

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

WEST CALCASIEU CAMERON  
HOSPITAL FOUNDATION

AI # 10297

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

\* Settlement Tracking No.  
\* SA-MME-12-0036  
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\* Enforcement Tracking No.  
\* MM-CN-10-00893  
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SETTLEMENT

The following Settlement is hereby agreed to between West Calcasieu Cameron Hospital (“Respondent”; improperly identified as “West Calcasieu Cameron Hospital Foundation” in Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-10-00893) 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 non-profit corporation that owns and/or operates a small quantity generator of hazardous waste facility located in Sulphur, Calcasieu Parish, Louisiana (“the Facility”).

II

On October 27, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-10-00893, which was based upon the following findings of fact:

The Respondent owns and/or operates a facility known to the Department as West Calcasieu Cameron Hospital, located at 701 East Cypress Street in Sulphur, Calcasieu Parish, Louisiana. The facility has notified as a small quantity generator of hazardous waste and operates under the EPA Identification Number LAD074199837. The Respondent does not have a permit and/or other authority from the Department to operate a solid waste disposal site. The Respondent does not have a Louisiana Pollutant Discharge Elimination System (LPDES) permit or any other authority to discharge wastewater and/or other substances into waters of the state.

On or about April 30, 2010, the Department conducted an inspection of the facility in response to a citizen complaint. The inspection and subsequent file reviews conducted by the Department on or about June 8, 2010, and July 20, 2010, revealed the following violations:

- A. The Respondent disposed and/or allowed the disposal of regulated hazardous waste at the facility without a permit or receiving interim status, in violation of LAC 33:V.303.B. Specifically, the Respondent disposed of multiple containers of expired Steris 20<sup>®</sup> sterilant concentrate solution into a storm drain located on the western side of the maintenance building located on the facility. According to the Material Safety Data Sheets (MSDS) associated with Steris 20<sup>®</sup> sterilant concentrate, the material carries waste codes D001 and D002 when disposed.
- B. The Respondent failed to determine if solid waste generated at the Respondent's facility was a hazardous waste, in violation of LAC 33:V.1103. Specifically, the Respondent failed to make a proper hazardous waste determination for multiple containers of expired Steris 20<sup>®</sup> sterilant concentrate solution prior to disposal.
- C. The Respondent did cause or allow the discharge of pollutants not specifically authorized by a permit or state regulations to be discharged into waters of the state, in violation of La. R.S. 30:2075. Specifically, the Respondent discharged multiple containers of Calcium Hypochlorite and expired Steris 20<sup>®</sup> sterilant concentrate solution into a storm drain located on the western side of the facility's maintenance building, thence into Bayou D'Inde, thence into the Calcasieu River, all waters of the state.

### 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 TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$2,500.00), of which Eight Hundred Twenty-Six and 43/100 Dollars (\$826.43) 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 permit record, the inspection reports, 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

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Calcasieu 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.

## IX

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).

X

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

XI

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.

WEST CALCASIEU CAMERON  
HOSPITAL

BY: Jamie D. Frugé  
(Signature)

Jamie D. Frugé  
(Printed)

TITLE: CEO

THUS DONE AND SIGNED in duplicate original before me this 5<sup>th</sup> day of August, 20 13, at 3:00 pm.

Sumer McFarlain  
NOTARY PUBLIC (ID # 131607)

**SUMER MCFARLAIN**  
**EX-OFFICIO NOTARY, ID# 131607**  
**WEST CALCASIEU CAMERON HOSPITAL**  
**701 E. CYPRESS STREET** (stamped or printed)  
**SULPHUR, LA 70663**

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Peggy M. Hatch Secretary

BY: Cheryl  
Cheryl Sonnier Nolan, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 16<sup>th</sup> day of August, 20 13, at Baton Rouge, Louisiana.

Ted R. Broyles, II  
NOTARY PUBLIC (ID # 40539)

Ted R. Broyles, II  
(stamped or printed)

Approved: Cheryl  
Cheryl Sonnier Nolan, Assistant Secretary