

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ACUREN INSPECTION, INC.

AI # 166805, 2638

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

* Settlement Tracking No.
* SA-RE-22-0004
*
* Enforcement Tracking No.
* RE-PP-15-00663
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SETTLEMENT

The following Settlement is hereby agreed to between Acuren Inspection, Inc. (“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 corporation that owns and/or operates a facility located in Gonzales, Ascension Parish, Louisiana (“the Facility”).

II

On March 24, 2017, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential, Enforcement Tracking No. RE-PP-15-00663 (Exhibit 1).

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal

statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TWENTY-FIVE SIX HUNDRED THIRTY-FOUR AND 86/100 DOLLARS (\$25,634.86), of which One Thousand Six Hundred Thirty-Four and 86/100 Dollars (\$1,634.86) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Order & Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

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

VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set

forth in La. R. S. 30:2025(E) of the Act.

VIII

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

IX

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

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form attached hereto.

XI

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

ACUREN INSPECTION, INC.

BY: _____
(Signature)

(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20_____, at _____.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

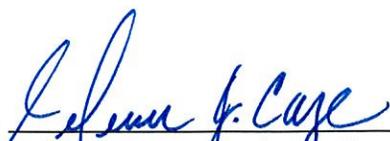
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary

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

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20_____, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved:  _____
Celena J. Cage, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
March 24, 2017



CERTIFIED MAIL (7005 1820 0002 2361 9697)
RETURN RECEIPT REQUESTED

ACUREN INSPECTION, INC.
c/o Corporation Service Company
320 Somerulous St.
Baton Rouge, LA 70802-6129

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. RE-PP-15-00663
AGENCY INTEREST NO. 166805; 2638**

Dear Sir:

On or about February 11, 2013, May 16, 2014, and January 21, 2015, inspections of **Acuren Inspection**, an industrial radiography licensee, owned and/or operated by **ACUREN INSPECTION, INC. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Radiation Protection Regulations. The Respondent's facility (Agency Interest # 166805) is located at 3021 Ruby Street in Gonzales, Ascension Parish, Louisiana. The Respondent operates under Radioactive Material (RAM) License LA-7072-L01.

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 February 11, 2013, and May 16, 2014, inspections:

- A. The Respondent failed to notify the Office of Environmental Compliance in writing before making any change that would render the information contained in the application for license no longer accurate, in violation of LAC 33:XV.320.A.2 and the Acuren Radiographic Operation and Emergency Manual, Chapter 5, Section 2.C. Specifically, the records for selected survey meters displayed that calibration was being performed every six (6) months instead of every three (3) months. Survey meter, serial number 306, was used on January 24, 2013, and was calibrated on September 4, 2012. An inspection conducted on or about May 16, 2014, revealed the Respondent is only using calibrated equipment. This violation has been addressed.
- B. The Respondent failed to notify the Office of Environmental Compliance in writing before making any change that would render the information contained in the application for license no longer accurate, in violation of LAC 33:XV.320.A.2,

Radioactive Material License LA-7072-L01, Condition 23.B, and Nuclear Regulatory Commission Order Imposing Increased Controls, Principle 1.a. Specifically, the operations at the facility contradicted IC.1.a. This violation was corrected at the time of the May 16, 2014 inspection.

- C. The Respondent failed to notify the Office of Environmental Compliance in writing before making any change that would render the information contained in the application for license no longer accurate, in violation of LAC 33:XV.320.A.2, Radioactive Material License LA-7072-L01, Condition 23.B, and the Nuclear Regulatory Commission Order Imposing Increased Controls, Principle 6.a. Specifically, the operations at the facility contradicted IC.6.a. This area of concern was corrected at the time of the May 16, 2014 inspection.
- D. The Respondent failed to notify the Office of Environmental Compliance in writing before making any change that would render the information contained in the application for license no longer accurate, in accordance with the Acuren Radiation Protection Program, Section B, Item 4, in violation of LAC 33:XV.320.A.2, and RAM License LA-7072-L01, Condition 23.A. Specifically, an exposure of 764 mR was documented for Kevin Mayo for June 2011. The ALARA investigation level is 300 mR per month and 600 mR per quarter. At the time of inspection there was no ALARA statement available regarding the investigation of exceeded ALARA. The Respondent sent an email with a scanned document regarding the investigation. The violation was corrected.
- E. The Respondent failed to maintain records showing the results of surveys and calibrations required by LAC 33:XV.430 and 455.B, and maintain these records for three (3) years after the record is made, in violation of LAC 33:XV.472.A. There were no survey reports available for any jobs that used the Industrial Radiography X-ray devices. Specifically, there was no survey record available for the X-ray job conducted on July 18, 2012. An inspection conducted on or about May 16, 2014, revealed survey records are properly maintained. This violation has been addressed.
- F. The Respondent failed to maintain current logs, and make available for inspection upon request by the Department, for three (3) consecutive years from the date of the recorded event showing for each source of radiation the following information: 1. a unique identification describing the make, model, and serial number of each radiation machine, each radiographic exposure device, each transport or storage container in which the sealed source is located, and each sealed source; 2. the identity and signature of the radiographer to whom the source is assigned; 3. the locations and dates of use; and 4. the date(s) each source of radiation is removed from storage and returned to storage, in violation of LAC 33:XV.546.A. Specifically, utilization logs for the Industrial Radiography x-ray devices were not available. An inspection conducted on or about May 29, 2014, revealed utilization logs are adequate. This violation has been addressed.
- G. The Respondent failed to conduct a program of internal audits, not to exceed every six (6) months, to ensure that the Radiation Protection Regulations, Louisiana radioactive material license conditions, and the licensee's or registrant's operating and emergency procedures are followed by each radiographer and radiographer trainee, in violation of LAC 33:XV.575.D. Specifically, there was no six-month audit performed on Matthew Hyde, certified radiographer, AI # 119102. An inspection conducted on or about May 16, 2014, revealed the violation has been addressed.

- H. The Respondent failed to maintain records of surveys required by LAC 33:XV.587.C and D for three (3) consecutive years after completion of the surveys, in violation of LAC 33:XV.587.E. Specifically, several of the sketches of the radiation area and radiation levels were incomplete. An inspection conducted on or about May 16, 2014, revealed the violation has been addressed.
- I. The Respondent failed to maintain dosimeter records, from daily pocket dosimeters and/or electronic personal dosimeters at a temporary job site or applicable field station for the period of operation at the site as required by LAC 33:XV.577, in violation of LAC 33:XV.588.A.5. Specifically, there were no dosimeter records for the pocket dosimeters used for the x-ray job conducted on July 18, 2012. An inspection conducted on or about May 16, 2014, revealed the violation has been addressed.
- J. The Respondent failed to maintain the latest instrument calibration and leak test records for specific devices and sealed sources in use at a temporary job site or applicable field station as required by LAC 33:XV.543 and 544, in violation of LAC 33:XV.588.A.6. Specifically, because there was no record of which survey instruments were used for the x-ray job conducted on July 18, 2012, and instrument calibration could not be verified. An inspection conducted on or about May 16, 2014, revealed the violation has been addressed.
- K. The Respondent failed to maintain records of daily checks of equipment at a temporary job site or applicable field station as required by LAC 33:XV.547, in violation of LAC 33:XV.588.A.8. Specifically, there was no record of instrument checks for the x-ray job conducted on July 18, 2012. An inspection conducted on or about May 16, 2014, revealed the violation has been addressed.
- L. The Respondent failed to maintain evidence of the latest calibration of alarming rate meters and operability checks of dosimeters at a temporary job site or applicable field station as required by LAC 33:XV.577, in violation of LAC 33:XV.588.A.9. Specifically, calibration of alarming rate meters could not be verified, since there was no record of which alarming rate meters were used for the x-ray job conducted on July 18, 2012. An inspection conducted on or about May 16, 2014, revealed the violation has been addressed.

On or about January 21, 2015, an inspection was conducted in response to a self-reported incident involving the possible exposure of a radiographer trainee that occurred at the ExxonMobil refinery in Baton Rouge (Agency Interest # 2638), a temporary jobsite located at 4045 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The inspection revealed the following violations:

- A. The Respondent failed to ensure the radiographer trainee was under direct supervision of a radiographer instructor when using radiographic exposure devices, associated equipment, or a sealed source or while conducting radiation surveys, in accordance with the Acuren Radiographic Operation and Emergency Manual, Paragraph 7.8, in violation of RAM License LA-7072-L01, Condition 23.A, LAC 33:XV.320.A.2, and LAC 33:XV.590.D. Specifically, Christopher Aguiard (AI# 93147), the radiographer instructor, proceeded to the next job location at the site and did not maintain direct visual supervision of Scott Dabney (AI# 191892), the radiographer trainee. The radiographer trainee was left unsupervised while the source was being retracted into the device, and while attempting to disconnect the source guide tube. The radiographer instructor returned to the site and noted the trainee was having difficulty

removing the source guide tube. The instructor determined the source was not in the shielded position, but was able to retract the source back into the exposure device. The Radiation Safety Officer (RSO) was immediately notified of the incident. Following the incident, the Respondent conducted safety training for radiography personnel relating to the incident, and implemented additional safety procedures to reduce the likelihood of other incidents. This violation has been addressed.

- B. The Respondent failed to control the annual occupational dose to individual adults to a total effective dose equivalent of 0.05 Sv (5 rem), in violation of LAC 33:XV.410.A.1.a. Specifically, radiography trainee Scott Dabney (AI#191892) received a whole body dose of 6.381 rem for January 2015 according to the Landauer, Inc. report. Following the incident, the Respondent conducted safety training for radiography personnel relating to the incident, and implemented additional safety procedures to reduce the likelihood of other incidents.
- C. The Respondent failed to control the annual occupational dose to individual adults to the sum of the deep dose equivalent and the committed dose equivalent to any organ or tissue other than the lens of the eye of 50 rem, in violation of LAC 33:XV.410.A.1.b. Specifically, Scott Dabney (AI#191892) received an estimated extremity dose to his hands of 206 rem for the month of January 2015 based on interviews and a reenactment of the incident. Following the incident, the Respondent conducted safety training for radiography personnel relating to the incident, and implemented additional safety procedures to reduce the likelihood of other incidents.
- D. The Respondent failed to ensure radiographic personnel do not enter any known or potential radiation area without a calibrated and operational survey instrument, in accordance with the Acuren Radiographic Operation and Emergency Manual, Paragraph 7.3.A, in violation of RAM License LA-7072-L01, Condition 23.A, and LAC 33:XV.320.A.2. Specifically, Mr. Dabney did not take the calibrated survey meter with him while disconnecting the crank assembly and source guide tube. Following the incident, radiographic personnel were retrained on the Respondent's policies and safety procedures. This violation has been addressed.
- E. The Respondent failed to ensure an operable alarm ratemeter was available for each individual performing radiography, in violation of LAC 33:XV.590.A.4. Specifically, a check of the alarming rate meter conducted within twenty-four (24) hours after the incident revealed the LED did not work and the audible signal was weak. The device was sent to Industrial Radiography Maintenance and Supply Co. for repair. This violation has been addressed.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Kelly O'Neal at (225) 219-3932 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be

assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

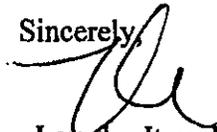
For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

The **NOTICE OF POTENTIAL PENALTY** will not be closed if the Respondent owes outstanding fees to the Department. Please contact the Financial Services Division at 225-219-3865 or via email at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

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

Sincerely,



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/KAO/kao
Alt ID No. LA-7072-L01

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312**



**NOTICE OF POTENTIAL PENALTY
 REQUEST TO SETTLE (OPTIONAL)**

| | | | |
|--------------------------|---------------------------------|--------------------|--------------------|
| Enforcement Tracking No. | RE-PP-15-00663 | Contact Name | Kelly O'Neal |
| Agency interest (AI) No. | 166805; 2638 | Contact Phone No. | (225) 219-3932 |
| Alternate ID No. | LA-7072-L01 | | |
| Respondent: | ACUREN INSPECTION, INC. | Facility Name: | Acuren Inspection |
| | c/o Corporation Service Company | Physical Location: | 3021 Ruby St. |
| | Agent for Service of Process | | |
| | 320 Somerulous St. | City, State, Zip: | Gonzales, LA 70737 |
| | Baton Rouge, LA 70802-6129 | Parish: | Ascension |

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

| | |
|--------------------------|--|
| <input type="checkbox"/> | The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7. |
| <input type="checkbox"/> | In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (7005 1820 0002 2361 9697) , the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures. |
| <input type="checkbox"/> | In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (7005 1820 0002 2361 9697) , the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional)= \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted. |
| <input type="checkbox"/> | The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (7005 1820 0002 2361 9697) and has attached a justification of its offer and a description of any BEPs if included in settlement offer. |

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

| | | |
|-------------------------------|---------------------------|--------------------|
| | | |
| Respondent's Signature | Respondent's Printed Name | Respondent's Title |
| | | |
| Respondent's Physical Address | Respondent's Phone # | Date |

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality
 Office of Environmental Compliance
 Enforcement Division
 P.O. Box 4312
 Baton Rouge, LA 70821
 Attn: Kelly O'Neal

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

**NOTICE OF POTENTIAL PENALTY
 REQUEST TO SETTLE (OPTIONAL)**



| | | | |
|--------------------------|---------------------------------|--------------------|--------------------|
| Enforcement Tracking No. | RE-PP-15-00663 | Contact Name | Kelly O'Neal |
| Agency Interest (AI) No. | 166805; 2638 | Contact Phone No. | (225) 219-3932 |
| Alternate ID No. | LA-7072-L01 | | |
| Respondent: | ACUREN INSPECTION, INC. | Facility Name: | Acuren Inspection |
| | c/o Corporation Service Company | Physical Location: | 3021 Ruby St. |
| | Agent for Service of Process | | |
| | 320 Somerulous St. | City, State, Zip: | Gonzales, LA 70737 |
| | Baton Rouge, LA 70802-6129 | Parish: | Ascension |

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

| | |
|--------------------------|--|
| <input type="checkbox"/> | The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7. |
| <input type="checkbox"/> | In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (7005 1820 0002 2361 9697), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures. |
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CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

| | | | |
|-------------------------------|--|---------------------------|--------------------|
| Respondent's Signature | | Respondent's Printed Name | Respondent's Title |
| Respondent's Physical Address | | Respondent's Phone # | Date |

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality
 Office of Environmental Compliance
 Enforcement Division
 P.O. Box 4312
 Baton Rouge, LA 70821
 Attn: Kelly O'Neal