

JOHN BEL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, Ph.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

July 18, 2017

CERTIFIED MAIL (7004 2510 0005 5753 5766)  
RETURN RECEIPT REQUESTED



**CLEAN HARBORS COLFAX, LLC**  
c/o C T Corporation System  
Agent for Service of Process  
3867 Plaza Tower Drive  
Baton Rouge, Louisiana 70816

**RE: NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-PP-17-00520  
AGENCY INTEREST NO. 32096**

Dear Sir:

On or about February 9, 2017, an unannounced air quality inspection of **COLFAX FACILITY** (the Facility), a hazardous waste treatment facility, owned and/or operated by **CLEAN HARBORS COLFAX, LLC (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 3763 Louisiana Highway 471 in Colfax, Grant Parish, Louisiana. The facility, a RCRA Subpart X facility, is a flexible open burning detonation operation that thermally treats energetic materials (RCRA reactive wastes). Open burning operations are accomplished using twenty (20) burn pans separated by a specific safety distance. Open burning is conducted for a maximum of ten (10) out of twenty (20) pans at a time. The facility operates or has operated under the authority of the following Minor Source Air Permits:

UNIT	PERMIT NO.	ISSUE DATE
Facility	1120-00010-04AA	10/13/2014
	1120-00010-04	08/07/2014
	1120-00010-03	02/08/2010

On October 27, 2016, the Louisiana Department of Environmental Quality (the Department) issued Consolidated Compliance Order & Notice of Potential Penalty (CONOPP), Enforcement Tracking No. MM-CN-16-01015, to the Respondent. The CONOPP was the result of violations noted during a Multimedia Compliance Evaluation Inspection (CEI) conducted on October 10-19, 2016, and file reviews conducted to determine the Respondent's degree of compliance with the Air Quality,

Clean Harbors Colfax, LLC  
 AE-PP-17-00520  
 Page 2

Hazardous Waste, Solid Waste, and Water Quality Regulations and applicable permits. The Respondent received the CONOPP on October 31, 2016. The Respondent submitted a request for an adjudicatory hearing dated November 23, 2016. The Department and Respondent agreed to enter into dispute resolution discussions on December 20, 2016. The Respondent submitted a response to CONOPP, Enforcement Tracking No. MM-CN-16-01015, dated February 27, 2017, and a supplemental response dated March 31, 2017. On February 7, 2017, the Department issued CONOPP, Enforcement Tracking No. AE-CN-17-00062, to the Respondent for violations noted during an unannounced air quality inspection and subsequent file review conducted to determine the Respondent's degree of compliance with the Air Quality Regulations and applicable permit. The Respondent submitted a request for an adjudicatory hearing dated March 10, 2017. The Department and Respondent agreed to enter into dispute resolution discussions on March 28, 2017.

The February 9, 2017 inspection was conducted in response to a citizen's complaint [Department Incident No. T175813]. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection:

The inspector reviewed the facility's treatment logs for February 9, 2017, and noted burn times that exceeded the five (5) minute burn/denotation permit limit as noted in the table below:

	TRAY NUMBER (time)	WASTE CLASS & DIVISION	WASTE NAME	GROSS WEIGHT (in lbs.)	NET EXPLOSIVE WEIGHT (NEW) (in lbs.)	PERMITTED BURN TIME	ACTUAL BURN TIME
I.	11 (8:09 AM)	1.1D	Waste warhead, rocket with bursting charge	30.00	3.00	5 minutes	20 minutes
II.	12 (8:09 AM)	1.1D	Waste warhead, rocket with bursting charge	30.00	3.00	5 minutes	20 minutes
III.	13 (8:09 AM)	1.4E	Waste articles, explosive, n.o.s.	55.00	1.00	5 minutes	20 minutes
IV.	14 (8:09 AM)	1.4D	Waste flares detonating	81.00	12.00	5 minutes	25 minutes
V.	15 (8:09 AM)	1.4D	Waste flares detonating	80.00	12.00	5 minutes	25 minutes
VI.	16 (8:09 AM)	1.4D	Waste flares detonating	160.00	24.00	5 minutes	25 minutes
VII.	17 (8:09 AM)	1.4C	Waste articles, explosive, n.o.s.	250.00	75.00	5 minutes	30 minutes
VIII.	18 (8:09 AM)	1.4C	Waste articles, explosive, n.o.s.	250.00	75.00	5 minutes	30 minutes
IX.	19 (8:09 AM)	1.4C	Waste articles, explosive, n.o.s.	250.00	75.00	5 minutes	30 minutes
X.	20 (8:09 AM)	1.4C	Waste articles, explosive, n.o.s.	300.00	90.00	5 minutes	30 minutes
XI.	11 (10:37 AM)	9	Waste air bag modules	460.00	8.00	5 minutes	30 minutes
XII.	12 (10:37 AM)	1.4C	Waste substances, explosive, n.o.s.	338.00	16.00	5 minutes	1 hour

Clean Harbors Colfax, LLC

AE-PP-17-00520

Page 3

	TRAY NUMBER (time)	WASTE CLASS & DIVISION	WASTE NAME	GROSS WEIGHT (in lbs.)	NET EXPLOSIVE WEIGHT (NEW) (in lbs.)	PERMITTED BURN TIME	ACTUAL BURN TIME
XIII.	13 (10:37 AM)	1.4D	Waste substances, explosive, n.o.s.	295.00	9.00	5 minutes	1 hour
XIV.	14 (10:37 AM)	1.4D	Waste substances, explosive, n.o.s.	406.00	7.00	5 minutes	1 hour
XV.	15 (10:37 AM)	1.4D	Waste substances, explosive, n.o.s.	357.00	14.00	5 minutes	1 hour
XVI.	16 (10:37 AM)	1.4C	Waste substances, explosive, n.o.s.	498.00	27.00	5 minutes	1 hour
XVII.	17 (10:37 AM)	1.4C	Waste substances, explosive, n.o.s.	432.00	24.00	5 minutes	1 hour
XVIII.	18 (10:37 AM)	1.4C	Waste substances, explosive, n.o.s.	432.00	24.00	5 minutes	1 hour
XIX.	19 (10:37 AM)	1.4C	Waste substances, explosive, n.o.s.	432.00	24.00	5 minutes	1 hour
XX.	20 (10:37 AM)	1.4C	Waste substances, explosive, n.o.s.	432.00	24.00	5 minutes	1 hour
XXI.	2 (12:36 PM)	1.1D	Waste cyclotrimethylenetrinitramine wetted	118.00	96.00	5 minutes	20 minutes
XXII.	3 (12:36 PM)	1.1D	Waste cyclotrimethylenetrinitramine wetted	117.00	95.00	5 minutes	20 minutes
XXIII.	4 (12:36 PM)	1.1D	Waste cyclotrimethylenetrinitramine wetted	117.00	95.00	5 minutes	20 minutes
XXIV.	5 (12:36 PM)	N/A	Trash tray had ash from previous burn dumped into it	N/A	N/A	5 minutes	40 minutes
XXV.	6 (12:36 PM)	1.1D	Waste cyclotrimethylenetrinitramine wetted	117.00	95.00	5 minutes	20 minutes
XXVI.	7 (12:36 PM)	1.1D	Waste cyclotrimethylenetrinitramine wetted	13.00	9.00	5 minutes	20 minutes
XXVII.	8 (12:36 PM)	N/A	Reburns of sweepings	N/A	N/A	5 minutes	30 minutes
XXVIII.	9 (12:36 PM)	N/A	Reburns of sweepings	N/A	N/A	5 minutes	30 minutes
XXIX.	10 (12:36 PM)	N/A	Reburns of sweepings	N/A	N/A	5 minutes	30 minutes
XXX.	19 (1:37 PM)	1.1D	Waste cyclotrimethylenetrinitramine wetted	117.00	95.00	5 minutes	20 minutes
XXXI.	20 (1:37 PM)	1.1D	Waste cyclotrimethylenetrinitramine wetted	117.00	95.00	5 minutes	20 minutes

Clean Harbors Colfax, LLC  
 AE-PP-17-00520  
 Page 4

Each failure to comply with the five (5) minute burn/denotation permit limit is a violation of Specific Requirement 2.5 of Minor Source Permit No. 1120-00010-04AA, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

On or about March 13, 2017, and March 15, 2017, an investigation of the facility was conducted in response to a citizen's complaint [Department Incident No. T176346] and to determine the degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. While the Department's investigation is not complete, the following violations were noted during the course of the inspection:

The inspector reviewed the facility's treatment logs for March 6, 2017, March 7, 2017, and March 8, 2017, and noted burn times that exceeded the five (5) minute burn/denotation permit limit as noted in the table below:

	TRAY NUMBER (date & time)	WASTE CLASS & DIVISION	WASTE NAME	GROSS WEIGHT (in lbs.)	NET EXPLOSIVE WEIGHT (NEW) (in lbs.)	PERMITTED BURN TIME	ACTUAL BURN TIME
I.	11 (03/06/2017 8:00 AM)	1.3C	Waste propellant solid, n.o.s.	254.00	242.00	5 minutes	20 minutes
II.	13 (03/06/2017 8:00 AM)	1.3G	Waste substances, explosive, n.o.s.	141.00	9.00	5 minutes	25 minutes
III.	15 (03/06/2017 8:00 AM)	1.3G	Waste substances, explosive, n.o.s.	47.00	3.00	5 minutes	25 minutes
IV.	16 (03/06/2017 8:00 AM)	1.3G	Waste substances, explosive, n.o.s.	47.00	3.00	5 minutes	25 minutes
V.	18 (03/06/2017 8:00 AM)	1.3G	Waste substances, explosive, n.o.s.	46.00	10.00	5 minutes	25 minutes
VI.	19 (03/06/2017 8:00 AM)	1.1A	Waste substances, explosive, n.o.s.	5.50	0.50	5 minutes	25 minutes
VII.	20 (03/06/2017 8:00 AM)	1.1A	Waste substances, explosive, n.o.s.	5.50	0.50	5 minutes	25 minutes
VIII.	10 (03/06/2017 8:00 AM)	N/A	Reburns of sweepings	N/A	N/A	5 minutes	25 minutes
IX.	14 (03/06/2017 9:21 AM)	1.3G	Waste substances, explosive, n.o.s.	94.00	6.00	5 minutes	25 minutes
X.	17 (03/06/2017 9:21 AM)	1.3G	Waste substances, explosive, n.o.s.	47.00	3.00	5 minutes	25 minutes
XI.	2 (03/06/2017 9:21 AM)	1.3G	Waste substances, explosive, n.o.s.	288.00	48.00	5 minutes	25 minutes
XII.	3 (03/06/2017 9:21 AM)	1.3G	Waste substances, explosive, n.o.s.	288.00	48.00	5 minutes	25 minutes
XIII.	4 (03/06/2017 9:21 AM)	1.3G	Waste substances, explosive, n.o.s.	288.00	48.00	5 minutes	25 minutes

Clean Harbors Colfax, LLC

AE-PP-17-00520

Page 5

	TRAY NUMBER (date & time)	WASTE CLASS & DIVISION	WASTE NAME	GROSS WEIGHT (in lbs.)	NET EXPLOSIVE WEIGHT (NEW) (in lbs.)	PERMITTED BURN TIME	ACTUAL BURN TIME
XIV.	6 (03/06/2017 9:21 AM)	1.3G	Waste substances, explosive, n.o.s.	288.00	48.00	5 minutes	25 minutes
XV.	7 (03/06/2017 9:21 AM)	1.3G	Waste substances, explosive, n.o.s.	288.00	48.00	5 minutes	25 minutes
XVI.	8 (03/06/2017 9:21 AM)	1.3G	Waste substances, explosive, n.o.s.	288.00	48.00	5 minutes	25 minutes
XVII.	9 (03/06/2017 9:21 AM)	1.3G	Waste substances, explosive, n.o.s.	324.00	54.00	5 minutes	25 minutes
XVIII.	10 (03/06/2017 9:21 AM)	1.3G	Waste substances, explosive, n.o.s.	324.00	54.00	5 minutes	25 minutes
XIX.	11 (03/06/2017 10:28 AM)	1.3G	Waste substances, explosive, n.o.s.	288.00	48.00	5 minutes	25 minutes
XX.	12 (03/06/2017 10:28 AM)	1.3G	Waste substances, explosive, n.o.s.	288.00	48.00	5 minutes	25 minutes
XXI.	13 (03/06/2017 10:28 AM)	1.3G	Waste substances, explosive, n.o.s.	288.00	48.00	5 minutes	25 minutes
XXII.	15 (03/06/2017 10:28 AM)	1.3G	Waste substances, explosive, n.o.s.	288.00	48.00	5 minutes	25 minutes
XXIII.	16 (03/06/2017 10:28 AM)	1.3G	Waste substances, explosive, n.o.s.	324.00	54.00	5 minutes	25 minutes
XXIV.	18 (03/06/2017 10:28 AM)	1.3G	Waste substances, explosive, n.o.s.	324.00	54.00	5 minutes	25 minutes
XXV.	11 (03/08/2017 8:00 AM)	1.3C	Waste propellant solid, n.o.s.	258.00	245.00	5 minutes	20 minutes
XXVI.	12 (03/08/2017 8:00 AM)	1.3G	Waste fireworks	22.00	10.50	5 minutes	25 minutes
XXVII.	13 (03/08/2017 8:00 AM)	1.3G	Waste fireworks	22.00	10.50	5 minutes	25 minutes
XXVIII.	14 (03/08/2017 8:00 AM)	1.3G	Waste substances, explosive, n.o.s.	9.34	2.00	5 minutes	25 minutes
XXIX.	15 (03/08/2017 8:00 AM)	1.3G	Waste substances, explosive, n.o.s.	9.33	2.00	5 minutes	25 minutes
XXX.	16 (03/08/2017 8:00 AM)	1.3G	Waste substances, explosive, n.o.s.	9.33	2.00	5 minutes	25 minutes
XXXI.	17 (03/08/2017 8:00 AM)	1.1A	Waste substances, explosive, n.o.s.	11.00	1.00	5 minutes	20 minutes
XXXII.	18 (03/08/2017 8:00 AM)	1.1A	Waste substances, explosive, n.o.s.	11.00	1.00	5 minutes	20 minutes

Clean Harbors Colfax, LLC

AE-PP-17-00520

Page 6

	TRAY NUMBER (date & time)	WASTE CLASS & DIVISION	WASTE NAME	GROSS WEIGHT (in lbs.)	NET EXPLOSIVE WEIGHT (NEW) (in lbs.)	PERMITTED BURN TIME	ACTUAL BURN TIME
XXXIII.	19 (03/08/2017 8:00 AM)	1.1A	Waste substances, explosive, n.o.s	5.50	0.50	5 minutes	20 minutes
XXXIV.	20 (03/08/2017 8:00 AM)	1.1A	Waste substances, explosive, n.o.s	5.50	0.50	5 minutes	20 minutes
XXXV.	2 (03/08/2017 9:00 AM)	1.3G	Waste substances, explosive, n.o.s	70.00	12.00	5 minutes	25 minutes
XXXVI.	3 (03/08/2017 9:00 AM)	1.3G	Waste substances, explosive, n.o.s	70.00	12.00	5 minutes	25 minutes
XXXVII.	4 (03/08/2017 9:00 AM)	1.3G	Waste substances, explosive, n.o.s	70.00	12.00	5 minutes	25 minutes
XXXVIII.	5 (03/08/2017 9:00 AM)	N/A	Trash tray with ash from previous burn	N/A	N/A	5 minutes	25 minutes
XXXIX.	6 (03/08/2017 9:00 AM)	1.3G	Waste substances, explosive, n.o.s	70.00	12.00	5 minutes	25 minutes
XL.	7 (03/08/2017 9:00 AM)	1.3G	Waste substances, explosive, n.o.s	70.00	12.00	5 minutes	25 minutes
XLI.	8 (03/08/2017 9:00 AM)	1.3G	Waste substances, explosive, n.o.s	70.00	12.00	5 minutes	25 minutes
XLII.	9 (03/08/2017 9:00 AM)	1.3G	Waste substances, explosive, n.o.s	70.00	12.00	5 minutes	25 minutes
XLIII.	10 (03/08/2017 9:00 AM)	1.3C	Waste substances, explosive, n.o.s	290.00	15.00	5 minutes	30 minutes
XLIV.	11 (03/08/2017 10:04 AM)	1.4S	Waste fuses detonating	25.00	1.00	5 minutes	20 minutes
XLV.	12 (03/08/2017 10:04 AM)	1.4S	Waste fuses detonating	12.50	0.50	5 minutes	20 minutes
XLVI.	13 (03/08/2017 10:04 AM)	1.4S	Waste fuses detonating	12.50	0.50	5 minutes	20 minutes
XLVII.	14 (03/08/2017 10:04 AM)	1.4S	Waste components, explosive train, n.o.s	15.00	1.00	5 minutes	20 minutes
XLVIII.	15 (03/08/2017 10:04 AM)	1.4S	Waste components, explosive train, n.o.s	15.00	1.00	5 minutes	20 minutes
XLIX.	16 (03/08/2017 10:04 AM)	1.1B	Waste fuses detonating	17.00	3.00	5 minutes	20 minutes
L.	17 (03/08/2017 10:04 AM)	N/A	Re-burn 1.1A substances from 1" burn	N/A	N/A	5 minutes	20 minutes
LI.	18 (03/08/2017 10:04 AM)	N/A	Re-burn 1.1A substances from 1" burn	N/A	N/A	5 minutes	20 minutes

Clean Harbors Colfax, LLC

AE-PP-17-00520

Page 7

	TRAY NUMBER (date & time)	WASTE CLASS & DIVISION	WASTE NAME	GROSS WEIGHT (in lbs.)	NET EXPLOSIVE WEIGHT (NEW) (in lbs.)	PERMITTED BURN TIME	ACTUAL BURN TIME
LII.	19 (03/08/2017 10:04 AM)	N/A	Re-burn 1.1A substances from 1 <sup>st</sup> burn	N/A	N/A	5 minutes	20 minutes
LIII.	20 (03/08/2017 10:04 AM)	N/A	Re-burn 1.1A substances from 1 <sup>st</sup> burn	N/A	N/A	5 minutes	20 minutes
LIV.	2 (03/08/2017 11:11 AM)	9	Waste air bag modules	196.00	6.00	5 minutes	25 minutes
LV.	3 (03/08/2017 11:11 AM)	9	Waste air bag modules	133.00	7.00	5 minutes	25 minutes
LVI.	4 (03/08/2017 11:11 AM)	1.3G	Waste substances, explosive, n.o.s.	105.00	18.00	5 minutes	25 minutes
LVII.	5 (03/08/2017 11:11 AM)	N/A	Trash tray with ash from previous burn in it	N/A	N/A	5 minutes	25 minutes
LVIII.	6 (03/08/2017 11:11 AM)	9	Waste air bag modules	366.00	11.00	5 minutes	25 minutes
LVIX.	7 (03/08/2017 11:11 AM)	9	Waste air bag modules	354.00	11.00	5 minutes	25 minutes
LX.	8 (03/08/2017 11:11 AM)	1.3G	Waste substances, explosive, n.o.s.	72.00	12.00	5 minutes	25 minutes
LXI.	9 (03/08/2017 11:11 AM)	1.3G	Waste substances, explosive, n.o.s.	72.00	12.00	5 minutes	25 minutes
LXII.	10 (03/08/2017 11:11 AM)	1.3G	Waste substances, explosive, n.o.s.	72.00	12.00	5 minutes	25 minutes
LXIII.	15 (03/08/2017 1:15 PM)	9	Waste air bag modules	161.00	31.00	5 minutes	25 minutes
LXIV.	16 (03/08/2017 1:15 PM)	9	Waste air bag modules	138.00	27.00	5 minutes	25 minutes
LXV.	17 (03/08/2017 1:15 PM)	9	Waste air bag modules	189.00	27.00	5 minutes	25 minutes
LXVI.	18 (03/08/2017 1:15 PM)	9	Waste air bag modules	159.00	26.00	5 minutes	25 minutes
LXVII.	19 (03/08/2017 1:15 PM)	9	Waste air bag modules	156.00	26.00	5 minutes	25 minutes
LXVIII.	20 (03/08/2017 1:15 PM)	9	Waste air bag modules	258.00	43.00	5 minutes	25 minutes
LXIX.	12 (03/08/2017 3:30 PM)	3, 6.1	Waste flammable liquids, n.o.s., waste toxic by inhalation, liquid	700.00	5.00	5 minutes	35 minutes

Clean Harbors Colfax, LLC

AE-PP-17-00520

Page 8

	TRAY NUMBER (date & time)	WASTE CLASS & DIVISION	WASTE NAME	GROSS WEIGHT (in lbs.)	NET EXPLOSIVE WEIGHT (NEW) (in lbs.)	PERMITTED BURN TIME	ACTUAL BURN TIME
LXX.	13 (03/08/2017 3:30 PM)	6.1	Waste toxic by inhalation, liquid	639.00	5.00	5 minutes	35 minutes
LXXI.	14 (03/08/2017 3:30 PM)	6.1	Waste toxic by inhalation, liquid	660.00	5.00	5 minutes	35 minutes
LXXII.	15 (03/08/2017 3:30 PM)	6.1	Waste toxic by inhalation, liquid	443.00	4.00	5 minutes	35 minutes
LXXIII.	16 (03/08/2017 3:30 PM)	6.1	Waste toxic by inhalation, liquid	706.00	5.00	5 minutes	35 minutes
LXXIII.	7 (03/08/2017 3:30 PM)	9	Waste air bag modules	234.00	10.00	5 minutes	25 minutes
LXXIV.	8 (03/08/2017 3:30 PM)	9	Waste air bag modules	509.00	28.00	5 minutes	25 minutes
LXXV.	9 (03/08/2017 3:30 PM)	9	Waste air bag modules	205.00	6.00	5 minutes	25 minutes
LXXVI.	10 (03/08/2017 3:30 PM)	9	Waste air bag modules	150.00	3.00	5 minutes	25 minutes

Each failure to comply with the five (5) minute burn/denotation permit limit is a violation of Specific Requirement 2.5 of Minor Source Permit No. 1120-00010-04AA, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

On or about March 20, 2017, an unannounced air quality inspection of the facility was conducted in response to a citizen's complaint [Department Incident No. T176461] and to determine the degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. While the Department's investigation is not complete, the following violations were noted during the course of the inspection:

The inspector reviewed the facility's treatment logs for March 15, 2017, and noted burn times that exceeded the five (5) minute burn/denotation permit limit as noted in the table below:

	TRAY NUMBER (time)	WASTE CLASS & DIVISION	WASTE NAME	GROSS WEIGHT (in lbs.)	NET EXPLOSIVE WEIGHT (NEW) (in lbs.)	PERMITTED BURN TIME	ACTUAL BURN TIME
I.	12 (3:05 PM)	6.1	Waste toxic by inhalation, liquid	647.00	4.00	5 minutes	25 minutes
II.	13 (3:05 PM)	6.1	Waste toxic by inhalation, liquid	668.00	4.00	5 minutes	25 minutes
III.	14 (3:05 PM)	6.1	Waste toxic by inhalation, liquid	649.00	4.00	5 minutes	25 minutes
IV.	15 (3:05 PM)	6.1	Waste toxic by inhalation, liquid	630.00	4.00	5 minutes	25 minutes



Clean Harbors Colfax, LLC

AE-PP-17-00520

Page 9

	TRAY NUMBER (time)	WASTE CLASS & DIVISION	WASTE NAME	GROSS WEIGHT (in lbs.)	NET EXPLOSIVE WEIGHT (NEW) (in lbs.)	PERMITTED BURN TIME	ACTUAL BURN TIME
V.	16 (3:05 PM)	6.1	Waste toxic by inhalation, liquid	644.00	4.00	5 minutes	25 minutes

Each failure to comply with the five (5) minute burn/denotation permit limit is a violation of Specific Requirement 2.5 of Minor Source Permit No. 1120-00010-04AA, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

On or about April 21, 2017, an unannounced air quality inspection of the facility was conducted in response to a citizen's complaint [Department Incident No. T177149] and to determine the degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. While the Department's investigation is not complete, the following violations were noted during the course of the inspection and/or file review:

The inspector reviewed the facility's treatment logs for April 18, 2017, and noted burn times that exceeded the five (5) minute burn/denotation permit limit as noted in the table below:

	TRAY NUMBER (time)	WASTE CLASS & DIVISION	WASTE NAME	GROSS WEIGHT (in lbs.)	NET EXPLOSIVE WEIGHT (NEW) (in lbs.)	PERMITTED BURN TIME	ACTUAL BURN TIME
I.	8 (9:28 AM)	N/A	Reburn	N/A	N/A	5 minutes	2 hours
II.	9 (9:28 AM)	N/A	Reburn	N/A	N/A	5 minutes	7 hours
III.	10 (9:28 AM)	N/A	Reburn	N/A	N/A	5 minutes	7 hours
IV.	17 (9:28 AM)	1.4C	Waste substances explosives	28.50	4.50	5 minutes	45 minutes
V.	18 (9:28 AM)	1.4C	Waste substances explosives	28.50	4.50	5 minutes	45 minutes
VI.	19 (9:28 AM)	1.4C	Waste substances explosives	275.00	190.00	5 minutes	1.5 hours
VII.	20 (9:28 AM)	1.4C	Waste substances explosives	272.00	188.00	5 minutes	1.5 hours
VIII.	14 (10:30 AM)	1.4C	Waste substances explosives	68.00	47.00	5 minutes	30 minutes
IX.	15 (10:30 AM)	1.4C	Waste substances explosives	68.00	47.00	5 minutes	2 hours
X.	16 (10:30 AM)	1.4C	Waste substances explosives	408.00	282.00	5 minutes	2 hours
XI.	12 (11:50 AM)	1.4C	Waste substances explosives	225.00	200.00	5 minutes	45 minutes
XII.	13 (11:50 AM)	1.4C	Waste substances explosives	225.00	200.0	5 minutes	45 minutes
XIII.	11 (12:50 PM)	9	Waste airbags	103.00	5.00	5 minutes	45 minutes

Clean Harbors Colfax, LLC  
 AE-PP-17-00520  
 Page 10

	TRAY NUMBER (time)	WASTE CLASS & DIVISION	WASTE NAME	GROSS WEIGHT (in lbs.)	NET EXPLOSIVE WEIGHT (NEW) (in lbs.)	PERMITTED BURN TIME	ACTUAL BURN TIME
XIV.	12 (12:50 PM)	1.4C	Waste substances explosives	225.00	200.00	5 minutes	45 minutes
XV.	13 (12:50 PM)	1.4C	Waste substances explosives	225.00	200.00	5 minutes	45 minutes
XVI.	2 (1:50 PM)	1.4C	Waste substances explosives	225.00	200.00	5 minutes	45 minutes
XVII.	3 (1:50 PM)	1.4C	Waste substances explosives	225.00	200.00	5 minutes	45 minutes
XVIII.	13 (2:50 PM)	1.4C	Waste substances explosives	225.00	200.00	5 minutes	45 minutes
XIX.	14 (2:50 PM)	1.4C	Waste substances explosives	225.00	200.00	5 minutes	45 minutes
XX.	11 (3:50 PM)	1.4C	Waste substances explosives	225.00	200.00	5 minutes	45 minutes
XXI.	12 (3:50 PM)	1.4C	Waste substances explosives	225.00	200.00	5 minutes	45 minutes

Each failure to comply with the five (5) minute burn/denotation permit limit is a violation of Specific Requirement 2.5 of Minor Source Permit No. 1120-00010-04AA, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

On or about June 9, 2017, the Department conducted a file review to determine the Respondent's determine the degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. While the Department's investigation is not complete, the following violation was noted during the course of the file review:

In the Treated Waste Annual Report for the 2016 calendar year dated January 6, 2017, the Respondent failed to include all required components. Specifically, the total quantities of each treated waste for the preceding calendar year were not included in the annual report. Failure to submit a complete report is a violation of Specific Requirement 12 of Minor Source Permit No. 1120-00010-04AA, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

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.

Prior to the issuance of any additional appropriate enforcement action, 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 Antoinette Cobb at (225) 219-3072 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

Clean Harbors Colfax, LLC  
AE-PP-17-00520  
Page 11

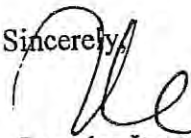
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue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

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, 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 "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" 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.

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

LI/AFC/afc  
Alt ID No. 1120-00010

c: Clean Harbor Colfax, LLC  
c/o Mr. Jerry McPheron, General Manager  
3763 Louisiana Highway 471  
Colfax, Louisiana 71417

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

**NOTICE OF POTENTIAL PENALTY  
 REQUEST TO SETTLE (OPTIONAL)**



Enforcement Tracking No.	AE-PP-17-00520	Contact Name	Antoinette Cobb
Agency Interest (AI) No.	32096	Contact Phone No.	(225) 219-3072
Alternate ID No.	1120-00010		
Respondent:	Clean Harbors Colfax, LLC	Facility Name:	Colfax Facility
	c/o C T Corporation System	Physical Location:	3763 Louisiana Highway 471
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Colfax, Louisiana 71417
	Baton Rouge, LA 70816	Parish:	Grant

**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 (AE-PP-17-00520), 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 (AE-PP-17-00520), 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 (AE-PP-17-00520) 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: Antoinette Cobb

JOHN BEL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, Ph.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

March 23, 2018

CERTIFIED MAIL (7004 1160 0001 9956 5765)  
RETURN RECEIPT REQUESTED

**CLEAN HARBORS COLFAX, 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. MM-CN-18-00108  
AGENCY INTEREST NO. 32096**

Dear Sir:

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 **CLEAN HARBORS COLFAX, LLC (RESPONDENT)** for the violation(s) described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation(s) 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 Craig Easley at (225) 219-3801.

Sincerely,

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

Celena J. Cage  
Administrator  
Enforcement Division

CJC/kce/wrs  
Alt ID Nos. LAD981055791; LA0101931



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

**IN THE MATTER OF**

**CLEAN HARBORS COLFAX, LLC  
GRANT PARISH  
ALT ID NOS. LAD981055791; LA0101931**

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

\*  
\*  
\* **ENFORCEMENT TRACKING NO.**  
\*  
\* **MM-CN-18-00108**  
\*  
\* **AGENCY INTEREST NO.**  
\*  
\* **32096**  
\*

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **CLEAN HARBORS COLFAX, 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 the Colfax facility (the facility), a hazardous waste treatment facility, located at 3763 Louisiana Highway 471 in Colfax, Grant Parish, Louisiana. The Respondent owns and/or operates a facility explosive and reactive waste treatment facility known to the Department as Clean Harbors Colfax, LLC located at 3763 Highway 471, Colfax, Rapides Parish, Louisiana. The facility is a permitted hazardous waste storage, treatment, and disposal (TSD) facility that thermally treats reactive and explosive wastes and operates under EPA Identification Number LAD981055791. The Department issued the Respondent a Hazardous Waste TSD Operating Permit No. LAD981055791-OP-RN-1 with an effective of October 26, 2007, and an expiration date of October 26, 2017. The Respondent submitted a permit application for the renewal of its Hazardous Waste TSD Operating Permit on or about April 27, 2017. The application was determined by the Department to be

administratively complete on May 26, 2017, therefore, Hazardous Waste TSD Operating Permit No. LAD981055791-OP-RN-1 has been deemed administratively continued by the Department.

II.

The Respondent is authorized to discharge non-contact storm water runoff and treated sanitary wastewater into an unnamed ditch, thence into Summerfield Branch, thence into Bayou Grappe, then into the Red River, waters of the state, under Louisiana Pollutant Discharge Elimination System (LPDES) Permit No. LA0101931, issued to the Respondent on August 1, 2011, with an effective date of September 1, 2011, and an expiration date of August 31, 2016. The Respondent submitted a permit application for the renewal of LPDES Permit No. LA0101931 on or about January 27, 2016. The application was determined by the Department to be administratively complete on February 3, 2016, therefore, LPDES Permit No. LA0101931 has been deemed administratively continued by the Department.

III.

The Respondent was issued **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. MM-CN-16-01015 (the Order)**, on or about October 27, 2016, for violations of the Louisiana Air Quality, Water Quality, Hazardous Waste, and Solid Waste Regulations. The Respondent submitted a request for an adjudicatory hearing regarding the Order in correspondence dated November 23, 2016. The Department approved the Respondent's request for an adjudicatory hearing in correspondence dated December 20, 2016. The Department and the Respondent entered into a dispute resolution agreement in correspondence dated December 20, 2016. That dispute resolution agreement was extended on May 1, 2017, June 14, 2017, August 2, 2017, and December 7, 2017. The Department ultimately granted the Respondent's request for an adjudicatory hearing in correspondence dated January 11, 2018.

IV.

The Order (Order Paragraphs I & VI) stipulated that the Respondent immediately cease any and all discharges from Outfall 001 and to conduct closure of an unpermitted hazardous waste surface impoundment constructed and operated by the Respondent. Specifically, Outfall 001 consisted of the discharge from the impoundment that was receiving contact storm water runoff from concrete pad used for thermal treatment of explosive/reactive wastes. The Department maintained in the Order that the Respondent had and was operating a surface impoundment (designated by the Respondent as the "Retention Pond") that received characteristic and/or listed hazardous wastewaters generated as a result

of the Respondent's thermal treatment of reactive and explosive hazardous wastes without obtaining a requisite permit or other authorization. Upon its receipt of the Order, the Respondent immediately ceased all discharges from Outfall 001. After it terminated discharges of contact storm water from the burn pad to the Retention Pond, the Respondent initially utilized frac containers for the storage of this wastewater. In March 2017, the Respondent constructed and began utilizing a modular wastewater vessel (a/k/a Mod-U-Tank) to receive and manage wastewaters originating from the burn pad. The dimensions of the modular wastewater vessel was approximately 124' x 124' x 5' and had a capacity of approximately 520,000 gallons. The modular wastewater vessel was constructed of a high-density polyethylene (HDPE) liner supported by galvanized steel panels, framing, brackets, and tension cables. The modular wastewater vessel was also equipped with an underlying HDPE liner for the purpose of providing secondary containment. During dispute resolution negotiations (as described in Findings of Fact Paragraph III), the Department explicitly expressed its concerns regarding the suitability and structural integrity of the aforementioned modular wastewater vessel for the receipt and management of wastewaters originating from the burn pad. Additionally, the Respondent failed to inform the Department's Office of Environmental Compliance prior to the construction of the vessel.

#### V.

According to a notification submitted by the Respondent the Department's Single Point of Contact (SPOC), during the early morning hours of February 26, 2018, there was a catastrophic failure of the above-referenced modular wastewater vessel containing contact storm water (i.e., wastewater) originating from the burn pad. According to estimates provided by the Respondent to the Department (via its SPOC notification and subsequent teleconferences regarding the incident), approximately 450,000 to 475,000 gallons of untreated wastewater was released as a result of the vessel's catastrophic failure. On or about February 26, 2018, the Department conducted an inspection of the above-referenced facility in response to the incident. During the inspection, the Department noted that a breach along the east wall of the modular wastewater vessel occurred causing an approximately twenty (20) to thirty (30) foot wide section of the modular wastewater vessel to collapse. The release of this wastewater flowed downhill into an unnamed creek which ultimately discharged into Bayou Grappe, thence into the Red River, waters of the state. Previous sampling and analysis data provided to the Department by the Respondent have indicated that contact storm water originating from the burn pad and ultimately conveyed to the modular wastewater vessel (subsequent to the Respondent's decontamination of listed waste residues from the burn pad in September 2016) would not be classified



as a hazardous waste. On or about March 5, 2018, the Department conducted an additional inspection of the facility in response to the incident. During the inspection, the Department observed sludge/solids that had been discharged from the modular wastewater vessel as a result of the incident. The sludge/solids was/were observed in a broad area beginning from the western wall of the modular wastewater vessel and down to an unnamed ditch. Based upon the Department observations, the impacted area was approximately 1 to 1.5 acres in size. The sludge/solids had a gritty appearance and was/were dark gray to black in color.

## VI.

On or about February 26, 2018, and March 5, 2018, the Department conducted a focused compliance inspection of the Respondent's facility in response to the incident described in Findings of Fact Paragraph V. While the Department's investigation is not yet complete, the Department's inspections revealed the following violations:

- A. The Respondent caused and/or allowed the unauthorized disposal 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 and LAC 33:VII.315.L. Specifically, the Respondent caused and/or allowed the disposal of wastewaters described in Findings of Fact Paragraph V. Specifically, the catastrophic failure of the modular wastewater vessel resulted (as described in Findings of Fact Paragraphs IV and V) in the unauthorized disposal of approximately 450,000 to 475,000 gallons of untreated wastewater to soils and waters of the state.
- B. The Respondent constructed and operated a solid waste storage tank that failed to adequately minimize the potential for solid waste to be released to the surrounding environment, in violation of LAC 33:VII.503.B.1. As evidenced by its catastrophic failure, the design, construction, and/or operation of the modular wastewater vessel (described in Findings of Fact Paragraphs IV and V) failed to adequately minimize the potential for solid waste to be released to the surrounding environment.
- C. The Respondent caused and/or allowed the unauthorized discharge of 450,000 to 475,000 gallons of contact storm water and other wastewater from the modular wastewater vessel into waters of the state from a location not authorized in LPDES permit LA0101931 in violation of La. R.S. 30:2076(A)(1)(a) and LAC 33:XI.501.D.

## COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

### I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, any and all unauthorized discharges into waters of the state.

### II.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, depositing or allowing the deposit and/or disposal of regulated solid waste at the facility or any other site not permitted to receive solid waste.

### III.

To excavate, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, any and all areas of visibly contaminated soils resulting from the spill/discharge incident described in Findings of Fact Paragraphs V and VI. The Respondent shall properly characterize and dispose of all contaminated soils in accordance with the applicable Louisiana Solid Waste and/or Hazardous Waste Regulations.

### IV.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, the transfer/conveyance of wastewaters generated from the burn pad as a result of the Respondent's thermal treatment of reactive and explosive hazardous wastes to the modular wastewater vessel described in Findings of Fact Paragraphs IV, V, and VI. Additionally, the Respondent shall submit within seven (7) days after receipt of this **COMPLIANCE ORDER**, a plan specifying the future conveyance and management of wastewaters generated from the burn pad.

### V.

To submit, within seven (7) days after receipt of this **COMPLIANCE ORDER**, to and for the approval of the Department's Remediation Division, a Risk-Based Corrective Action Program (RECAP) Site Investigation Work Plan. The RECAP Site Investigation shall address the assessment of potential environmental contamination resulting from the catastrophic failure of the above-referenced modular wastewater vessel described in Findings of Fact Paragraphs IV, V, and VI.

### VI.

To implement, within thirty (30) days of the Department's approval, the Risk Evaluation/Corrective Action Program (RECAP) Site Investigation Work Plan. The Respondent shall notify the Department's Acadiana Regional Office at least seven (7) days prior to any sampling event

notify the Department's Acadiana Regional Office at least seven (7) days prior to any sampling event conducted in association with the RECAP site investigation to allow the Department to witness the sampling event and to approve the number and location of samples collected.

VII.

To submit to the Department's Remediation Division, the RECAP Site Investigation Report within thirty (30) days of completion of the RECAP Site Investigation.

VIII.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Louisiana Hazardous Waste, Solid Waste, and Water Quality Regulations.

IX.

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 any and all other reports or information relative to this **COMPLIANCE ORDER**, shall be submitted to:

Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
**Attn: Craig Easley**  
**Re: Enforcement Tracking No. MM-CN-18-00108**  
**Agency Interest No. 32096**

**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-18-00108**  
**Agency Interest No. 32096**

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 Craig Easley at (225) 219-3801 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.

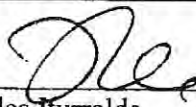
V.

The **NOTICE OF POTENTIAL PENALTY** will not be closed if the Respondent owes outstanding fees to the Department. Please contact the Financial Services Division at 225-219-3865 or via email at [\\_DEQ-WWWFinancialServices@la.gov](mailto:_DEQ-WWWFinancialServices@la.gov) to determine if you owe outstanding fees.

VI.

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

Baton Rouge, Louisiana, this 23<sup>rd</sup> day of March, 2018.

  
\_\_\_\_\_  
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: Craig Easley

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



Enforcement Tracking No.	MM-CN-18-00108	Contact Name	Craig Easley
Agency Interest (AI) No.	32096	Contact Phone No.	225-219-380
Alternate ID No(s).	LAD981055791; LA0101931		
Respondent:	Clean Harbors Colfax, LLC	Facility Name:	Clean Harbors Colfax, LLC
	c/o C T Corporation System	Physical Location:	3763 Highway 471
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Colfax, LA 71417
Baton Rouge, LA 70816	Parish:	Grant	

**STATEMENT OF COMPLIANCE**

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II 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(s) ? 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(s) ? of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 90 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? 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:I.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY («Tracking_»), 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"/>	<p>In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY («Tracking_»), 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.</p> <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• <b>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.</b></li> </ul> <p>The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY («Tracking_») and has attached a justification of its offer and a description of any BEPs if included in settlement offer.</p>

**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: Craig Easley