.

VI.

To ensure, immediately upon receipt of this **COMPLIANCE ORDER**, that dose calibrators are tested for linearity at intervals not to exceed three (3) months, as required by LAC 33.XV.715.B.3.

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: Jennifer Boudreaux
Re: Enforcement Tracking No. RE-CN-17-01115
Agency Interest Nos. 3043 and 7747

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. RE-CN-17-01115
Agency Interest Nos. 3043 and 7747

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 Jennifer Boudreaux at (225) 219-3636 or at Jennifer.Boudreaux@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.

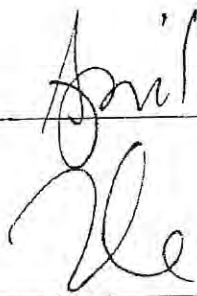
IV.

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 18th day of April, 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: Jennifer Boudreaux



Enforcement Tracking No.	RE-CN-17-01115	Contact Name	Jennifer Boudreaux
Agency Interest (AI) Nos.	3043 and 7747	Contact Phone No.	(225) 219-3636
Alternate ID No.	LA-0002-L01	Contact Email	Jennifer.Boudreaux@la.gov
Respondent:	Ochsner Clinic Foundation	Facility Name:	A: Ochsner Clinic Foundation B: Ochsner Clinic of Baton Rouge
	c/o CT Corporation System Agent for Service of Process	Physical Location:	A: 1516 Jefferson Highway B: 17000 Medical Center Drive
	3867 Plaza Tower Dr.		
	Baton Rouge, LA 70816	Parish:	A: Jefferson B: East Baton Rouge

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 V 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 (RE-CN-17-01115), 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 (RE-CN-17-01115), 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 (RE-CN-17-01115) 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: Jennifer Boudreaux