

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CLEAN HARBORS WHITE CASTLE, LLC

AI # 8469

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

* Settlement Tracking No.
* SA-MM-21-0077
*
* Enforcement Tracking Nos.
* WE-C-07-0134
* MM-CN-07-0106
* WE-C-07-0134A
* SE-CN-09-0371
* WE-CN-10-00346
* WE-CN-11-00457
* WE-CN-11-01522
*
*
* Docket Nos. 2012-5662-EQ,
* 2011-11279-EQ,
* 2011-8951-EQ c/w
* 2011-4822-EQ
*

SETTLEMENT

The following Settlement is hereby agreed to between Clean Harbors White Castle, LLC (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a limited liability company that owns and/or operates a non-hazardous treatment facility located in Iberville Parish, Louisiana (“the Facility”).

II

On May 21, 2007, the Department issued to Respondent a Compliance Order, Enforcement Tracking No. WE-C-07-0134 (Exhibit 1).

On August 27, 2008, the Department issued to Respondent a Consolidated Compliance Order

& Notice of Potential Penalty, Enforcement Tracking No. MM-CN-07-0106 (Exhibit 2).

On February 20, 2009, the Department issued to Respondent an Amended Compliance Order, Enforcement Tracking No. WE-C-07-0134A (Exhibit 3).

On January 26, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. SE-CN-09-0371 (Exhibit 4).

On May 26, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-10-00346 (Exhibit 5).

On May 16, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-11-00457 (Exhibit 6).

On February 3, 2012, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-11-01522 (Exhibit 7).

III

In response to the Consolidated Compliance Orders & Notices of Potential Penalty (Enforcement Tracking Nos. SE-CN-09-0371, WE-CN-10-00346, WE-CN-11-00457, and WE-CN-11-01522), Respondent made timely requests for hearings.

IV

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

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FIFTY THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$50,300.00), of which Eight Thousand Six Hundred Thirteen and 12/100 Dollars (\$8,613.12) represents the Department's

enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Compliance Order, Amended Compliance Order, 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 Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VII

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VIII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

IX

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Iberville Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

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.

CLEAN HARBORS WHITE CASTLE, LLC

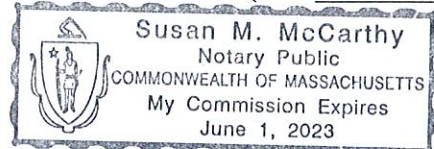
BY: William F. Connors
(Signature)

William F. Connors
(Printed)

TITLE: Sr. Vice President, Compliance

THUS DONE AND SIGNED in duplicate original before me this 30th day of September, 20 22, at 42 Longwater Dr. Norwell, MA 02061

Susan M. McCarthy
NOTARY PUBLIC (ID # _____)



(stamped or printed)

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

BY: Celena J. Cage
Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 3rd day of January, 20 23, at Baton Rouge, Louisiana.

Courtney J. Burdette
NOTARY PUBLIC (ID # 133696)

Courtney J. Burdette
(stamped or printed)

Approved: Celena J. Cage
Celena J. Cage, Assistant Secretary



DEPARTMENT OF ENVIRONMENTAL QUALITY

KATHLEEN BARINEAUX BLANCO
GOVERNOR

MIKE D. McDANIEL, Ph.D.
SECRETARY

May 21, 2007



CERTIFIED MAIL (7003 2260 0000 5826 0388)
RETURN RECEIPT REQUESTED

CLEAN HARBORS WHITE CASTLE, L.L.C.
c/o C. T. Corporation System
Agent of Service
8550 United Plaza Blvd.
Baton Rouge, LA 70809

**RE: COMPLIANCE ORDER
ENFORCEMENT TRACKING NO. WE-C-07-0134
AGENCY INTEREST NO. 8469**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **COMPLIANCE ORDER** is hereby served on **CLEAN HARBORS WHITE CASTLE, 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 **COMPLIANCE ORDER** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Chad Keith at (225) 219-0962.

Sincerely,

Peggy M. Hatch
Administrator
Enforcement Division

PMH/CCK/cck
Alt ID No. LA0065501
Attachment

c: Clean Harbors White Castle, L.L.C.
c/o Scott Kuhn, Vice President of Environmental Compliance
52735 Clark Road
White Castle, LA 70788

ENVIRONMENTAL COMPLIANCE

: PO BOX 4312. BATON ROUGE, LA 70821-4312
P:225-219-3700 F:225-219-3708
WWW.DEQ.LOUISIANA.GOV

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
CLEAN HARBORS WHITE CASTLE, L.L.C.	*	ENFORCEMENT TRACKING NO.
IBERVILLE PARISH	*	
ALT ID NO. LA0065501	*	WE-C-07-0134
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	8469
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, <u>ET SEQ.</u>	*	

COMPLIANCE ORDER

The following **COMPLIANCE ORDER** is issued to **CLEAN HARBORS WHITE CASTLE, 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) and 30:2050.2.

FINDINGS OF FACT

I.

The Respondent owns and/or operates a privately owned non-hazardous waste treatment facility serving industrial customers which is located at 52735 Clark Road in White Castle, Iberville Parish, Louisiana. Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0065501 was issued to Safety-Kleen (White Castle), Inc. on or about August 13, 2001, with

an effective date of September 1, 2001, and an expiration date of August 30, 2006. In a letter dated June 7, 2002, which was received by the Department on or about June 10, 2002, the Respondent requested that the aforementioned permit be transferred upon its acquisition of the assets of Safety-Kleen Corporation's Chemical Services Division. The closing date for this acquisition occurred on or about August 30, 2002. A letter from the Department to the Respondent dated August 30, 2002, recognized and approved the transfer of LPDES permit LA0065501 from Safety-Kleen (White Castle), Inc. to Clean Harbors White Castle, L.L.C. contingent upon the completion of the sale of Safety-Kleen Corporation assets. The Respondent submitted an LPDES permit renewal application to the Department on or about March 1, 2006. LPDES permit LA0065501 was re-issued to the Respondent on or about February 12, 2007, with an effective date of March 1, 2007, and an expiration date of February 29, 2012. LPDES permit LA0065501 authorizes the Respondent to discharge treated non-hazardous waste water from its facility to the Mississippi River, waters of the state.

II.

A file review conducted by the Department on or about May 24, 2007, revealed the Respondent submitted incomplete and/or inaccurate Discharge Monitoring Reports (DMRs). Specifically, the Respondent indicated "FECAL301S" on its DMRs for the monitoring periods of September 2003 through February 2004 and September 2004 through February 2005 in the space provided to report its Monthly Average flow. Additionally, the Respondent submitted DMRs with no data and no indication that there was "no discharge" for the monitoring period of September through November 2006 for Outfall TX1Q, and for the monitoring period of September 2006 through February 2007 for Outfalls 001S, 101S, 201S, and 301S. Each failure by the Respondent to submit properly completed DMRs is in violation of

LPDES permit LA0065501 (Part II, Section M, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

III.

A file review conducted by the Department on or about April 3, 2007, revealed the following permit excursions, as reported by the Respondent on DMRs:

Monitoring Period	Parameter	Permit Limit	Reported Value	Outfall
05/04	BOD ₅ (Daily Max.)	30 mg/L	46 mg/L	001 A
10/06	BOD ₅ (Daily Max.)	30 mg/L	55.9 mg/L	001 A
	COD (Daily Max.)	150 mg/L	912 mg/L	001 A
12/06	COD (Daily Max.)	150 mg/L	1,050 mg/L	001 A
	TSS (Daily Max.)	60 mg/L	115 mg/L	001 A
	Total Copper (Daily Max.)	500 µg/L	590 µg/L	001 A
	Total Zinc (Daily Max.)	686 µg/L	2,250 µg/L	001 A
01/07	COD (Daily Max.)	150 mg/L	854 mg/L	001 A
	TSS (Daily Max.)	60 mg/L	80 mg/L	001 A
	Total Zinc (Daily Max.)	686 µg/L	2,750 µg/L	001 A
	Benzidine (Daily Max.)	3.47 µg/L	396 µg/L	001 A

Each effluent limitation exceedance is in violation of LPDES permit LA0065501 (Part I, Pages 2 of 9 through 5 of 9, and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

IV.

A file review conducted by the Department on or about April 4, 2007, revealed the Respondent failed to properly operate and maintain its treatment facility. Specifically, the Respondent submitted a letter to the Department dated January 11, 2007, which indicated that extraordinary rainfall during December 2006 caused flooding of land farm cells and run-off from the containment areas. The letter also indicated that a perimeter ditch overflowed its banks and covered the access road on the north side of the facility. As a result, and to prevent further

overflows and/or facility damage, the Respondent discharged inadequately treated wastewater from its facility to waters of the state. A subsequent letter submitted by the Respondent to the Department dated January 25, 2007, indicated that additional flooding resulted in another necessary discharge of inadequately treated sanitary wastewater in January 2007. The letters submitted by the Respondent on or about January 11, 2007, and January 25, 2007, revealed the following permit excursions:

Date	Parameter	Permit Limit	Reported Value	Outfall
12/22/2006	COD (Daily Max.)	150 mg/L	457 mg/L	001 A
12/23/2006	COD (Daily Max.)	150 mg/L	724 mg/L	001 A
12/24/2006	COD (Daily Max.)	150 mg/L	654 mg/L	001 A
12/25/2006	COD (Daily Max.)	150 mg/L	654 mg/L	001 A
12/26/2006	COD (Daily Max.)	150 mg/L	1,050 mg/L	001 A
	TSS (Daily Max.)	60 mg/L	90 mg/L	001 A
12/27/2006	COD (Daily Max.)	150 mg/L	952 mg/L	001 A
	TSS (Daily Max.)	60 mg/L	115 mg/L	001 A
01/04/2007	COD (Daily Max.)	150 mg/L	586 mg/L	001 A
	Benzidine (Daily Max.)	3.47 µg/L	396 µg/L	001 A
01/05/2007	COD (Daily Max.)	150 mg/L	537 mg/L	001 A
	TSS (Daily Max.)	60 mg/L	64 mg/L	001 A
01/06/2007	COD (Daily Max.)	150 mg/L	666 mg/L	001 A
	TSS (Daily Max.)	60 mg/L	80 mg/L	001 A
01/07/2007	COD (Daily Max.)	150 mg/L	846 mg/L	001 A
	TSS (Daily Max.)	60 mg/L	80 mg/L	001 A
	Total Zinc (Daily Max.)	686 µg/L	2,750 µg/L	001 A
01/08/2007	COD (Daily Max.)	150 mg/L	838 mg/L	001 A
	TSS (Daily Max.)	60 mg/L	73 mg/L	001 A
	Total Zinc (Daily Max.)	686 µg/L	850 µg/L	001 A
01/09/2007	COD (Daily Max.)	150 mg/L	854 mg/L	001 A

The Respondent's failure to properly operate and maintain its facility is in violation of LPDES permit LA0065501 (Part III, Sections A.2, and B.3), La. R.S. 30:2076 (A) (3), LAC

33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E. Each effluent limitation exceedance is in violation of LPDES permit LA0065501 (Part I, Pages 2 of 9 through 5 of 9, and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

V.

A file review conducted by the Department on or about April 4, 2007, revealed the Respondent consistently exceeded its estimated flow of 13 Million Gallons per Day (MGD). Specifically, the Respondent indicated Monthly Average and Daily Max flow values on its DMRs for Outfall 001A which were consistently higher than the estimated flow listed in Part I, Page 2 of 9.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with permit limitations and conditions contained in LPDES permit LA0065501.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed Discharge Monitoring Reports (DMRs) for the monitoring periods mentioned in Paragraphs II of the Findings of Fact portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and dated with an original signature. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment

and Explanation of Any Violations” and place an “x” in the box provided to indicate “no discharge” in the upper right-hand corner of the DMR.

III.

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
Attention: Chad Keith
Enforcement Tracking No. WE-C-07-0134
Agency Interest No. 8469

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. WE-C-07-0134
Agency Interest No. 8469

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.

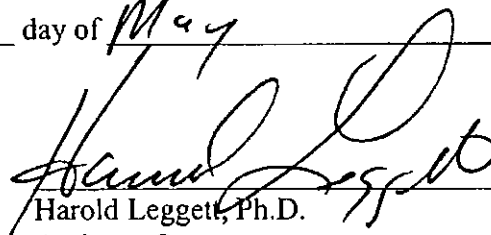
VII.

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.

VIII.

This **COMPLIANCE ORDER** is effective upon receipt.

Baton Rouge, Louisiana, this 21 day of May, 2007.



Harold Leggett, Ph.D.
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: Gwendolyn L. Berthelot

c: Ms. Carol Peters-Wagnon
U.S. Environmental Protection Agency

Ron Nettles
Office of Public Health
1772 Wooddale Ave.
Baton Rouge, LA 70806



BOBBY JINDAL
GOVERNOR

HAROLD LEGGETT, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE

August 27, 2008

CERTIFIED MAIL (7004 1160 0001 9951 6279 / 6286)
RETURN RECEIPT REQUESTED



CLEAN HARBORS WHITE CASTLE, L.L.C.

c/o C T Corporation System
Agent of Service
5615 Corporate Boulevard, Suite 400B
Baton Rouge, Louisiana 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-07-0106
AGENCY INTEREST NO. 8469**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, *et seq.*), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **CLEAN HARBORS WHITE CASTLE, 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 Tom Cranford at (225) 219-3789.

Sincerely,

Lourdes Iturralde
Administrator
Enforcement Division

LI/TLC/rdl
Alt ID Nos. LAD982549636 & LA0065501
Attachment

c: Clean Harbors White Castle, L.L.C.
52735 Clark Road
White Castle, Louisiana 70788

Ms. Carol Peters-Wagnon
U.S. Environmental Protection Agency, Region 6

Karen Irion, P.E.
Engineering Services, Chief Engineer
Department of Health and Hospitals
Office of Public Health
P.O. Box 4489
Baton Rouge, LA 70821-4489

Ron Nettles, Regional Sanitarian
Baton Rouge Region II

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
CLEAN HARBORS WHITE CASTLE, L.L.C.	*	ENFORCEMENT TRACKING NO.
IBERVILLE PARISH	*	
ALT ID NOS. LAR982549636 & LA0065501	*	MM-CN-07-0106
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	8469
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, <u>ET SEQ.</u>	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **CLEAN HARBORS WHITE CASTLE, 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 operates a privately owned non-hazardous waste land farm facility serving industrial customers, located at 52735 Clark Road in White Castle, Iberville parish, Louisiana. The facility operates under solid waste permit P-0059 and is reporting as a

conditionally exempt small quantity generator of hazardous waste with EPA identification number LAD982549636. In addition, the Respondent was re-issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0065501 on or about February 12, 2007, which became effective on or about March 1, 2007, and which shall expire on or about February 29, 2012. LPDES permit LA0065501 authorizes the Respondent to discharge treated sanitary wastewater and treated process wastewater, including contact stormwater and vehicle washwater, into the Mississippi River, waters of the state.

II.

The Respondent was issued **COMPLIANCE ORDER WE-C-07-0134** on or about May 21, 2007. The relevant violations of the Findings of Fact were: failure to submit properly completed Discharge Monitoring Reports (DMRs), effluent exceedances, and operation and maintenance deficiencies. The relevant requirements of the **COMPLIANCE ORDER** were to take any and all steps necessary to achieve and maintain compliance with the permit limitations and conditions contained in LPDES permit LA0065501, to submit properly completed DMRs, and to submit 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. The Department received a response to the **COMPLIANCE ORDER** on or about July 2, 2007 and August 19, 2007. **COMPLIANCE ORDER WE-C-07-0134** is a final action of the Department and not subject to further review

III.

On or about April 19, 2007, April 25, 2007, April 26, 2007, and April 30, 2007, representatives of the Department performed inspections of the facility and noted the following:

- A. The Respondent failed to notify the Office of Environmental Services,

Environmental Assistance Division, within seven (7) days of change in the information submitted in the application for the EPA identification number, in violation of LAC 33:V.1105.B. Specifically, the name of the facility, the contact person, and addition of the D009 waste code were incorrect at the time of the inspection. This violation was corrected on May 11, 2007.

- B. The Respondent accepted waste that is not designated in the approved Solid Waste Permit Application, in violation of Solid Waste Permit P-0059 (Permit Application, Part II, Pages 55 & 61) and LAC 33:VII.901. Specifically, the facility is approved to accept industrial sludge (oily), industrial sludge (other than oily), and municipal sludge. The facility accepted waste materials other than sludge. A few examples of non-sludge waste material accepted at the site are: washwater, process water, hydrogen peroxide, wood debris ash, non-hazardous soil and debris, sandblast media, non PCB containing transformer oil, rust scale, antifreeze, organics and debris with washwater, waste paint, brown water, triethylene glycol and water, scrubber water contaminated with amines, shot blast dust, UST soil, contaminated soil and water, glycols in water, and beef tallow and lard.
- C. The Respondent failed to provide and/or maintain sufficient equipment to meet the facility's operational needs, in violation of LAC 33:VII.715.D.4. Specifically, the tank battery and associated pump house were not functional, the aerators in the runoff containment areas did not operate, some of the aerators in the equalization basin did not operate, and sufficient equipment was not available to maintain the grass and weeds at the site.

- D. The Respondent failed to dispose of liquid and solid wastes to the landfarm as indicated in the Permit, in violation of Solid Waste Permit Number P-0059 (Permit Application, Part II, Pages 62 & 64) and LAC 33:VII.901.A. Specifically, wastes entering the landfarm are not being deposited into the above ground closed storage tanks or to the cake sludge storage area before dispersal to the appropriate cell and sludges are being applied directly to the cell instead of via subsurface injection for liquids or via sludge application vehicles for solids.
- E. The Respondent accepted waste that is not biodegradable, in violation of LAC 33:VII.715.D.1.f. Specifically, waste paint and sandblasting media were accepted for disposal and are not biodegradable.
- F. The Respondent failed to fill out the solid waste disposer annual report form completely, in violation of LAC 33:VII.715.C.1.a.i. Specifically, the Respondent failed to provide an estimated life of the facility or to provide an estimate of the remaining permitted capacity of the facility. In addition, the facility failed to provide the calculations used to compute the quantity of solid waste received at the facility. This violation was corrected on November 20, 2007.
- G. The Respondent failed to maintain at the facility all records specified in the application for the permit as necessary for the effective management of the facility and for preparing the required reports, in violation of LAC 33:VII.715.C.1.b.i. Specifically, the Respondent was unable to locate all of the approved permit modifications.
- H. The Respondent failed to provide drainage to prevent standing water and allow for drainage away from the facility, in violation of Solid Waste Permit Number P-

0059 (Permit Application, Part II, Page 32) and LAC 33:VII.715.A.1.g. Specifically, Landfarm cells were not graded properly. Water runoff from the landfarm cells onto the landfarm access roadway was observed. In addition, puddles of water were observed in the landfarm cells.

- I. The Respondent failed to collect a biotoxicity sample for the fourth quarter of 2006 in accordance with LPDES permit LA0065501. Each failure to sample the effluent as specified in the permit is a violation of LPDES permit LA0065501 (Part I, Page 2 through 7 of 7 and Part III, Sections A.2, and C.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.
- J. The Respondent was estimating flow rather than measuring the flow using either a totalizing meter or a totalizer, as required by LPDES permit LA0065501. The failure to record the flow measurement by a totalizing meter or a totalizer is a violation of LPDES permit LA0065501 (Part I, Page 2 through 6 of 7 and Part III, Sections A.2, and C.6), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.
- K. The Respondent failed to maintain records as required by LPDES permit LA0065501. Specifically, the Respondent failed to maintain pH meter calibration records, the analytical results for biotoxicity test for the third quarter of 2004, and maintenance and repair records. The Respondent's failure to maintain records is in violation of LPDES permit LA0065501 (Part III, Section A.2 and C.3), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC33:IX.2701.A, and LAC 33:IX.2701.J.2.

- L. The Respondent failed to record the times and dates of sampling for 24 hour composites of the biomonitoring analyses required by LPDES permit LA0065501 from January 2004 to February 2007. Specifically, the chain of custody contained the date and time sampling began. However, the date and time sampling ended was not included on the forms. Each failure to record monitoring information correctly is in violation of LPDES permit LA0065501 (Part III, Sections A.2 and C.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC33:IX.2701.A, and LAC 33:IX.2701.J.3.
- M. The Respondent failed to analyze pH samples within the holding period specified in 40 CFR Part 136. Specifically, a file review of the chain of custody form(s) and lab data revealed that the pH holding time for pH was exceeded prior to sample analysis being conducted. Exceeding holding periods for pH analysis is in violation of LPDES permit LA0065501 (Part III, Sections A.2 and C.5) La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.J.4.
- N. The Respondent failed to submit properly completed DMRs as required by LPDES permit LA0065501. Specifically, the Respondent failed to report the correct results for Alpha-BHC, Aldrin, and Endrin for the December 2006 monitoring period and for COD for the August 2004 monitoring period. The Respondent submitted a DMR for the February 2004 monitoring period indicating a passing sample for *Daphnia pulex* when the control group was documented as being invalid. In addition, the Respondent submitted DMRs for the monitoring periods between September 2006 and November 2006 that indicated "no

discharge" but had numerical values listed in the sample analysis columns. The failure to submit accurate DMRs is in violation of LPDES permit LA0065501 (Part II, Section A.8, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, LAC 33:IX.2701.L.4.a, and LAC 33:IX.2701.L.4.d.

- O. The Respondent failed to properly operate and maintain its facility with regards to LPDES permit LA0065501. Specifically, the Respondent failed to properly operate the paddle aerators in the equalization basin, develop standard operating procedures, and maintenance and repair manuals for the aerators. The discharge point for Outfall 301 was heavily vegetated and a representative sample was impossible to collect, and the discharge pipe for Outfall 101 was clogged and could not discharge. These deficiencies in operations and maintenance are violations of LPDES permit LA0065501 (Part III, Sections A.2 and B.3), La. R. S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E.
- P. At the time of the inspection the chlorine contact chamber for Outfall 301 was broken.

IV.

On or about May 27, 2008, a review of the permit renewal application for the Respondent disclosed the following violations:

- A. The Respondent installed a number of circulation pumps along the perimeter ditch without submitting a permit modification, in violation of LAC 33:VII.517.

- B. The Respondent installed additional aerators in the EQ Basins without submitting a permit modification, in violation of LAC 33:VII.517.

V.

On or about June 25, 2008, the Department conducted a file review which revealed the following violations:

- A. The Respondent reported effluent violations on DMRs as follows:

Monitoring Period:	Outfall:	Parameter:	Permit Limit:	Reported Value:
06/2007	101S	Fecal Coliform (Monthly Avg.)	200 col./100mL	808 col./100mL
	101S	Fecal Coliform (Daily Max.)	400 col./100mL	808 col./100mL
	201S	Fecal Coliform (Monthly Avg.)	200 col./100mL	1625 col./100mL
	201S	Fecal Coliform (Daily Max.)	400 col./100mL	1625 col./100mL
10/2007	001A	COD (Daily Max.)	150 mg/L	620 mg/L
01/2008	001A	COD (Daily Max.)	150 mg/L	553 mg/L

Each exceedance of the permit limits is in violation of **COMPLIANCE ORDER WE-C-07-0134**, LPDES permit LA0065501 (Part I, pages 2 of 7 through 5 of 7; and Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076 (A) (1) (a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.1.

- B. The Respondent failed to properly operate and maintain its treatment facility. Specifically, the Respondent discharged inadequately treated wastewater from its facility to waters of the state on or about October 22, 2007. On or about November 28, 2007, the Department received a non-compliance report (NCR) from the Respondent describing the discharge event and indicating the following effluent violations recorded during the event:

Date:	Parameter:	Permit Limit:	Reported Value:
10/23/2007	Chemical Oxygen Demand (COD)	150 mg/L	257 mg/L
10/24/2007	Chemical Oxygen Demand (COD)	150 mg/L	155 mg/L
10/25/2007	Chemical Oxygen Demand (COD)	150 mg/L	620 mg/L

In addition, the Respondent experienced an unauthorized discharge of inadequately treated wastewater on or about January 16, 2008, due to internal flooding. The Respondent's failure to properly operate and maintain its facility is in violation of **COMPLIANCE ORDER WE-C-07-0134**, LPDES permit LA0065501 (Part III, Sections A.2 and B.3), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E. Each effluent exceedance of the permit limits is in violation of **COMPLIANCE ORDER WE-C-07-0134**, LPDES permit LA0065501 (Part I, pages 2 of 7 through 5 of 7; and Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076 (A) (1) (a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1.

- C. The Respondent failed to analyze pH samples from Outfall 001 for the January 2008 monitoring period within the holding period specified in 40 CFR Part 136. Exceeding holding periods for pH analysis is in violation of **COMPLIANCE ORDER WE-C-07-0134**, LPDES permit LA0065501 (Part III, Sections A.2 and C.5) La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, LAC 33:IX.2701.E, and LAC 33:IX.2701.J.4.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, accepting unpermitted waste for disposal and institute procedures to ensure that unpermitted waste is not accepted for disposal.

II.

To provide, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, sufficient equipment to meet the facility's operational needs.

III.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, storing and disposing of wastes to the landfarm except as indicated in the Permit and approved modifications.

IV.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, accepting waste that is not biodegradable.

V.

To immediately maintain at the facility, upon receipt of this **COMPLIANCE ORDER**, all records specified in the application for the permit as necessary for the effective management of the facility and for preparing the required reports.

VI.

To provide, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, drainage to prevent standing water and allow for drainage away from the facility.

VII.

To submit to the Office of Environmental Services, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, requests for permit modifications to allow for the additional circulation pumps along the perimeter ditch and the additional aerators in the EQ Basins.

VIII.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, all unauthorized discharges from the Respondent's facility to waters of the state, and to take any and all steps necessary to meet and maintain compliance with the Louisiana Hazardous Waste Regulations, Solid Waste Regulations, and Water Quality Regulations, including, but not limited to sampling the effluent, recording monitoring information correctly, analyzing pH samples within the holding period, submitting accurate DMRs, and properly operating and maintaining the facility.

IX.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed Discharge Monitoring Reports (DMRs) for the monitoring periods mentioned in Paragraph III.M of the Findings of Fact portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and dated with an original signature. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."

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 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
Attention: Tom Cranford
Enforcement Tracking No. MM-CN-07-0106
Agency Interest No. 8469

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. MM-CN-07-0106
Agency Interest No. 8469

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 Tom Cranford at (225) 219-3789 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

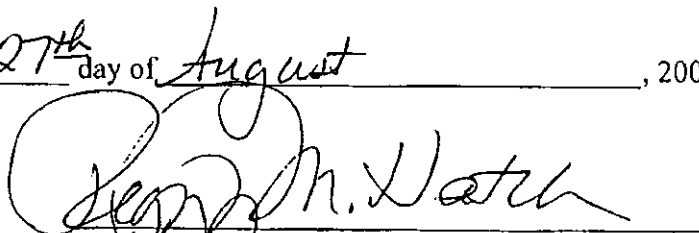
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current

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 27th day of August, 2008.



Peggy M. Hatch
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: Roselle Foote

BOBBY JINDAL
GOVERNOR



HAROLD LEGGETT, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
February 20, 2009



CERTIFIED MAIL (7004 2510 0005 5763 6241)
RETURN RECEIPT REQUESTED

CLEAN HARBORS WHITE CASTLE, L.L.C.
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Blvd., Ste. 400B
Baton Rouge, LA 70808

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER
ENFORCEMENT TRACKING NO. WE-C-07-0134A
AGENCY INTEREST NO. 8469**

Dear Sir/Madame:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED COMPLIANCE ORDER** is hereby served on **CLEAN HARBORS WHITE CASTLE, L.L.C. (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Richard LeBlanc at (225) 219-3774.

Sincerely,

A handwritten signature in black ink, appearing to read "Lourdes Iturralde".

Lourdes Iturralde
Administrator
Enforcement Division

LMI/RDL/rdl
Alt ID No. LA0065501
Attachment

c: Ms. Carol Peters-Wagnon
U.S. Environmental Protection Agency, Region 6

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

CLEAN HARBORS WHITE CASTLE, L.L.C.
IBERVILLE PARISH
ALT ID NO. LA0065501

*
*
* ENFORCEMENT TRACKING NO.
*
* WE-C-07-0134A
*
* AGENCY INTEREST NO.
*
* 8469
*
*

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

AMENDED
CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The Louisiana Department of Environmental Quality (the Department) hereby amends the COMPLIANCE ORDER issued to CLEAN HARBORS WHITE CASTLE, L.L.C. (RESPONDENT) on May 21, 2007, in the above captioned matter as follows:

I.

The Department hereby amends paragraph III of the Findings of Fact Section of COMPLIANCE ORDER WE-C-07-0134 to add the following:

“III.

A file review conducted by the Department on or about April 3, 2007, and January 20, 2009, revealed the following permit excursions, as reported on DMRs:

Monitoring Period:	Parameter:	Permit Limit:	Sample Value:	Outfall:
05/04	BOD (daily max.)	30 mg/L	46 mg/L	001 A
10/06	BOD (daily max.)	30 mg/L	55.9 mg/L	001 A
	COD (daily max.)	150 mg/L	912 mg/L	
12/06	COD (daily max.)	150 mg/L	1050 mg/L	001 A
	TSS (daily max.)	60 mg/L	115 mg/L	
	Total Copper (daily max.)	500 µg/L	590 µg/L	
	Total Zinc (daily max.)	686 µg/L	2250 µg/L	
1/07	COD (daily max.)	150 mg/L	854 mg/L	001 A
	TSS (daily max.)	60 mg/L	80mg/L	
	Total Zinc (daily max.)	686 µg/L	2750 µg/L	
	Benzidine (daily max.)	3.47 µg/L	396 µg/L	
08/08	COD (daily max.)	150 mg/L	410 mg/L	001A
09/08	COD (daily max.)	150 mg/L	690 mg/L	001A
	TSS (daily max.)	60 mg/L	81 mg/L	
	Cyanide (daily max.)	100 µg/L	390 µg/L	
	Nickel (daily max.)	500 µg/L	570 µg/L	
	Oil & Grease (daily max.)	15 mg/L	93 mg/L	

Each exceedance of the effluent limitations is a violation of LPDES permit LA0065501 (Part III, Section A.2), La. R.S. 30:2076 (A)(1), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.”

II.

The Department hereby amends paragraph IV of the Findings of Fact Section of **COMPLIANCE ORDER WE-C-07-0134** to add the following:

“IV.

A file review conducted by the Department on or about April 4, 2007, revealed the Respondent failed to properly operate and maintain its treatment facility. Specifically, the Respondent submitted a letter to the Department dated January 11, 2007, which indicated that extraordinary rainfall during December 2006 caused flooding of land farm cells and run-off from the containment areas. The letter also indicated that a perimeter ditch overflowed its banks and covered the access road on the north side of the facility. As a result, and to prevent further

overflows and/or facility damage, the Respondent discharged inadequately treated wastewater from its facility to waters of the state. A subsequent letter submitted by the Respondent to the Department dated January 25, 2007, indicated that additional flooding resulted in another necessary discharge of inadequately treated sanitary wastewater in January 2007. In addition, an incident report received by the Department on or about August 28, 2008, revealed that the Respondent discharged inadequately treated wastewater from its facility to waters of the state on August 25, 2008. Letters submitted by the Respondent on or about January 11, 2007, January 25, 2007, and September 24, 2008, revealed the following permit exceedances:

Date:	Parameter:	Permit Limit:	Sample Value:	Outfall:
12/22/2006	COD (daily max.)	150 mg/L	457 mg/L	001 A
12/23/2006	COD (daily max.)	150 mg/L	724 mg/L	001 A
12/24/2006	COD (daily max.)	150 mg/L	654 mg/L	001 A
12/25/2006	COD (daily max.)	150 mg/L	654 mg/L	001 A
12/26/2006	COD (daily max.)	150 mg/L	1050 mg/L	001 A
	TSS (daily max.)	60 mg/L	90 mg/L	
12/27/2006	COD (daily max.)	150 mg/L	952 mg/L	001 A
	TSS (daily max.)	60 mg/L	115 mg/L	
01/04/2007	COD (daily max.)	150 mg/L	586 mg/L	001 A
	Benzidine (daily max.)	3.47 µg/L	396 µg/L	
01/05/2007	COD (daily max.)	150 mg/L	537 mg/L	001 A
	TSS (daily max.)	60 mg/L	64 mg/L	
01/06/2007	COD (daily max.)	150 mg/L	666 mg/L	001 A
	TSS (daily max.)	60 mg/L	80 mg/L	
01/07/2007	COD (daily max.)	150 mg/L	846 mg/L	001 A
	TSS (daily max.)	60 mg/L	80 mg/L	
	Total Zinc (daily max.)	686 µg/L	2750 µg/L	
01/08/2007	COD (daily max.)	150 mg/L	838 mg/L	001 A
	TSS (daily max.)	60 mg/L	73 mg/L	
	Total Zinc (daily max.)	686 µg/L	850 µg/L	
01/09/2007	COD (daily max.)	150 mg/L	854 mg/L	001 A
08/25/2008	COD (daily max.)	150 mg/L	410 mg/L	001 A
08/26/2008	COD (daily max.)	150 mg/L	690 mg/L	001 A

The Respondent's failure to properly operate and maintain its facility is a violation of LPDES permit LA0065501 (Part III, Sections A.2 and B.3), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E. Each effluent limitation exceedance is a violation

of LPDES permit LA0065501 (Part III, Section A.2), La. R.S. 30:2076 (A)(1), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.”

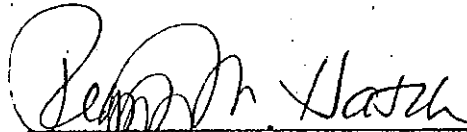
III.

The Department incorporates all of the remainder of the original **COMPLIANCE ORDER , ENFORCEMENT TRACKING NO. WE-C-07-0134** and **AGENCY INTEREST NO. 8469** as if reiterated herein.

IV.

This **AMENDED COMPLIANCE ORDER** is effective upon receipt.

Baton Rouge, Louisiana, this 20th day of February, 2009.



Peggy M. Hatch.
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
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Richard LeBlanc

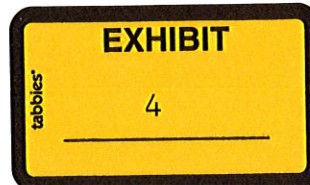
BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

January 26, 2010



CERTIFIED MAIL (7005 1820 0002 2364 9526 / 9533)
RETURN RECEIPT REQUESTED

CLEAN HARBORS WHITE CASTLE, L.L.C.
c/o C T Corporation System
Agent of Service
5615 Corporate Boulevard, Suite 400B
Baton Rouge, Louisiana 70808

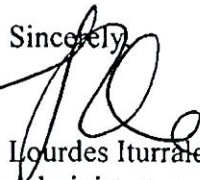
**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-09-0371
AGENCY INTEREST NO. 8469**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **CLEAN HARBORS WHITE CASTLE, 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 Tom Cranford at (225) 219-3789.

Sincerely,

Lourdes Iturralde
Administrator
Enforcement Division

LI/TLC/tlc
ALT ID NO. LAD982549636
Attachment

c: Clean Harbors White Castle, L.L.C.
52735 Clark Road
White Castle, Louisiana 70788

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

IN THE MATTER OF	*	
	*	
CLEAN HARBORS WHITE CASTLE, L.L.C.	*	ENFORCEMENT TRACKING NO.
IBERVILLE PARISH	*	
ALT ID NO. LAD982549636	*	SE-CN-09-0371
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	8469
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, <u>ET SEQ.</u>	*	

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **CLEAN HARBORS WHITE CASTLE, 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 operates a privately owned non-hazardous waste land farm facility serving industrial customers, located at 52735 Clark Road in White Castle, Iberville Parish, Louisiana. The facility operates under solid waste permit P-0059 and is reporting as a conditionally exempt small quantity generator of hazardous waste with EPA identification number LAD982549636.

II.

The Respondent was issued **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (CONOPP) MM-CN-07-0106** on or about August 27, 2008, and

it was received on or about September 10, 2008. The Department received a response to the CONOPP on or about September 29, 2008. **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-07-0106** was not appealed and is a final action of the Department.

III.

On or about April 29, 2009, and May 13, 2009, representatives of the Department performed inspections of the facility and noted the following:

- A. The Respondent installed one (1) air-jammer type aerator in each Run-Off Containment Area (ROCA) without an approved permit modification, in violation of LAC 33:VII.517, Permit P-0059, and LAC 33:VII.901.A. The facility has submitted a permit modification as part of the permit renewal to request the use of a 5-HP air-jammer type aerator per ROCA.
- B. The Respondent collected samples of incoming waste loads at the scale house/laboratory instead of during unloading without an approved permit modification, in violation of LAC 33:VII.517, Permit P-0059, and LAC 33:VII.901.A. The facility has submitted a permit modification as part of the permit renewal to address the waste sampling procedures.
- C. The Respondent failed to utilize high flotation type equipment vehicles in land farming of sludges, in violation of Permit P-0059, and LAC 33:VII.901.A.
- D. The Respondent failed to dispose of liquid and solid wastes to the landfarm as indicated in the Permit, in violation of LAC 33:VII.517, Permit P-0059, MM-CN-07-0106, and LAC 33:VII.901.A. Specifically, wastes entering the landfarm are not being deposited into the above ground closed storage tanks or to the cake sludge storage area before dispersal to the appropriate cell and sludges are being applied directly to the cell instead of via subsurface injection for liquids or via sludge application vehicles for solids.
- E. The Respondent failed to label ten (10), recently installed, groundwater monitoring wells, in violation of LAC 33:VII.805.A.3.c.(iv). An inspection on November 9, 2009, noted that all wells were properly labeled.
- F. The Respondent failed to wash all trucks after unloading at the facility, in violation of Permit P-0059, and LAC 33:VII.901.A.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To utilize, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, high flotation type equipment vehicles in land farming of sludges as indicated in the Permit and approved modifications.

II.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, storing and disposing of wastes to the landfarm except as indicated in the Permit and approved modifications.

III.

To immediately institute procedures, upon receipt of this **COMPLIANCE ORDER**, to ensure that all vehicles unloading at the facility are routed to the truck wash area for cleaning prior to weigh-out as indicated in the Permit.

IV.

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

V.

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
Attention: Tom Cranford
Enforcement Tracking No. SE-CN-09-0371
Agency Interest No. 8469

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. SE-CN-09-0371
Agency Interest No. 8469

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 Tom Cranford at (225) 219-3789 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 26th day of January, 2010.



Paul D. Miller, P.E.
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: Roselle Foote

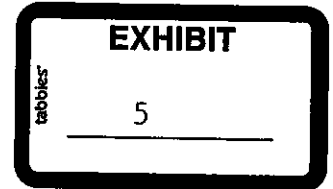
BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 26, 2010



CERTIFIED MAIL (7005 1820 0002 2365 1185)
RETURN RECEIPT REQUESTED

CLEAN HARBORS WHITE CASTLE, LLC
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Blvd., Ste. 400B
Baton Rouge, LA 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-10-00346
AGENCY INTEREST NO. 8469**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, *et seq.*), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **CLEAN HARBORS WHITE CASTLE, LLC (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 Naz Zanjani-Bachar at (225) 219-3722.

Sincerely,

Lourdes Iturralde
Administrator
Enforcement Division

LI/NZB/nzb
Alt ID No. LA0065501
Attachment

c: Ms. Carol Peters-Wagon
U.S. Environmental Protection Agency, Region 6

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
CLEAN HARBORS WHITE CASTLE, LLC	*	ENFORCEMENT TRACKING NO.
IBERVILLE PARISH	*	
ALT ID NO. LA0065501	*	WE-CN-10-00346
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	8469
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, <u>ET SEQ.</u>	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **CLEAN HARBORS WHITE CASTLE, LLC (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 an existing privately owned non-hazardous treatment facility serving industrial customers in southeast Louisiana, located on La. Hwy. 1, three miles south of White Castle, in Iberville Parish, Louisiana. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) Individual Permit LA0065501 with an effective date of March, 1, 2007, which will expire February 29, 2012. Under the terms and conditions of the LPDES permit, the Respondent is authorized to discharge treated process wastewater, treated contact stormwater, and treated truck washwater from Outfall

001, and treated sanitary wastewater from internal Outfalls 101, 201 and 301 to the Mississippi River, waters of the state.

II.

The Respondent was issued **COMPLIANCE ORDER WE-C-07-0134** on or about May 21, 2007, and **AMENDED COMPLIANCE ORDER WE-C-07-0134A** on or about February 20, 2009, for the following areas of concern: effluent violations and operations and maintenance deficiencies. The Order required the Respondent to immediately take any and all steps necessary to meet and maintain compliance with LPDES permit LA0065501, submit properly completed DMRs, and submit a written report to include the circumstances of the cited violations and the actions taken to achieve compliance. The Respondent submitted a written response to warning letter WE-L-07-0134 on or about May 23, 2007. **COMPLIANCE ORDER WE-C-07-0134** and **AMENDED COMPLIANCE ORDER WE-C-07-0134A** are final actions of the Department and not subject to further review.

III.

An inspection conducted by the Department on or about June 25, 2009, and a subsequent file review conducted by the Department on or about March 23, 2010, revealed the Respondent exceeded effluent limitations. These effluent excursions, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and noncompliance report, are summarized below:

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
March 2009	001A	COD Daily Max TSS Daily Max	150 mg/L 60 mg/L	210 mg/L 71 mg/L
March 27, 2009	001A	COD Daily Max	150 mg/L	180 mg/L*
October 2009	001A	COD Daily Max	150 mg/L	410 mg/L
October 15, 2009 October 16, 2009	001A	COD Daily Max COD Daily Max	150 mg/L 150 mg/L	400 mg/L* 300 mg/L*
December 2009	001A	COD Daily Max TSS Daily Max Oil & Grease Daily Max	150 mg/L 60 mg/L 15 mg/L	440 mg/L 65 mg/L 29 mg/L
December 8, 2009	001A	COD Daily Max	150 mg/L	410 mg/L*
December 9, 2009	001A	COD Daily Max	150 mg/L	220 mg/L*
December 10, 2009	001A	COD Daily Max	150 mg/L	290 mg/L*
December 11, 2009	001A	COD Daily Max	150 mg/L	340 mg/L*
December 12, 2009	001A	COD Daily Max	150 mg/L	430 mg/L*
December 13, 2009	001A	COD Daily Max	150 mg/L	430 mg/L*
December 14, 2009	001A	Oil & Grease Daily Max	15 mg/L	27 mg/L*
December 15, 2009	001A	COD Daily Max	150 mg/L	210 mg/L*
December 16, 2009	001A	COD Daily Max Oil & Grease Daily Max	150 mg/L 15 mg/L	340 mg/L* 23 mg/L*

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
December 17, 2009	001A	COD Daily Max	150 mg/L	400 mg/L*
December 18, 2009	001A	COD Daily Max	150 mg/L	260 mg/L*
December 19, 2009	001A	COD Daily Max	150 mg/L	360 mg/L*
		Oil & Grease Daily Max	15 mg/L	25 mg/L*
December 20, 2009	001A	COD Daily Max	150 mg/L	370 mg/L*
December 21, 2009	001A	COD Daily Max	150 mg/L	380 mg/L*
		Oil & Grease Daily Max	15 mg/L	26 mg/L*
January 2010	001A	COD Daily Max	150 mg/L	330 mg/L
		TSS Daily Max	60 mg/L	66 mg/L
January 25, 2010	001A	COD Daily Max	150 mg/L	280 mg/L*
		Oil & Grease Daily Max	15 mg/L	16 mg/L*
January 26, 2010	001A	COD Daily Max	150 mg/L	280 mg/L*

*reported on noncompliance report

Each effluent excursion constitutes a violation of LPDES permit LA0065501 (Part I, and Part III Section A.2), La. R.S. 30:2076(A)(1), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

IV.

A file review conducted by the Department on or about March 23, 2010, revealed the Respondent failed to properly operate and maintain its treatment facility and therefore caused or allowed the unauthorized discharge of inadequately treated wastewater that began on October 15, 2009, and continued until October 18, 2009. The Respondent submitted a letter to the Department dated October 19, 2009, stating that 9.58 inches of rain resulted from severe weather conditions that caused flooding of land farm cells and run-off from the containment areas. The letter also indicated that a perimeter ditch overflowed its banks and the access road and submerged electrical panels and pumps. As a result, and to prevent further overflows and continued damage to the electrical system, the facility initiated an emergency discharge to the Mississippi via LPDES outfall 001. Sampling results conducted during the incident are included on the effluent table in paragraph III of the Findings of fact. The Respondent's failure to properly operate and maintain its facility is a violation of LPDES permit LA0065501 (Part III, Sections A.2 and B.3), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with permit limitations and conditions contained in LPDES permit LA0065501.

II.

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
Attention: Naz Zanjani-Bachar
Enforcement Tracking No. WE-CN-10-00346
Agency Interest No. 8469

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. WE-CN-10-00346
Agency Interest No. 8469

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 Naz Zanjani-Bachar at (225) 219-3722 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

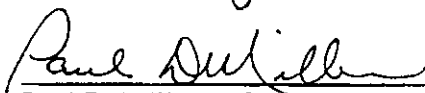
III.

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 26th day of May, 2010.



Paul D. Miller, P.E.
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: Naz Zanjani-Bachar

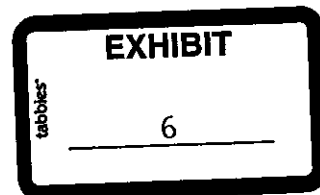


BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 16, 2011



CERTIFIED MAIL (7004 2510 0005 5768 9766)
RETURN RECEIPT REQUESTED

CLEAN HARBORS WHITE CASTLE, LLC
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Blvd., Ste. 400B
Baton Rouge, LA 70808

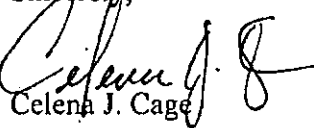
**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-11-00457
AGENCY INTEREST NO. 8469**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **CLEAN HARBORS WHITE CASTLE, LLC (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 Wayne R. Slater at (225) 219-3729.

Sincerely,

Celen J. Cage
Administrator
Enforcement Division

CJC/WRS/wrs
Alt ID No. LA0065501
Attachment

c: Ms. Carol Peters-Wagnon
U.S. Environmental Protection Agency, Region 6

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

CLEAN HARBORS WHITE CASTLE, LLC
IBERVILLE PARISH
ALT ID NO. LA0065501

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ENFORCEMENT TRACKING NO.

WE-CN-11-00457

AGENCY INTEREST NO.

8469

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 **CLEAN HARBORS WHITE CASTLE, LLC (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).

I.

The Respondent owns and/or operates an existing privately owned non-hazardous treatment facility serving industrial customers in southeast Louisiana, located on La. Hwy. 1, three miles south of White Castle, in Iberville Parish, Louisiana. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) Individual Permit LA0065501 with an effective date of March, 1, 2007, which will expire February 29, 2012. Under the terms and conditions of the LPDES permit, the Respondent is authorized to discharge treated process wastewater, treated contact stormwater, and treated truck washwater from Outfall 001, and treated sanitary wastewater from internal Outfalls 101, 201 and 301 to the Mississippi River, waters of the state.

II.

The Respondent was issued **COMPLIANCE ORDER WE-C-07-0134** on or about May 21, 2007, and **AMENDED COMPLIANCE ORDER WE-C-07-0134A** on or about February 20, 2009, for the following areas of concern: effluent violations and operations and maintenance deficiencies. The Order required the Respondent to immediately take any and all steps necessary to meet and maintain compliance with LPDES permit LA0065501, submit properly completed DMRs, and submit a written report to include the circumstances of the cited violations and the actions taken to achieve compliance. The Respondent submitted a written response to warning letter WE-L-07-0134 on or about May 23, 2007. **COMPLIANCE ORDER WE-C-07-0134** and **AMENDED COMPLIANCE ORDER WE-C-07-0134A** are final actions of the Department and not subject to further review. The Respondent was issued **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-10-00346** on or about May 10, 2010, for the following areas of concern: effluent violations and operations and maintenance deficiencies. The Order required the Respondent to immediately take any and all steps necessary to meet and maintain compliance with LPDES permit LA0065501 and submit a written report to include the circumstances of the cited violations and the actions taken to achieve compliance. The Respondent did request an adjudicatory hearing regarding **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-10-00346** on or about June 30, 2010. The request was granted on or about July 23, 2010.

III.

On or about February 18, 2008, the Respondent requested that the Department consider a modification to LPDES permit LA0065501 in order to resolve on-going COD issues. An SCC-2 application for the modification of the Respondent's permit was received by the Department on March 19, 2009. Subsequently, the U.S. Environmental Protection Agency provided a letter of No Objection to the Department concerning the draft permit on March 11, 2011 and a draft LPDES permit LA0065501 was issued to the Respondent on March 17, 2011. In the draft LPDES permit, the concentration limits for COD have been changed to mass limits based on a maximum discharge of 10 MGD. The permit still requires the Respondent to monitor and report COD concentrations.

IV.

An inspection conducted by the Department on or about September 27, 2010, and a subsequent file review conducted by the Department on or about May 2, 2011, revealed the Respondent exceeded effluent limitations. These effluent excursions, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and noncompliance report, are summarized below:

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
September 25, 2010	001A	COD Daily Max	150 mg/L	210 mg/L*
September 26, 2010	001A	COD Daily Max	150 mg/L	220 mg/L*
September 27, 2010	001A	COD Daily Max	150 mg/L	220 mg/L*
September 28, 2010	001A	COD Daily Max	150 mg/L	310 mg/L*
September 29, 2010	001A	COD Daily Max	150 mg/L	390 mg/L*
September 30, 2010	001A	COD Daily Max	150 mg/L	460 mg/L
October 1, 2010	001A	COD Daily Max	150 mg/L	500 mg/L*
		Oil & Grease Daily Max	15 mg/L	19 mg/L*
October 2, 2010	001A	COD Daily Max	150 mg/L	510 mg/L*
		Oil & Grease Daily Max	15 mg/L	18 mg/L*
October 3, 2010	001A	COD Daily Max	150 mg/L	540 mg/L*
		Oil & Grease Daily Max	15 mg/L	23 mg/L
October 4, 2010	001A	COD Daily Max	150 mg/L	530 mg/L*
October 5, 2010	001A	COD Daily Max	150 mg/L	550 mg/L
		TSS Daily Max	60 mg/L	75 mg/L

*reported on noncompliance report

Each effluent excursion constitutes a violation of LPDES permit LA0065501 (Part I, and Part III Section A.2), La. R.S. 30:2076(A)(1), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

V.

On or about August 31, 2010, the Respondent submitted a 10-day advance notice of anticipated bypass. According to the submittal, the Respondent was holding approximately 400,000,000 gallons of water at the site and there was a fear of a catastrophic failure of the containment levees. A previous situation regarding elevated levels of COD concentrations in the water related to the former use of a polymer for water treatment had lead to the Respondent not discharging the water through outfall 001. On or about September 28, 2010, the Department did not approve the request to conduct a bypass discharge however it was noted that the Respondent did demonstrate compliance with the notification requirements.

VI.

An inspection conducted by the Department on or about September 27, 2010, revealed that the Respondent did cause or allow a discharge of inadequately treated wastewater greater than the effluent limits provided in LPDES permit LA0065501. Specifically, laboratory results of a sample taken from outfall 001 revealed a COD concentration of 260 mg/L. The effluent limit for this parameter as provided in LPDES permit LA0065501 is 150 mg/L (Daily Maximum). The discharge of inadequately treated wastewater greater than effluent limits is in violation of LPDES permit LA0065501 (Part I and Part III, Sec. A.2), La. R.S. 30:2076(A)(3) and LAC 33:IX.501.A.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with permit limitations and conditions contained in LPDES permit LA0065501.

II.

In order to protect water quality, the Respondent will comply with the following interim effluent limits and monitoring requirements until a final modified LPDES permit is issued by the Department or until the Respondent is otherwise notified in writing by the Department.

Outfall 001

Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg. (mg/L)	Daily Max. (mg/L)
COD	12,510	---	Report
TOC	---	---	Report

The Respondent shall comply with all the remaining terms and conditions of LPDES permit LA0065501 until final modified LPDES permit is issued by the Department or until the Respondent is otherwise notified in writing by the Department.

III.

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
Attention: Wayne R. Slater
Enforcement Tracking No. WE-CN-11-00457
Agency Interest No. 8469

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. WE-CN-11-00457
Agency Interest No. 8469

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 Wayne R. Slater at (225) 219-3722 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

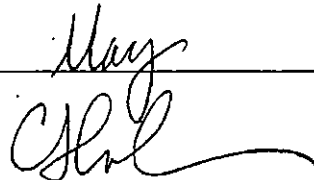
III.

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 16 day of May, 2011.



Cheryl S. Nolan
Assistant Secretary
Office of Environmental Compliance

CSN/WRS/wrs

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: Wayne R. Slater



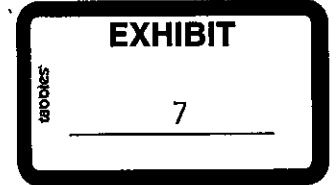
BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

*EDMS
Naz
Dawn*

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 3, 2012



CERTIFIED MAIL (7004 2510 0005 5753 5391)
RETURN RECEIPT REQUESTED

CLEAN HARBORS WHITE CASTLE, LLC
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Blvd., Ste. 400B
Baton Rouge, LA 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-11-01522
AGENCY INTEREST NO. 8469**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **CLEAN HARBORS WHITE CASTLE, LLC (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 Naz Zanjani-Bachar at (225) 219-3722.

Sincerely,

Celesta J. Cage
Administrator
Enforcement Division

CJC/NZB/nzb
Alt ID No. LA0065501
Attachment

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

IN THE MATTER OF

**CLEAN HARBORS WHITE CASTLE, LLC
IBERVILLE PARISH
ALT ID NO. LA0065501**

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **WE-CN-11-01522**
*
* **AGENCY INTEREST NO.**
*
* **8469**
*

**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 **CLEAN HARBORS WHITE CASTLE, LLC (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 an existing privately owned non-hazardous treatment facility serving industrial customers in southeast Louisiana, located on La. Hwy. 1, three miles south of White Castle, in Iberville Parish, Louisiana. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0065501 with an effective date of March, 1, 2007, and expiration date of February 29, 2012. On or about February 18, 2008, the Respondent requested that the Department consider a modification to LPDES permit LA0065501 in order to resolve on-going Chemical Oxygen Demand (COD) issues. LPDES permit LA0065501, with new limits for COD based on mass loadings, was issued to the Respondent on May 12, 2011, and will expire on May 11, 2016. Under the terms and conditions of the LPDES permit, the Respondent is authorized to discharge treated process wastewater, treated contact stormwater, and treated truck washwater from

Outfall 001, and treated sanitary wastewater from internal Outfalls 201 and 301 to the Mississippi River, waters of the state.

II.

A file review conducted by the Department on or about December 19, 2011, revealed the Respondent exceeded effluent limitations. These effluent exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) are summarized below:

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
May 2011	001A	TSS Daily Max	60 mg/L	100 mg/L
June 2011	001A	Oil & Grease Daily Max	15 mg/L	20 mg/L
July 2011	001A	Oil & Grease Daily Max	15 mg/L	26 mg/L
September 2011	001A	Oil & Grease Daily Max	15 mg/L	26 mg/L

Each effluent exceedances constitutes a violation of LPDES permit LA0065501 (Part I, and Part III Section A.2), La. R.S. 30:2076(A)(1), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with permit limitations and conditions contained in LPDES permit LA0065501 and the Water Quality Regulations.

II.

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: Naz Zanjani-Bachar
Re: Enforcement Tracking No. WE-CN-11-01522
Agency Interest No. 8469

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**.

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VI.

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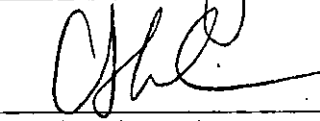
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IV.

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

Baton Rouge, Louisiana, this 03 day of February, 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:

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Attention: Naz Zanjani-Bachar