STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-RE-14-0049**
ACUREN INSPECTION, INC.	*	
	*	**Enforcement Tracking No.**
AI # 126755	*	**RE-CN-12-00410**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	**Docket No. 2013-9280-EQ**
LA. R.S. 30:2001, ET SEQ.	*	

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 an industrial radiography facility located in Webster Parish, Louisiana ("the Facility").

II

On July 5, 2012, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **RE-CN-12-00410**, which was based upon the following findings of fact:

"The Respondent owns and/or operates Acuren Inspection, Inc., an industrial radiography licensee, located at 122 Petrochem Drive in Minden, Webster Parish, Louisiana. The Respondent currently operates under the Radioactive Material License No. LA-7072-L01 issued by the Department on April 2, 2012.

On or about February 13, 2006, Consolidated Compliance Order & Notice of Potential Penalty RE-CN-06-0009 was issued to the Respondent for violations of the Radiation Protection Regulations. This enforcement action was not appealed and is therefore considered to be a final action by the Department.

On or about September 2, 2010, Notice of Potential Penalty RE-PP-10-017 was issued to the Respondent for violations of the Radiation Protection Regulations.

On or about March 8, 2012, an inspection was conducted by the Department of an industrial radiography field crew, consisting of Acuren Personnel, operating at a temporary jobsite in order to determine the degree of compliance with the Radiation Protection Regulations and the Act. The temporary jobsite was located at 4848 East Napoleon Street in Sulphur, Calcasieu Parish, Louisiana. While the Department's investigation is not yet complete, the following violations were noted:

A. During the course of the inspection, it was noted that the Respondent failed to ensure that a record was created determining the radiation levels at the temporary jobsite, but the appropriate physical radiation boundaries were in place. This is a violation of LAC 33:XV.588.A.4, and is a repeat violation as cited in Consolidated Compliance Order & Notice of Potential Penalty RE-CN-06-0009.

B. During the course of the inspection, it was noted that the Respondent failed to ensure that the industrial radiography transport box was properly labeled with a Radiation Yellow II label. This is a violation of Department of Transportation (DOT) 49 CFR 172.403(g) as incorporated by reference in LAC 33:XV.1504.B.

C. During the course of the inspection, it was noted that the Respondent failed to ensure that an industrial radiography trainee was directly supervised by an industrial radiographer instructor as listed in Radioactive Material License No. LA-7072-L01. Specifically, Crystal Hinote (a Texas Radiographer), AI No. 162629, was directly supervising

Dexter Brown (Texas Radiographer Trainee), AI No. 180971. This is a violation of LAC 33:XV.573.D, and is a repeat violation and was cited in Notice of Potential Penalty RE-PP-10-017.

D. During the course of the inspection, it was noted that the Respondent failed to ensure that Dexter Brown (Texas Radiographer Trainee), AI No. 180971, properly utilized his Respondent-issued March 2012 Landauer OSL (Optically Stimulated Luminescent) Dosimetry Badge, calibrated Rate Alarm Meter RA-500 Serial No. 20803 or the calibrated pocket dosimeter serial no. 215995. This is a violation of LAC 33:XV.577.A.

E. During the course of the inspection, it was noted that the Respondent failed to ensure that Dexter Brown (Texas Radiographer Trainee), AI No. 180971, recorded the initial pocket dosimeter reading prior to the start of his shift to calculate personal radiation exposure. This is a violation of LAC 33:XV.588.A.5.

F. During the course of the inspection, it was noted that the Respondent failed to ensure that the Form DRC-20 Application for Industrial Radiography Certification was submitted to the Department prior to permitting Crystal Hinote (a Texas Radiographer), AI No. 162629, to work as an industrial radiographer. This is a violation of LAC 33:XV.575.A.2.d.

G. During the course of the inspection, it was noted that the Respondent failed to ensure that the Form DRC-20 Application for Industrial Radiography Certification was submitted to the Department prior to permitting Dexter Brown (Texas Radiographer Trainee), AI No. 180971, to work as an industrial radiographer trainee. This is a violation of LAC 33:XV.575.B.6."

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, 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 TEN THOUSAND AND NO/100 DOLLARS ($10,000.00), of which Four Hundred Twelve and No/100 Dollars ($412.92) 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), 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.

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

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Webster Parish, Louisiana. The advertisement, in form, wording, and size 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 (Exhibit A).

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
Peggy M. Hatch, Secretary

BY: _____
D. Chance McNeely, 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: _____
D. Chance McNeely, Assistant Secretary