

**STATE OF LOUISIANA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

**QUALAWASH HOLDINGS, LLC**

**AI # 5452**

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

\* **Settlement Tracking No.**  
\* **SA-HE-18-0005**  
\*  
\* **Enforcement Tracking No.**  
\* **HE-CN-15-00470**  
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**SETTLEMENT**

The following Settlement is hereby agreed to between Qualawash Holdings, 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 tank truck cleaning facility located in Baton Rouge, East Baton Rouge Parish, Louisiana (“the Facility”).

**II**

On July 27, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. HE-CN-15-00470 (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 TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$2,500.00), of which Six Hundred Eighty-Six and 54/100 Dollars (\$686.54) 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 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.

## 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.

QUALAWASH HOLDINGS, LLC

BY: [Signature]  
(Signature)

Charles D. Bayl  
(Printed)

TITLE: Director of Env.

THUS DONE AND SIGNED in duplicate original before me this 21 day of JUNE, 20 18, at \_\_\_\_\_.

[Signature]  
NOTARY PUBLIC (ID # \_\_\_\_\_)



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

BY: [Signature]  
\_\_\_\_\_  
Loures Iturralde, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 19th day of June, 20 19, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 19181)

Perry Theriot  
(stamped or printed)

Approved: [Signature]  
\_\_\_\_\_  
Loures Iturralde, Assistant Secretary

BOBBY JINDAL  
GOVERNOR



PEGGY M. HATCH  
SECRETARY

State of Louisiana  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

July 27, 2015

CERTIFIED MAIL (7014 1200 0000 7863 7921 / 7938)  
RETURN RECEIPT REQUESTED

QUALAWASH HOLDINGS, L.L.C.  
c/o National Registered Agents, Inc.  
Registered Agent  
5615 Corporate Blvd., STE. 400B  
Baton Rouge, LA 70808

RE: **CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. HE-CN-15-00470  
AGENCY INTEREST NO. 5452**

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 **QUALAWASH HOLDINGS, 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.

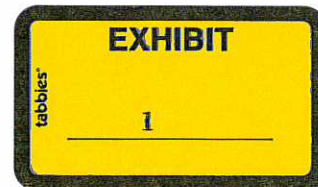
Any questions concerning this action should be directed to Tom Cranford at (225) 219-3095.

Sincerely,

*Nicole V. Anthony*  
*for Celena J. Cage*

Celena J. Cage  
Administrator  
Enforcement Division

CJC/TLC/tlc  
Alt ID No. LAD981059264  
Attachment



c: **QUALAWASH HOLDINGS, L.L.C.**  
5395 Hooper Road  
Baton Rouge, LA 70811

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

**IN THE MATTER OF**

**QUALAWASH HOLDINGS, L.L.C.  
EAST BATON ROUGE PARISH  
ALT ID NO. LAD981059264**

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

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**ENFORCEMENT TRACKING NO.**

**HE-CN-15-00470**

**AGENCY INTEREST NO.**

**5452**

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **QUALAWASH HOLDINGS, 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 a tank truck cleaning facility located at 5395 Hooper Road in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility is a large quantity generator of hazardous waste and operates under EPA Identification Number LAD981059264.

**II.**

On or about December 8, 2014, the Department conducted an inspection of the facility which revealed the following violations:

- A. The Respondent failed to keep containers holding hazardous waste at or near a point of generation closed when not adding or removing waste, in accordance with LAC 33:V.2107.A, in violation of LAC 33:V.1109.E.4. Specifically, a 55-gallon drum containing hazardous waste (code D023) and a 5-gallon collection bucket containing



- hazardous waste in the satellite accumulation area were not closed. The Respondent closed the 55-gallon drum during the inspection.
- B. The Respondent failed to mark a 5-gallon collection bucket of hazardous waste in the satellite accumulation area with the words "Hazardous Waste" or other words that identify the contents of the container, in violation of LAC 33:V.1109.E.4.
  - C. The Respondent failed to notify the Office of Environmental Services within seven (7) days if any of the information submitted in the application for the EPA Identification Number changes, in violation of LAC 33:V.1105.B. Specifically, the current HW-1 form (8/8/13) was missing the following hazardous waste codes that were noted on facility manifests: D007, D019, D023, D024, D026, D027, F003, F005, U002, U019, U188, and U211.
  - D. The Respondent failed to submit the Annual Hazardous Waste Report to the Office of Environmental Services by March 1, 2014, in violation of LAC 33:V.1111.B.1. Specifically, the 2013 annual report was provided during the inspection but had not been submitted to the Department. The facility corrected the violation by submitting the report on December 8, 2014.
  - E. The Respondent failed to submit the recently revised Contingency Plan to the Department's Emergency Response Team, in accordance with LAC 33:V.1513.C.2, in violation of LAC 33:V.1109.E.1.e and LAC 33:V.4343. Specifically, the revised Contingency Plan received corporate approval on December 2, 2014, but has not been received by the Department.
  - F. The Respondent failed to develop and retain a Waste Minimization Plan on-site, in violation of LAC 33:V.2245.K. The facility developed the Waste Minimization Plan on March 6, 2015, thus addressing this violation.

#### **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 Hazardous Waste Regulations.

II.

To close, immediately upon receipt of this **COMPLIANCE ORDER**, all containers containing hazardous waste in the satellite accumulation area when not adding or removing waste, in accordance with LAC 33:V.2107.A.

III.

To mark, immediately upon receipt of this **COMPLIANCE ORDER**, all containers that contain hazardous waste in the satellite accumulation area with the words "Hazardous Waste" or other words that identify the contents of the containers, in accordance with LAC 33:V.1109.E.4.

IV.

To notify, immediately upon receipt of this **COMPLIANCE ORDER**, the Office of Environmental Services of any changes in information submitted in the application for the EPA Identification Number to include hazardous waste codes of all hazardous waste handled at the Site, in accordance with LAC 33:V.1105.B.

V.

To submit, immediately upon receipt of this **COMPLIANCE ORDER**, a copy of the recently revised Contingency Plan to the Department, as well as all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services to the facility.

VI.

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: Tom Cranford  
Re: Enforcement Tracking No. HE-CN-15-00470  
Agency Interest No. 5452

**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-15-00470**  
**Agency Interest No. 5452**

**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 Tom Cranford at (225) 219-3095 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

#### III.

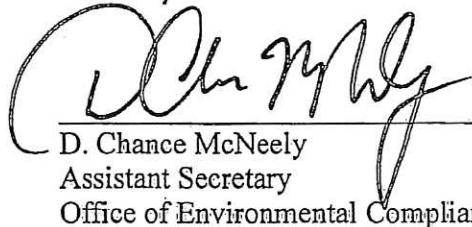
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross

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 27 day of July, 2015.

  
\_\_\_\_\_  
D. Chance McNeely  
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: Tom Cranford