

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

SUPERIOR LABOR SERVICES, INC.

AI # 126797

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

\* Settlement Tracking No.  
\* SA-MM-23-0011  
\*  
\* Enforcement Tracking No.  
\* MM-CN-19-00147  
\*  
\*  
\*  
\*

SETTLEMENT

The following Settlement is hereby agreed to between Superior Labor Services, 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 Houma, Terrebonne Parish, Louisiana (“the Facility”).

II

On June 26, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-19-00147 (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-SIX THOUSAND AND NO/100 DOLLARS (\$26,000.00), of which One Thousand Eight Hundred Fifty-Eight and 33/100 Dollars (\$1,858.33) 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 Terrebonne 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.

**SUPERIOR LABOR SERVICES, INC.**

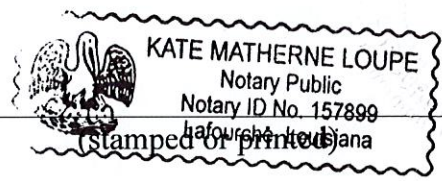
BY: *[Signature]*  
(Signature)

*Don J. Fayot*  
(Printed)

TITLE: *owner*

THIS DONE AND SIGNED in duplicate original before me this *25th* day of *July*, 20 *23*, at *Lockport, Louisiana*.

*Kate Matherne Loupe*  
NOTARY PUBLIC (ID # *157899*)



**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Roger W. Gingles, Secretary

BY: *[Signature]*  
Celena J. Cage, Assistant/Secretary  
Office of Environmental Compliance

THIS DONE AND SIGNED in duplicate original before me this *2nd* day of *October*, 20 *23*, at Baton Rouge, Louisiana.

*Jay Glorioso*  
NOTARY PUBLIC (ID # *66881*)

*Jay Glorioso*  
(stamped or printed)

Approved: *[Signature]*  
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

June 26, 2019

CERTIFIED MAIL (7016 2140 0000 3607 3215)  
RETURN RECEIPT REQUESTED

**SUPERIOR LABOR SERVICES, INC.**  
c/o Dan Joseph Falgout  
Agent for Service of Process  
4865 Highway 1, Suite 4  
Raceland, LA 70394

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. MM-CN-19-00147  
AGENCY INTEREST NO. 126797**

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 **SUPERIOR LABOR SERVICES, INC. (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.

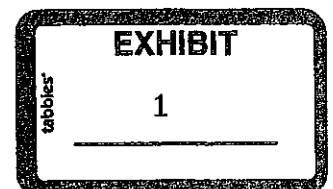
Any questions concerning this action should be directed to Adrienne Landry at (225) 219-3805 or [Adrienne.Landry@la.gov](mailto:Adrienne.Landry@la.gov).

Sincerely,

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

Celena J. Cage  
Administrator  
Enforcement Division

CJC/ARL/arl  
Alt ID No. LAR000057067  
Attachment



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

<b>IN THE MATTER OF</b>	*	
	*	
<b>SUPERIOR LABOR SERVICES, INC.</b>	*	<b>ENFORCEMENT TRACKING NO.</b>
<b>TERREBONNE PARISH</b>	*	
<b>ALT ID NO. LAR000057067</b>	*	<b>MM-CN-19-00147</b>
	*	
	*	<b>AGENCY INTEREST NO.</b>
<b>PROCEEDINGS UNDER THE LOUISIANA</b>	*	
<b>ENVIRONMENTAL QUALITY ACT,</b>	*	<b>126797</b>
<b>La. R.S. 30:2001, ET SEQ.</b>	*	

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **SUPERIOR LABOR SERVICES, INC. (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 Superior Labor Services, Inc. located at 8646 E. Park Avenue in Houma, Terrebonne Parish, Louisiana. The Respondent is registered with the Department as a conditionally exempt small quantity generator (CESQG) of hazardous waste and operates under EPA identification number LAR000057067. Activities conducted at the facility include but are not limited to: marine vessel repairs, welding and on-site painting. The Respondent is contracted to perform painting at other facilities.

II.

On or about August 8, 2017 and February 22, 2018, the Department conducted inspections at the above referenced facility to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violations were

noted during the course of the inspections:

- A. The Respondent failed to clearly label or mark each container of hazardous waste with an accumulation start date and the words "Hazardous Waste," as specified in LAC 33:V.1109.E.1.c & d, in violation of LAC 33:V.1109.E.7.c. Specifically, during the course of the August 8, 2017 inspection, the Department observed the following hazardous waste containers (D001, F003, F005) located throughout the facility: approximately sixteen (16) fifty-five (55) gallon drums, forty-two (42) five (5) gallon containers, nine (9) one (1) gallon containers and one (1) one (1) pint container which were not labeled with the words "Hazardous Waste" and approximately seventeen (17) fifty-five (55) gallon drums, forty-two (42) five (5) gallon containers, nine (9) one (1) gallon containers and one (1) one (1) pint container which were not labeled with an accumulation start date. Subsequently, during the February 22, 2018 inspection, the Department observed the following hazardous waste containers (D001, F003, F005) located throughout the facility: approximately six (6) fifty-five (55) gallon drums, eighteen (18) five (5) gallon containers, twenty-seven (27) one (1) gallon containers and one (1) one (1) pint container which were not labeled with the words "Hazardous Waste" and approximately four (4) fifty-five (55) gallon drums, eighteen (18) five (5) gallon containers, twenty-seven (27) one (1) gallon containers and one (1) one (1) pint container which were not labeled with accumulation start dates.
- B. The Respondent failed to keep hazardous waste containers closed during storage, except when necessary to add or remove hazardous waste, as specified in LAC 33:V.2107.A, in violation of LAC 33:V.1109.E.7.a. Specifically, during the course of the August 8, 2017 inspection, the Department observed the following hazardous waste containers (D001, F003, F005), located throughout the facility, which were not closed: approximately thirty-three (33) five (5) gallon containers and seven (7) one (1) gallon containers. Subsequently, during the February 22, 2018 inspection, the Department observed the following hazardous waste containers (D001, F003, F005), located throughout the facility, which were not closed: approximately two (2) fifty-five (55) gallon drums, ten (10) five (5) gallon containers and two (2) one (1) gallon container
- C. The Respondent failed to transfer hazardous waste from a leaking container or container not in good condition to a container that is in good condition or manage the



waste in some other way that complies with LAC 33:V.Chapter 21, as specified in LAC 33:V.2103, in violation of LAC 33:V.1109.E.7.a. Specifically, during the August 8, 2017 inspection, the Department observed the following hazardous waste containers (D001, F003, F005), located throughout the facility, to be rusting, leaking, and/or bulging: approximately ten (10) fifty-five (55) gallon drums, seven (7) five (5) gallon containers, two (2) one (1) gallon containers and a one (1) pint container. Subsequently, during the February 22, 2018 inspection, the Department observed the following hazardous waste containers (D001, F003, F005), located throughout the facility, to be rusting, leaking and/or bulging: approximately eight (8) five (5) gallon containers, twenty-five (25) one (1) gallon containers and a one (1) pint container.

- D. The Respondent failed to clearly mark or label an aboveground container used to store used oil with the words "Used Oil," in violation of LAC 33:V.4013.D.1. Specifically, during the course of the August 8, 2017 inspection, the Department observed approximately nine (9) fifty-five (55) gallon drums containing used oil, located throughout the facility, which were not labeled with the words "Used Oil." During the February 22, 2018 inspection, the Department observed approximately ten (10) fifty-five (55) gallon drums and one (1) three (3) gallon container containing used oil, located throughout the facility, which were not labeled with the words "Used Oil."
- E. The Respondent failed to store used oil in a container in good condition and free of leaks, in violation of LAC 33:V.4013.C.1 and 2. Specifically, during the August 8, 2017 inspection, the Department observed three (3) fifty-five (55) gallon drums containing used oil which were rusting, bulging and/or leaking. During the February 22, 2018 inspection, the Department observed all used oil containers to be in good condition and free of leaks.
- F. The Respondent failed to determine if generated solid waste is a hazard, in violation of LAC 33:V.1103. Specifically, during the course of the August 8, 2017 inspection, the Department observed approximately thirteen (13) unlabeled fifty-five (55) gallon drums and two (2) unlabeled five (5) gallon containers. The facility representative could not identify the contents of the containers. During the February 22, 2018 inspection, the Department did not observe any drums or containers with unknown contents.

- G. The Respondent failed to label or mark clearly universal waste batteries or a container in which the batteries are contained with any one of the following phrases: “Universal Waste—Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies),” in violation of LAC 33:V.3823.A.1. Specifically, during the August 8, 2017 inspection, the Department observed two (2) waste batteries on-site which were not labeled. The Department did not observe any waste batteries on-site during the February 22, 2018 inspection.
- H. The Respondent failed to contain any universal waste battery that shows evidence of leakage, spillage, or damage in a closed, structurally sound container that is compatible with the contents of the battery, in violation of LAC 33:V.3821.A.1. Specifically, the Department observed a corroded, leaking, waste battery located on a pallet on the ground outside. The Department did not observe any waste batteries on-site during the February 22, 2018 inspection.
- I. The Respondent caused and/or allowed the unauthorized disposal and processing of solid waste without a permit and/or other authority from the Department, in violation of La. R.S. 30:2155 and LAC 33:VII.315.C. Specifically, at the time of the August 8, 2017 and February 22, 2018 inspections, the Department observed solid waste disposed of on the ground, including but not limited to a large pile of construction and demolition debris and contaminated soil caused by spilled hydraulic oil.
- J. The Respondent failed to clean up and dispose of hazardous waste spills in a timely manner, in violation of LAC 33:V.1121.A. Specifically, during the August 8, 2017 and February 22, 2018 inspections, the Department observed multiple containers of paint waste (D001), throughout the facility, which had leaked some of their contents onto other containers.
- K. The Respondent failed to notify the Office of Environmental Services within seven (7) days when the information submitted in the application for the identification number changed, in violation of LAC 33:V.1105.B. Specifically, at the time of the August 8, 2017 and February 22, 2018 inspections, the Respondent was notified as a conditionally exempt small quantity generator (CESQG) of hazardous waste. LAC 33:V.108.G.2 states if a CESQG accumulates at any time more than a total of one thousand kilograms (1,000 kg) of hazardous waste, all of the accumulated wastes are subject to regulation

under LAC 33:V. Chapter 11. At the time of the August 8, 2017 inspection, the Respondent was storing approximately three thousand three hundred forty-one kilograms (3,341 kg) of paint waste. Therefore, at the time of the August 8, 2017 inspection the Respondent was operating as a small quantity generator (SQG). The Respondent failed to notify of its change in generator status.

- L. The Respondent disposed of hazardous waste without a permit, in violation of LAC 33:V.303.B. Specifically, during the August 8, 2017 and February 22, 2018 inspections, the Department observed multiple containers of paint waste (D001), in Container Storage Area 6, which had leaked their contents onto unprotected soil. One (1) of these areas was observed to be supersaturated.
- M. The Respondent failed, upon detection of a release of used oil to the environment, to clean up and manage properly the released used oil and other materials, in violation of LAC 33:V.4013.E. Specifically, during the August 8, 2017, the Department observed hydrocarbon stained soil near a leaking drum containing used oil in Container Storage Area 1. Additionally, hydrocarbon stained soil was observed underneath a truck located at the facility.

During the February 22, 2018 inspection, the Respondent provided the Department with manifests verifying nine (9) fifty-five (55) gallon drums of hazardous waste (D001, D035, F003, F005) and two (2) fifty-five (55) gallon drums of used oil were sent off-site for disposal.

### 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 Louisiana Solid Waste and Hazardous Waste Regulations.

#### II.

To label or mark clearly, immediately upon receipt of this **COMPLIANCE ORDER**, all hazardous waste containers with the words "Hazardous Waste" and an accumulation start date, in accordance with LAC 33:V.1109.E.1.c and d.

III.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure all containers storing hazardous waste are kept closed except when necessary to add or remove waste in accordance with LAC 33:V.2107.A.

IV.

To transfer, immediately upon receipt of this **COMPLIANCE ORDER**, all hazardous waste to containers which are in good condition, in accordance with LAC 33:V.2105.

V.

To clearly mark or label, immediately upon receipt of this **COMPLIANCE ORDER**, the aboveground storage containers and fifty-five (55) gallon drums used to store used oil with the words "Used Oil."

VI.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure a hazardous waste determination is performed on all wastes generated in accordance with LAC 33:V.1103.

VII.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, depositing or allowing the deposit of regulated solid waste of any kind at the Site or any other site that is not permitted to receive such waste.

VIII.

To remove, within fifteen (15) days upon receipt of this **COMPLIANCE ORDER**, all solid waste to a permitted or authorized solid waste disposal facility and submit documentation of proper disposal to the Enforcement Division. Disposal receipts shall be submitted to the Enforcement Division within fifteen (15) days of disposal.

IX.

To remove and/or excavate, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, any spilled material that is a hazardous waste or that will be disposed of as a hazardous waste, and all areas of visibly contaminated soils as described in Finding of Facts paragraph II.J, I and M, as well as any other areas of visibly contaminated soils not specifically referenced within this **COMPLIANCE ORDER**. The Respondent shall properly containerize and dispose of all contaminated soils in accordance with the Louisiana Solid Waste and Hazardous Waste Regulations and submit documentation of disposal

to the Enforcement Division within fifteen (15) days of disposal. The Respondent shall also institute procedures to ensure spilled materials are cleaned up in a timely manner in accordance with LAC 33:V.1121.A.

X.

To immediately collect, upon excavation of visibly contaminated soils and materials described in Finding of Facts paragraphs II.L and II.M, confirmatory samples from all areas of excavation. The confirmatory samples shall be analyzed for all constituents intrinsic to the removed waste. The analytical results for the confirmatory samples will be compared against RECAP screening standards in order to determine if the contaminated areas have been properly remediated. Should the results exceed RECAP standards, further evaluation and/or remediation will be required as directed by the Department. The Respondent shall notify the Southeast Regional Office, at (504) 736-7701, at least seven (7) days prior to collecting confirmatory samples to allow the Department to witness the sampling event and to approve the number and location of samples taken.

XI.

To submit, within seven (7) days upon receipt of this **COMPLIANCE ORDER**, an updated HW-1 form reflecting complete and accurate information to the Office of Environmental Services, in accordance with LAC 33:V.1105.B.

XII.

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: Adrienne Landry**  
**Re: Enforcement Tracking No. MM-CN-19-00147**  
**Agency Interest No. 126797**

**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-19-00147**  
**Agency Interest No. 126797**

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 Division of Administrative Law (DAL) Procedural Rules. 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 Adrienne Landry at (225) 219-3805 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

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

the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

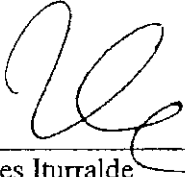
IV.

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

V.

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

Baton Rouge, Louisiana, this 26<sup>th</sup> day of June, 2019.

  
\_\_\_\_\_  
Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

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

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





LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
 OFFICE OF ENVIRONMENTAL COMPLIANCE  
 ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER &  
 PCST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY  
 BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE

Enforcement Tracking No.	MM-CN-19-00147	Contact Name	Adrienne Landry
Agency Interest (AI) No.	126797	Contact Phone No.	225-219-3805
Alternate ID No.	LAR000057067		
Respondent:	Superior Labor Services, Inc.	Facility Name:	Superior Labor Services, Inc.
	c/o Dan Joseph Falgout	Physical Location:	8646 East Park Avenue
	Agent for Service of Process		
	4865 Highway 1, Suite 4	City, State, Zip:	Houma, LA 70363
	Raceland, LA 70394	Parish:	Terrebonne

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph XII of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 7 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph XI of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph VIII of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph IX of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1 Subpart 1, Chapter 7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY MM-CN-19-00147, 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 MM-CN-19-00147, 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"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional) = \$ _____</li> <li>• 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.</li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY MM-CN-19-00147 and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT		
<p><i>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.</i></p>		
Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date
<b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>		
<p>Louisiana Department of Environmental Quality                      Office of Environmental Compliance                      Enforcement Division                      P.O. Box 4312                      Baton Rouge, LA 70821                      Attn: Adrienne Landry</p>		