

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CLEAN HARBORS BATON ROUGE, LLC

AI # 1516

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

* Settlement Tracking No.
* SA-MM-21-0078
*
* Enforcement Tracking Nos.
* AE-CN-11-01223
* HE-CN-12-00774
* HE-PP-13-00729
*
*
* Docket No. 2013-8188-EQ
*

SETTLEMENT

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

I

Respondent is a limited liability company that owns and/or operates a hazardous waste management facility located in Baton Rouge, East Baton Rouge Parish, Louisiana (“the Facility”).

II

On March 5, 2012, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-11-01223 (Exhibit 1).

On September 28, 2012, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. HE-CN-12-00774 (Exhibit 2).

On February 10, 2014, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. HE-PP-13-00729 (Exhibit 3).

The following violations, although not cited in the foregoing enforcement actions, are included within the scope of this settlement:

The Respondent failed to comply with LPDES permit LA0038245. Specifically, a review of Discharge Monitoring Reports (DMRs) between January 2013 and March 2015, revealed that the Respondent reported exceedances of permit effluent limitations for 2,4-Dichlorophenol, Acenaphthene, beta-BHC, para-Chloro-meta-cresol, Chloroform, Cyanide, and BOD5. The exceedances of permit effluent limitations are violations of LPDES permit LA0038245 (Part I, pgs. 2, 3 and 4 of 6, and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty (Enforcement Tracking No. AE-CN-11-01223), Respondent made a timely request for a hearing.

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 FORTY THOUSAND AND NO/100 DOLLARS (\$40,000.00), of which Three Thousand Five Hundred Thirty and 99/100 Dollars (\$3,530.99) 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 Consolidated Compliance Orders & Notices of Potential Penalty, Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

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

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 BATON ROUGE, 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

Jessica M. McCarthy
NOTARY PUBLIC (ID # Carthy)
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
June 1, 2023

(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 # 19133696)

Courtney J. Burdette
(stamped or printed)

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

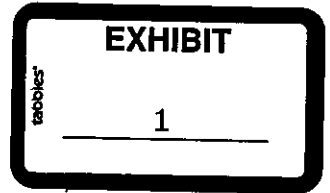


BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

March 5, 2012



CERTIFIED MAIL (7004 2510 0005 5753 7579)
RETURN RECEIPT REQUESTED

CLEAN HARBORS BATON ROUGE, LLC
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Boulevard, Suite 400B
Baton Rouge, LA 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-11-01223
AGENCY INTEREST NO. 1516**

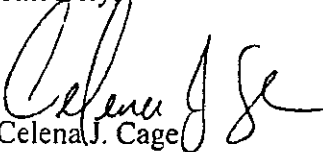
Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **CLEAN HARBORS BATON ROUGE, 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 Trisha Barbay at (225) 219-3169.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/TAB/tab
Attachment

c: Clean Harbors Baton Rouge, LLC
c/o William Clark/General Manager
13351 Scenic Highway
Baton Rouge, LA 70807

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

IN THE MATTER OF

CLEAN HARBORS BATON ROUGE, LLC
EAST BATON ROUGE PARISH
ALT ID NO. 0840-00019

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

*
*
*
*
*
*
*
*
*

ENFORCEMENT TRACKING NO.

AE-CN-11-01223

AGENCY INTEREST NO.

1516

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **CLEAN HARBORS BATON ROUGE, 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 a hazardous waste management facility (the facility), located at 13351 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility currently operates under Air Permit No. 2528 issued on April 30, 1998, and administratively amended on July 27, 1998, and December 22, 1998; Air Permit No. 0840-00019-03, issued on February 22, 1999, and administratively amended on January 31, 2001; and Air Permit No. 3007 issued on October 27, 2005, and administratively amended on May 16, 2007.

II.

According to the 2009 and 2010 Annual Criteria Emission Inventories dated June 11, 2010, and May 2, 2011, the Respondent reported the maximum emissions of 2.5 tons of PM₁₀ for road dust emissions which is the permit limit. The Department received correspondence from the Respondent dated August 30, 2011, the particulate emissions was 0.2235 tons per year (tpy) of PM₁₀ for 2010 with calculations based on the number and type of vehicles and estimated distance traveled with the water application factor removed.

III.

On or about August 12, 2011, an inspection of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the inspection and subsequent file review conducted on October 3, 2011:

- A. During the course of the inspection, Mr. William Clark, the facility General Manager, stated that the unpaved roads throughout the facility were not watered as claimed in the permit application. According to Air Permit No. 0840-00019-03, Emission Point ID V-1, Unpaved Roads, shall be maintained with 80 percent control efficiency by watering roads. The failure to water the Unpaved Roads is a violation of General Condition I of Air Permit No. 0840-00019-03, LAC 33: III.501.C.4, LAC 33:III.905, and La. R.S. 30:2057(A)(2).
- B. During the course of the inspection, the Respondent provided the inspector with copies of the 2009 and 2010 NPDES Compliance Report for Emission Point ID PAC, Powdered Activated Carbon System. The Respondent reported that the flow rate for the PAC in 2009 was 16,468,000 gallons, and in 2010 the flow rate was 24,280,000 gallons. The permitted PAC throughput limit is 13,000,000 gallons per year. Each exceedance of the throughput limit for the Emission Point ID PAC is a violation of General Condition I of Air Permit No. 0840-00019-03, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- C. According to Specific Requirement 2 of Air Permit No. 3007, the Respondent is required to submit an annual report by the 31st of March for the preceding calendar year listing the hours that the Wastewater Pretreatment Scrubber, EQT009, operated out of permitted range. The Respondent failed to submit the report for reporting years 2007, 2008, 2009, and 2010. Each failure to submit the report is a violation of

Specific Requirement 2 of Air Permit No. 3007, LAC 33:III.501.C.4,
and La. R.S. 30:2057(A)(2).

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Air Quality Regulations, including but not limited to, Air Permit No. 0840-00019-03 and 3007.

II.

To submit revised Emission Inventory Reports incorporating corrected PM₁₀ emissions for reporting years 2009 and 2010 to the Department within thirty (30) days after receipt of this **COMPLIANCE ORDER**.

III.

To submit a permit modification application to update current operating conditions, including but not limited to, Emission Point ID No. V-1, Unpaved Roads, and Emission Point ID No. PAC, Powered Activated Carbon System, to the Department within ninety (90) days after receipt of this **COMPLIANCE ORDER**.

IV.

To submit the 2007, 2008, 2009, and 2010 Specific Requirement Report specifying the hours that Emission Point No. EQT009 operated out of range to the Department within thirty (30) days after receipt of this **COMPLIANCE ORDER**.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes: a statement of how long the unpaved roads were not watered, 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: Trisha Barbay
Re: Enforcement Tracking No. AE-CN-11-01223
Agency Interest No. 1516

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. AE-CN-11-01223
Agency Interest No. 1516

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 Trisha Barbay at (225) 219-3169 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 05 day of March, 2012.



Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Trisha Barbay

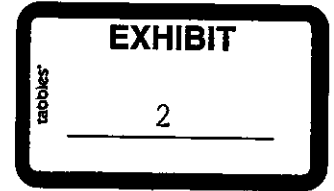


BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

September 28, 2012



CERTIFIED MAIL (7005 1820 0002 2365 3318)
RETURN RECEIPT REQUESTED

CLEAN HARBORS BATON ROUGE, L.L.C.
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Boulevard, Ste. 400B
Baton Rouge, Louisiana 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-CN-12-00774
AGENCY INTEREST NO. 1516**


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 BATON ROUGE, 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 Alissa Cockerham at (225) 219-1423.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/ARC/arc
Alt ID No. LAD010395127
Attachment

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

CLEAN HARBORS BATON ROUGE, L.L.C.
EAST BATON ROUGE PARISH
ALT ID NO. LAD010395127

*
*
*
*
*
*
*
*
*

ENFORCEMENT TRACKING NO.

HE-CN-12-00774

AGENCY INTEREST NO.

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

1516

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **CLEAN HARBORS BATON ROUGE, L.L.C. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates Clean Harbors Baton Rouge, L.L.C. (the Site) located at 13351 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility has notified the Department as a large quantity generator of hazardous waste and as a treatment, storage, and disposal (TSD) facility which operates under EPA facility identification number LAD010395127.

II.

On or about March 23, 2011, and April 19, 2012, inspections were conducted by a representative of the Department which revealed the following violations:

- A. The Respondent failed to make a hazardous waste determination for activated carbon stored in the carbon shredders, in violation of LAC 33:V.1103.B. Specifically, a

hazardous waste determination had not been completed on the activated carbon stored in the carbon shredders. The inspection conducted on April 19, 2012, noted the violation had been corrected.

- B. The Respondent failed to maintain a containment system designed and operated with a base which underlines the containers which is free of cracks or gas and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed as required, in violation of LAC 33:V.2111.B and permit condition V.B.1.d.iii. Specifically, Pad D of the Drum Storage Area had an electrical conduit sticking out of the floor of the secondary containment. The pipe would have allowed any spilled liquids to leave the secondary containment system. The inspections conducted on March 23, 2011, and April 19, 2012, noted the violation had been corrected.
- C. The Respondent failed to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment in an emergency, in violation of LAC 33:V.1511.F and permit condition III.K.4. Specifically, the configuration of roll-off boxes in Pad E did not allow for the minimum of two (2) feet to allow emergency equipment and personnel access at the rear of the area. The inspection conducted on April 19, 2012, noted the violation had been corrected.
- D. The Respondent stored hazardous waste for a period greater than ninety (90) days without a permit, in violation of LAC 33:V.303.B. Specifically, the activated carbon stored in the carbon shredders was found to be hazardous once the hazardous waste determination was performed. The carbon had not been removed at the time of the inspection conducted on April 19, 2012.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately institute, upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that hazardous waste is not stored at the facility for a period of greater than ninety (90) days without a

permit and/or authorization from the Department. The activated carbon from the carbon shredders shall be disposed of at a permitted TSD facility within thirty (30) days after receipt of this Compliance Order.

II.

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

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
Attn: Alissa Cockerham
Re: Enforcement Tracking No. HE-CN-12-00774
Agency Interest No. 1516

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. HE-CN-12-00774
Agency Interest No. 1516

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 Alissa Cockerham at (225) 219-1423 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 28 day of September, 2012.



Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Alissa Cockerham

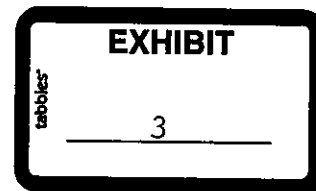
BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 10, 2014



CERTIFIED MAIL (7004 1160 0000 3803 3783)
RETURN RECEIPT REQUESTED

CLEAN HARBORS BATON ROUGE, L.L.C.
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Boulevard, Ste. 400B
Baton Rouge, Louisiana 70808

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-PP-13-00729
AGENCY INTEREST NO. 1516**

Dear Sir:

On or about June 25, 2013, an inspection of **CLEAN HARBORS BATON ROUGE**, a permitted treatment storage and disposal facility (TSD), a large quantity generator (LQG), importer, and transfer facility of hazardous waste, owned and/or operated by **CLEAN HARBORS BATON ROUGE, L.L.C. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations. The facility is located at 13351 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility operates under EPA Identification No. LAD010395127

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

- A. The Respondent failed to design, construct, operate, and maintain the secondary containment system for hazardous waste tanks in a manner to prevent any migration of wastes or accumulated liquid out of the system to the soil, groundwater, or surface water at any time during the use of the tank system, in violation of LAC 33:V.1907.B.1, and Hazardous Waste Permit Condition V.A.3.a. Specifically, the sump pump on the secondary containment area for Hazardous Waste Leachate Tank TK-6039 was set to automatically send liquids to the waste water treatment system. This violation was corrected on July 19, 2013.

Notice of Potential Penalty
Clean Harbors Baton Rouge, L.L.C.
Page 2

- B. The Respondent failed to label a container of hazardous waste (F039) with the words "Hazardous Waste," in violation of LAC 33:V.1109.E.1.d. Specifically, a tank trailer containing F039 listed hazardous waste near TK-6039 was not marked with the words "Hazardous Waste." This violation was corrected on June 26, 2013.
- C. The Respondent failed to mark a container of F039 listed hazardous waste with the accumulation start date, in violation of LAC 33:V.1109.E.1.c. Specifically, a tank trailer of F039 near TK-6039 was not marked with an accumulation start date. This violation was corrected on June 26, 2013.
- D. The Respondent failed to maintain containers of hazardous waste in good condition in accordance with LAC 33:V.2103, in violation of LAC 33:V.1109.E.4. Specifically, a 30-gallon satellite accumulation container of spent leachate filter socks (F039), located near the rear of the tank trailer of F039 listed hazardous waste, was marked "Hazardous Waste" and had a cracked lid. The spent filter socks were recontainerized, correcting the violation on June 26, 2013.
- E. The Respondent failed to label a container of used oil with the words "Used Oil," in violation of LAC 33:V.4013.D.1. Specifically, two (2) 55-gallon drums of used compressor oil stored outside the I&E shop were not labeled with the words "Used Oil." This violation was corrected on June 26, 2013.
- F. The Respondent failed to keep a container of used oil closed, in violation of LAC 33:V.4013.B. Specifically, one of the unlabeled containers of used oil outside of the I&E shop was stored under open sky with an open bung. This violation was corrected on June 26, 2013.
- G. The Respondent failed to label a container of universal waste antifreeze with one of the following phrases: "Universal Waste - Antifreeze," "Waste Antifreeze," or "Used Antifreeze," in violation of LAC 33:V.3823.A.8. Specifically, a drum of universal waste antifreeze located in the CET Truck Wash Area was unlabeled. This violation was corrected on June 26, 2013.
- H. The Respondent failed to demonstrate the length of time that a container of antifreeze had been accumulated from the date it became a waste or was received, in violation of LAC 33:V.3825.C. Specifically, a drum of universal waste antifreeze located in the CET Truck Wash Area was not marked with an accumulation start date, and the Respondent did not have an inventory system in place to identify the accumulation start date. This violation was corrected on June 26, 2013.

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.

Notice of Potential Penalty
Clean Harbors Baton Rouge, L.L.C.
Page 3

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Alissa Cockerham at (225) 219-1423 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

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

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

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Cheryl Sonnier Nolan
Assistant Secretary

CSN/ARC/arc
Alt ID No. LAD010395127