STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-HE-19-00110**
CATALYST RECOVERY OF LOUISIANA, LLC	*	
	*	
	*	**Enforcement Tracking No.**
AI # 28267	*	**HE-CN-19-00082**
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between Catalyst Recovery of Louisiana, 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 spent catalyst regeneration and recycling facility located in Lafayette, Lafayette Parish, Louisiana ("the Facility").

II

On April 9, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. HE-CN-19-00082 (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 FOUR THOUSAND AND NO/100 DOLLARS ($4,000.00), of which Seven Hundred Forty-Eight and 83/100 Dollars ($748.83) 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 Lafayette 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.

CATALYST RECOVERY OF LOUISIANA, LLC

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: _____
Lourdes Iturralde, 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: _____
Lourdes Iturralde, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
April 9, 2019

CERTIFIED MAIL (7018 0360 0001 5039 0768)
RETURN RECEIPT REQUESTED

CATALYST RECOVERY OF LOUISIANA, LLC
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-CN-19-00082
AGENCY INTEREST NO. 28267

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 **CATALYST RECOVERY OF LOUISIANA, LLC (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 Cynthia Arrison at (225) 219-3796.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/CLA
Alt ID No. LAD980622161
Attachment

EXHIBIT
tabbies
1

c: Catalyst Recovery of Louisiana
c/o John Bravos, Plant Manager
P. O. Box 3077
Lafayette, LA 70502

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
CATALYST RECOVERY OF LOUISIANA, LLC	*	ENFORCEMENT TRACKING NO.
LAFAYETTE PARISH	*	
ALT ID NO. LAD980622161	*	HE-CN-19-00082
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	28267
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED

COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **CATALYST RECOVERY OF LOUISIANA, LLC (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 spent catalyst regeneration and recycling facility. The facility is located at 100 American Boulevard in Lafayette, Lafayette Parish, Louisiana. The Respondent is classified as a large quantity generator of hazardous waste and operates under EPA Identification No. LAD980622161. The Respondent operates under Hazardous Waste Operating Permit LAD980622161-OP-RN-1, which became effective as of November 25, 2013, and remains in effect until November 25, 2023.

II.

On or about September 19, 2018, the Department conducted an inspection 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 inspection:

A. The Respondent failed to mark containers of hazardous waste with an accumulation start date, in violation of LAC 33:V.1109.E.1.c, LAC 33:V.309.A and Permit LAD980622161-OP-RN-1, Condition V.A.4. Specifically, the following containers were not marked with an accumulation start date:

1. A 20-yard nearly-full roll-off box of filter cake (K171) located in the central accumulation area and labeled "Hazardous Waste" was not marked with an accumulation start date. After the inspection, an accumulation start date was added to the roll-off box, as stated in an e-mail submitted to the Department on behalf of the Respondent dated September 26, 2018. A photo of a labeled roll-off box was also submitted via e-mail on October 2, 2018.
2. A 55-gallon drum numbered 39W-2529 located in the central accumulation area had an illegible hazardous waste label and accumulation start date on it due to corrosion. The drum was stored on a wood pallet and was leaking. After the inspection, the corroded drum was discarded, as stated in an e-mail submitted to the Department on behalf of the Respondent dated September 26, 2018.

B. The Respondent failed to clearly label or mark each container of hazardous waste with the words "Hazardous Waste," in violation of LAC 33:V.1109.E.1.d, LAC 33:V.309.A and Permit LAD980622161-OP-RN-1, Condition V.A.4. Specifically, the following containers were not labeled with the words "Hazardous Waste:"

1. A 55-gallon drum numbered 39W-2529 located in the central accumulation area had an illegible hazardous waste label on it due to corrosion. After the inspection, the corroded container was discarded, as stated in an e-mail submitted to the Department on behalf of the Respondent dated September 26, 2018.
2. Three (3) wastewater tanks located on the north side of the facility, managed as Less Than 90-Day hazardous waste storage tanks (K171 and D018), are labeled as "sodium sulfite solution" instead of "Hazardous Waste." After the inspection, the "Hazardous Waste" labels were added to the wastewater tanks, as stated in an e-mail submitted to the Department on behalf of the Respondent dated September 26, 2018. A photo of a labeled wastewater tank was also submitted via e-mail on October 2, 2018.

C. The Respondent failed to transfer hazardous waste from a container not in good condition to a container that is in good condition in accordance with LAC 33:V.2103.A, in violation of LAC 33:V.1109.E.1.a.i, LAC 33:V.309.A and Permit LAD980622161-OP-RN-1, Condition V.A.2. Specifically, a 55-gallon drum of hazardous waste (K171) numbered 39W-2529 located in the central accumulation area was heavily corroded and leaking its contents onto the wood pallet below it. A record review of the most recent hazardous waste weekly inspection (September 17, 2018) revealed the drum was leaking and was moved to the P4 warehouse wet area, but the drum contents were not put in a new container or an overpack container. After the inspection, the corroded container was transferred and discarded, as stated in an e-mail submitted to the Department on behalf of the Respondent dated September 26, 2018. The response also states that the facility's procedure for handling corroded containers is to put damaged containers in the chem containment area until transferred.

D. The Respondent failed to store hazardous waste in a container that is compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired as required by LAC 33:V.2105, in violation of LAC 33:V.1109.E.1.a, LAC 33:V.309.A and Permit LAD980622161-OP-RN-1, Condition V.A.8. Specifically, "Flo Bin" container numbered 45A-8282 and located in the P1 warehouse was leaking a liquid. The container was labeled with the words "Hazardous Waste" and waste code K171. During the inspection, a representative of the Respondent stated that the leaking liquid was water. The representative also stated the "Flo Bins" are designed to only hold dry solids. Due to the "Flo Bin" containing K171 listed hazardous waste, the associated water from the container maintains the K171 hazardous waste listing.

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 institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure all containers of hazardous waste are marked with the date the accumulation began in accordance with LAC 33:V.1109.E.1.c.

III.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure all containers of generated hazardous waste are properly labeled with the words "Hazardous Waste."

IV.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure hazardous waste is stored in a container that is compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired as required by LAC 33:V.2105.

V.

To clean, immediately upon receipt of this **COMPLIANCE ORDER**, any spilled material that is a hazardous waste or that will be disposed of as a hazardous waste. 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.

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: Cynthia Arrison
Re: Enforcement Tracking No. HE-CN-19-00082
Agency Interest No. 28267

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-19-00082
Agency Interest No. 28267

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 Cynthia Arrison at (225) 219-3796 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 9th day of April, 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: Cynthia Arrison

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

CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
REQUEST TO CLOSE

Enforcement Tracking No.	HE-CN-19-00082	Contact Name	Cynthia Arrison
Agency Interest (AI) No.	28267	Contact Phone No.	(225) 219-3796
Alternate ID No.	LAD980622161		
Respondent:	CATALYST RECOVERY OF LOUISIANA, LLC	Facility Name:	Catalyst Recovery of Louisiana
	c/o C T Corporation System	Physical Location:	100 American Boulevard
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Lafayette, LA 70508
	Baton Rouge, LA 70816	Parish:	Lafayette

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph VI 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)

_____	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:I.Subpart1.Chapter7.
_____	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (HE-CN-19-00082), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
_____	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (HE-CN-19-00082), 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. • 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.*
	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (HE-CN-19-00082) 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: Cynthia Arrison