

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

LEI, INC.

AI # 24512, 185115, 123236

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

* Settlement Tracking No.
* SA-HE-20-0118
*
* Enforcement Tracking Nos.
* HE-CN-20-00330
* HE-CN-20-00411
* HE-CN-20-00413
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SETTLEMENT

The following Settlement is hereby agreed to between LEI, Inc. (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a corporation that owns and/or operates facilities located in Tangipahoa Parish, Louisiana (“the Facilities”).

II

On October 9, 2019, Respondent alerted the Department of possible compliance issues involving waste management practices. Respondent investigated the matter and disclosed the results of its investigations in a report submitted to the Department on November 18, 2019, and updated on February 28, 2020 (collectively, “the Self-Disclosure”).

On November 22, 2019, the Department inspected Respondent’s two Independence facilities (AI Nos. 185115, and 123236), and on December 10, 2019, the Department inspected Respondent’s facility in Hammond (AI No. 24512) (collectively, “the Inspections”).

As a result of the Inspections, the Department issued the following Warning Letters to Respondent:

- 1) On May 11, 2020, the Department issued to Respondent Warning Letter, Enforcement Tracking No. HE-L-20-00330, (Exhibit 1);
- 2) On June 5, 2020, the Department issued to Respondent Warning Letter, Enforcement Tracking No. HE-L-20-00413 (Exhibit 2); and
- 3) On June 5, 2020, the Department issued to Respondent Warning Letter, Enforcement Tracking No. HE-L-20-00411 (Exhibit 3).

In addition, the Department issued to Respondent the following enforcement actions:

- 1) On June 5, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. HE-CN-20-00330 (Exhibit 4);
- 2) On July 6, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. HE-CN-20-00411 (Exhibit 5).
- 3) On July 6, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. HE-CN-20-00413 (Exhibit 6).

III

In response to the Consolidated Compliance Orders and Notices of Potential Penalty, Respondent made timely requests for a hearing.

IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FORTY-FIVE THOUSAND AND NO/100 DOLLARS (\$45,000.00), of which Seven Thousand Four Hundred Three and 95/100 Dollars (\$7,403.95) represents the Department's enforcement costs, in settlement of all violations identified in the Self-Disclosure; the Inspections; Warning Letters HE-L-20-00330, HE-L-20-00413, and HE-L-20-00411; and Consolidated Compliance Orders & Notices of Potential Penalty HE-CN-20-00330, HE-CN-20-00411, and HE-CN-20-00413. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Orders and Notices of Potential Penalty, and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VII

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this

agreement.

VIII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

IX

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.

X

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

XI

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).

XII

In consideration of the above, any claims for penalties for violations identified in the Self-Disclosure; the Inspections; Warning Letters HE-L-20-00330, HE-L-20-00413, and HE-L-20-00411; and Consolidated Compliance Orders & Notices of Potential Penalty HE-CN-20-00330, HE-CN-20-00411, and HE-CN-20-00413 are hereby compromised and settled in accordance with the terms of this Settlement.

XIII

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.

LEI, INC.

BY: [Signature]
(Signature)

Agee Landyn Oller
(Printed)

TITLE: Senior Management

THUS DONE AND SIGNED in duplicate original before me this 17th day of July, 20 21, at Hammond, Louisiana

[Signature]
NOTARY PUBLIC (ID # 26817)

JAMES LEE BREAUX
NOTARY PUBLIC
State of Louisiana, Bar Roll # 26817
My Commission Expires 10/1/21
(stamped or printed)

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

BY: [Signature]
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 17th day of September, 20 21, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 92503)

AMBER G. LITCHFIELD
Notary Public
State of Louisiana
Notary ID # 92503
East Baton Rouge Parish
(stamped or printed)

Approved: [Signature]
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

May 11, 2020

Charles Germany
c/o LEI, Inc.
P. O. Box 550
Independence, LA 70443

RE: LEI INC
WARNING LETTER
ENFORCEMENT TRACKING NO. HE-L-20-00330
Activity Tracking No. ENF20200001
AI No. 24512

Dear Sir/Madam:

On or about December 10, 2019, an inspection of the above referenced facility was conducted to determine compliance with the Louisiana Environmental Quality Act and supporting regulations. The inspection report, noting areas of concern, has been forwarded to the Enforcement Division. All violations at your facility will be taken into consideration in determining what further actions this office will take.

We strongly encourage you to review the findings of our most recent inspection and immediately take any and all steps to ensure compliance with all environmental regulations at your facility. We request that you review the area(s) of concern noted and submit a written response within **30 days** of receipt of this letter to Mr. Craig Easley at the address below. In your response, please include any action(s) you have taken to correct the area(s) of concern at your facility.

If you have any questions regarding this potential civil enforcement matter, please contact Mr. Craig Easley at (225) 219-3801.

Sincerely,

A handwritten signature in black ink that reads "Nicole V. Anthony".

Nicole V. Anthony
Manager
Waste Enforcement Section

NVA/CE/ce
Alt ID.:LA0000365668



JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 5, 2020

LEI, Inc.
c/o Charles Germany, Operations Director
P.O. Box 550
Independence, LA 70443

**RE: LEI INC
WARNING LETTER
ENFORCEMENT TRACKING NO. HE-L-20-00413
Activity Tracking No. ENF20200001
AI No. 123236**

Dear Sir/Madam:

On or about November 22, 2019, an inspection of the above referenced facility was conducted to determine compliance with the Louisiana Environmental Quality Act and supporting regulations. The inspection report, noting areas of concern, has been forwarded to the Enforcement Division. All violations at your facility will be taken into consideration in determining what further actions this office will take.

We strongly encourage you to review the findings of our most recent inspection and immediately take any and all steps to ensure compliance with all environmental regulations at your facility. We request that you review the area(s) of concern noted and submit a written response within **30 days** of receipt of this letter to Mr. Craig Easley at the address below. In your response, please include any action(s) you have taken to correct the area(s) of concern at your facility.

If you have any questions regarding this potential civil enforcement matter, please contact Mr. Craig Easley at (225) 219-3801.

Sincerely,

A handwritten signature in black ink that reads "Nicole V. Anthony".

Nicole V. Anthony
Manager
Waste Enforcement Section

NVA/CE/ce
Alt ID.:LAR 000 055 467



JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 5, 2020

LEI, Inc.
c/o Charles Germany, Operations Director
P.O. Box 550
Independence, LA 70443

**RE: LEI INC - LEI RECYCLE FACILITY
WARNING LETTER
ENFORCEMENT TRACKING NO. HE-L-20-00411
Activity Tracking No. ENF20200001
AI No. 185115**

Dear Sir/Madam:

On or about November 22, 2019, an inspection of the above referenced facility was conducted to determine compliance with the Louisiana Environmental Quality Act and supporting regulations. The inspection report, noting areas of concern, has been forwarded to the Enforcement Division. All violations at your facility will be taken into consideration in determining what further actions this office will take.

We strongly encourage you to review the findings of our most recent inspection and immediately take any and all steps to ensure compliance with all environmental regulations at your facility. We request that you review the area(s) of concern noted and submit a written response within **30 days** of receipt of this letter to Mr. Craig Easley at the address below. In your response, please include any action(s) you have taken to correct the area(s) of concern at your facility.

If you have any questions regarding this potential civil enforcement matter, please contact Mr. Craig Easley at (225) 219-3801.

Sincerely,

A handwritten signature in cursive script that reads "Nicole V. Anthony".

Nicole V. Anthony
Manager
Waste Enforcement Section

NVA/CE/ce
Alt ID.:LAR 000 077 560



JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

JUN 05 2020

CERTIFIED MAIL (7012 3460 0001 0423 4908)
RETURN RECEIPT REQUESTED

LEI, INC.
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Dr.
Baton Rouge, LA 70816

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-CN-20-00330
AGENCY INTEREST NO. 24512**

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 **LEI, INC. (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 Craig Easley at (225) 219-3801.

Sincerely,

Celena A. Cage
Administrator
Enforcement Division

CJC/KCE/kce
Alt ID No. LA0000365668
Attachment



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
LEI, INC.	*	ENFORCEMENT TRACKING NO.
TANGIPAHOA PARISH	*	
ALT ID NO. LA0000365668	*	HE-CN-20-00330
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	24512
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 **LEI, INC. (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 waste storage and universal waste destination facility located at 46257 Morris Road in Hammond, Tangipahoa Parish, Louisiana. The Respondent has notified as a recycler of hazardous waste and a large quantity handler of universal waste for batteries, pesticides, mercury-containing equipment, lamps, and other universal waste. The facility consists of one (1) metal building with offices and a separate larger section for the universal waste lamp recycling equipment and warehouse storage. The facility operates under Hazardous Waste Operating Permit Number LA0000365668-OP-RN-1 with an effective date of June 24, 2010, and an expiration date of June 24, 2020.

II.

On or about December 10, 2019, and December 16, 2019, the Department conducted inspections of the Respondent's facility, to determine the degree of compliance with the Louisiana Hazardous Waste Regulations, Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1, and the Act. While the

Department's investigation is not complete, the following violations were documented as a result of the above-referenced inspections:

- A. The Respondent caused and/or allowed the unauthorized disposal of hazardous waste, in violation of LAC 33:V.303.B. Specifically, the Respondent: 1) disposed of a one (1) liter bottle containing elemental mercury hazardous waste (D009); and 2) disposed of vermiculite waste characteristically toxic for mercury (D009) without a permit or other authorization. Both of these hazardous wastes were discovered within the Respondent's non-hazardous roll-off container during the above-referenced inspections.
- B. The Respondent stored hazardous wastes on-site for greater than one (1) year, in violation of LAC 33:V.309.A, LAC 33:V.2205.B, and Hazardous Waste Permit No. LA0000365668-OP-RN-1 Conditions II.E.1 and VII.A.7.b, as described below:
 - 1) During the December 12, 2019 inspection, the Department observed eleven (11) containers of hazardous waste that had been stored on-site by the Respondent on-site for greater than one (1) year (as evidenced by labels/markings applied by the Respondent on those containers); and
 - 2) A review of a "Container Report" provided by the Respondent during the above-referenced inspections revealed that an additional ten (10) containers of hazardous waste had been stored on-site for greater than one (1) year.
- C. The Respondent failed to clearly label containers of hazardous waste, in violation of LAC 33:V.309.A, LAC 33:V.2205.A.2, and Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1; Permit Conditions VII.A.7.b and II.E.1. Specifically, the Respondent failed to clearly label the following containers with an accumulation start date:
 - 1) two (2) 5-gallon containers of hazardous waste (located within the permitted container storage areas);
 - 2) one (1) 55-gallon drum of reagent vial hazardous waste (located within the permitted container storage areas);
 - 3) one (1) 55-gallon container of hazardous waste battery acid (located within the permitted container storage area);

- 4) two (2) cardboard boxes storing hazardous waste air filters (located within an area designated as the "System 2000 Operations Area"); and
 - 5) twenty-two (22) containers of elemental mercury hazardous waste (located within the permitted container storage areas).
- D. The Respondent failed to perform a hazardous waste determination for solid wastes generated and/or managed at the Respondent's facility, in violation of LAC 33:V.1103.B. Specifically, the Respondent failed to determine whether: 1) one (1) 1-gallon container of waste labeled with the words "Ammonium Nitrate" (located in the permitted container storage area designated as "PC-8") and 2) accumulations of uncontained waste residue resulting from bulb-crushing activities were a hazardous waste.
- E. The Respondent failed to label three (3) hazardous waste containers in accordance with the approved Waste Analysis Plan (WAP) associated with Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1 with the words "Hazardous Waste" or with the storage (accumulation) start date, in violation of Hazardous Waste Permit LA0000365668-OP-RN-1 Permit Conditions II.E.36 and II.E.1 and LAC 33:V.1519.B and LAC 33:V.309.A. The labels on the drums were faded. The Respondent indicated in email correspondence dated January 3, 2020, that the faded container labels were replaced.
- F. The Respondent failed to provide sufficient secondary containment for hazardous wastes stored within permitted hazardous waste container storage area(s), in violation of Hazardous Waste Permit LA0000365668-OP-RN-1; Permit Conditions V.A.3.a.ii.(1) and II.E.1 and LAC 33:V.309.A. Specifically, during the December 10, 2019 inspection, the Department observed three (3) containers storing liquid hazardous waste stored within permitted container storage areas that were not equipped with requisite secondary containment.
- G. The Respondent failed to ensure containers of hazardous waste were properly closed, in violation of Hazardous Waste Permit LA0000365668-OP-RN-1; Permit Conditions V.A.4.d.i and II.E.1, LAC 33:V.2107.A, and LAC 33:V.309.A. Specifically, during the December 10, 2019 inspection, the Department observed: 1) three (3) hazardous waste containers (located within the permitted container storage areas; and 2) two (2) boxes of hazardous waste air filters (located within an area designated as the "System 2000 Operations Area") were not properly closed.

- H. The Respondent stored universal waste mercury-containing equipment on-site for greater than one (1) year, in violation of LAC 33:V.3825.A. Specifically, based upon observations made and records reviewed during the December 10, 2019 inspection, the Department documented four (4) containers of universal waste mercury-containing equipment and three (3) containers of universal waste batteries that had been stored on-site for greater than one (1) year.
- I. The Respondent failed to maintain adequate secondary containment for a permitted hazardous waste container storage area, in violation of Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1; Permit Conditions II.E.1, V.A.3.a, V.A.3.b.ii, LAC 33:V.2111.B.1, and LAC 33:V.309.A. Specifically, during the December 10, 2019 inspection, the Department observed tears in the fabric/portable secondary containment system associated with the permitted hazardous waste container storage area designated as "PC-2".
- J. The Respondent failed to label universal waste batteries with the words "Universal Waste— Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)," in violation of LAC 33:V.3823.A.1. Specifically, during the December 10, 2019 inspection, the Department observed ten (10) unlabeled batteries on a pallet within an area designated as the "Additional Non-Permitted Area".
- K. The Respondent failed to document deficiencies in the permitted container storage areas as required by its approved Inspection Plan specified in Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1, in violation of Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1 Conditions III.E, V.A.9.a.i.(2), and II.E.1, LAC 33:V.1509.B.1, and LAC 33:V.309.A. Specifically, during the December 10, 2019 inspection, the Department noted numerous deficiencies in the permitted container storage areas (e.g., open containers, coating in poor condition, etc.) that were not documented on inspection logs that were reviewed by the Department during the above-referenced inspections.
- L. The Respondent failed to record corrective actions taken to address deficiencies noted during daily inspections of permitted hazardous waste units, in violation of Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1 Permit Conditions II.E, V.A.9.a.i.(3), II.E.1, LAC 33:V.309.A, and LAC 33:V.1509.D and. A review of the Facility Daily Inspection Sheets for May 8, 2019, and May 9, 2019, revealed that the Respondent noted issues found

during those daily inspections; however, the Respondent did not record corrective actions taken on those issues.

- M. The Respondent failed to implement the approved Inspection Plan specified in Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1 in violation of Hazardous Waste Operating Permit LA0000365668-OP-RN-1; Permit Conditions II.E.1, III.E, V.A.6.a, & V.A.9.a.i., and LAC 33:V.1509.B.1 and LAC 33:V.309.A. Specifically, a review of the Emergency Spill Control Inspection record for May 6, 2019, revealed the Respondent failed to conduct an inspection of the “Portable Powder Spill Control Sprayers.”
- N. The Respondent failed to maintain and operate all facilities to minimize the possibility of a sudden or non-sudden release of hazardous wastes or hazardous constituents to air, soil, or water that could threaten human health or the environment, in violation of Hazardous Waste Operating Permit No. LA0000365 68-OP-RN-1; Permit Conditions II.E.1 & III.A and LAC 33:V.309.A, and LAC 33:V.1511.B. Specifically, during a sampling and analysis event conducted at the Respondent’s facility on or about February 28, 2020, the Department observed uncontainerized waste associated with bulb crushing activities in several locations within the facility. Additionally, sampling and analysis data associated with the aforementioned sampling event revealed that off-site soils from a nearby residence had concentrations of mercury significantly greater than established risk-based screening standards.
- O. The Respondent failed to store hazardous waste flammable liquids (D001) in a permitted container storage area, in violation of Hazardous Waste Operating Permit No. LA0000365 668-OP-RN-1; Permit Conditions II.E.1, II.E.36, & V.A.2.a, and LAC 33:V.309.A and LAC 33:V.1519.B. Specifically, a review of hazardous waste manifests 012816822 FLE, 012816898 FLE, and 012816932 FLE revealed that the Respondent stored hazardous waste flammable liquids (D001) in cargo tank or tank truck (indicated as code “TT” on the waste manifests). As specified in Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1, the Respondent is prohibited from storing hazardous wastes accepted from off-site anywhere other than permitted container storage areas. The Respondent’s permitted container storage areas did not have the space and/or capacity to store hazardous wastes in cargo tanks and/or tanker trucks.

P. The Respondent did not include information required by LAC 33:V.1107.B.1.e on twenty-two (22) hazardous waste manifests and on approximately one-hundred and eighty-nine (189) rejected hazardous waste manifests, in violation of Hazardous Waste Permit LA0000365668-OP-RN-1; Permit Conditions III.M.1 and II.E.1 and LAC 33:V.309.A and LAC 33:V.1516.B.3 as specified in LAC 33:V.1107.B.1.e. The manifest discrepancies are described in Table 1 below:

Manifest Number	Hazardous Waste Description	Generator Signature Date	Missing Information	Waste Codes
012816822 FLE	Waste Flammable Liquids	January 3, 2019	Total Quantity (Item 11)	D001
012816825 FLE	Waste Flammable Liquids and Waste Flammable Liquids	January 3, 2019	Number of Containers (Item 10) and Total Quantity (Item 11)	D001
012816898 FLE	Waste Flammable Liquids	January 17, 2019	Number of Containers (Item 10) and Total Quantity (Item 11)	D001
012816932 FLE		January 24, 2019		
012816942 FLE		January 24, 2019		
012817187 FLE		February 28, 2019		
012816896 FLE	Waste Sodium Hydroxide Solution and Waste Corrosive Liquid, Basic, Inorganic	January 17, 2019	Number of Containers (Item 10) and Total Quantity (Item 11)	D002
012816930 FLE		January 24, 2019		
012817239 FLE		March 7, 2019		
012816897 FLE	Waste Flammable Liquids and Waste Flammable Liquids	January 17, 2019	Number and Type of Containers (Item 10) and Total Quantity (Item 11)	D001
012816936 FLE	Hazardous Waste Liquid and Waste Corrosive Liquid	January 24, 2019	Number and Type of Containers (Item 10) and Total Quantity (Item 11)	D004-, D007 and D002
012816973 FLE		January 31, 2019		
012817009 FLE	Waste Resin Solutions, Flammable	February 7, 2019	Number and Type of Containers (Item 10) and Total Quantity (Item 11)	D001
012817012 FLE	Hazardous Waste Liquid and Waste Corrosive Liquid and Waste Corrosive Liquid	February 7, 2019	Number and Type of Containers (Item 10) and Total Quantity (Item 11)	D004-D007 and D002 and D002
012817013 FLE	Waste Corrosive Liquid (Sodium Hydroxide, Acid)	February 7, 2019	Number and Type of Containers (Item 10) and Total Quantity (Item 11)	D002
012817121 FLE	Waste Hexanes	February 21, 2019	Total Quantity (Item 11)	D001

Table 1				
Manifest Number	Hazardous Waste Description	Generator Signature Date	Missing Information	Waste Codes
012817124 FLE	Waste Solids containing Flammable Liquid	February 21, 2019	Total Quantity (Item 11)	D001
012817120 FLE	Waste Corrosive Liquid	February 21, 2019	Total Quantity (Item 11)	D002
012817189 FLE	Waste Corrosive Liquid (Sulfuric Acid and Water), Waste Corrosive Liquid (Sodium Hydroxide, Acid)	February 28, 2019	Total Quantity (Item 11)	D002, D009
012817238 FLE	Waste Corrosive Liquid	March 7, 2019	Number and Type of Containers (Item 10) and Total Quantity (Item 11)	D002
012817352 FLE	Waste Corrosive Liquid, acidic, inorganic	March 21, 2019	Number and Type of Containers (Item 10) and Total Quantity (Item 11)	D002

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 Louisiana Hazardous Waste Regulations and Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1.

II.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, the unauthorized disposal of hazardous wastes, in accordance with LAC 33:V.303.B.

III.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, the unauthorized storage of hazardous wastes on-site for greater than one (1) year, in accordance with LAC 33:V.2205.B and Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1.

IV.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, the unauthorized storage of universal wastes on-site for greater than one (1) year, in accordance with LAC 33:V.3825 and Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1.

V.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that proper hazardous waste determinations are performed for all of the Respondent's generated solid/hazardous wastes.

VI.

To label or mark clearly, immediately upon receipt of this **COMPLIANCE ORDER**, all containers of hazardous wastes, in accordance with LAC 33:V.2205.A.2 and Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1.

VII.

To label or mark clearly, immediately upon receipt of this **COMPLIANCE ORDER**, all universal wastes, in accordance with LAC 33:V.3823.A.

VIII.

To immediately close, upon receipt of this **COMPLIANCE ORDER**, all containers storing hazardous waste, including accumulation containers, and to institute procedures to ensure that containers storing hazardous waste remain closed except when necessary to add or remove waste, as specified in LAC 33:V.2107.A and in accordance with Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1.

IX.

To submit to the Department, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, documentation confirming that all deficiencies associated with the permitted container storage areas, as described in Findings of Fact Paragraphs F, I, K, and L have been properly addressed.

X.

To take any and all measures, immediately upon receipt of this **COMPLIANCE ORDER**, necessary to minimize the possibility of a sudden or non-sudden release of hazardous wastes or hazardous constituents to air, soil, or water that could threaten human health or the environment, in accordance with LAC 33:V.1511.B

XI.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to maintain compliance with the Respondent's approved Inspection Plan specified in Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1, including, but not limited to, conducting timely and thorough inspection(s) of permitted hazardous waste units, universal/hazardous waste storage areas,

documenting deficiencies, and taking and documenting corrective actions necessary to address any noted deficiencies.

XII.

To immediately, upon receipt of this **COMPLIANCE ORDER**, implement procedures to ensure that uniform hazardous waste manifests completed by the Respondent include all requisite information, in accordance with LAC 33:V.1107.B.1.e, LAC 33:V.1516.B.3, and Hazardous Waste Permit LA0000365668-OP-RN-1.

XIII.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, the unauthorized storage of hazardous wastes in areas that are not authorized and/or permitted for the storage of hazardous wastes, in accordance with LAC 33:V.1519.B and Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1.

XIV.

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: Craig Easley
Re: Enforcement Tracking No. HE-CN-20-00330
Agency Interest No. 24512

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-20-00330
Agency Interest No. 24512

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**.

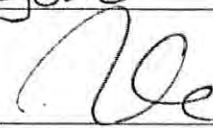
III.

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.

IV.

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

Baton Rouge, Louisiana, this 5th day of June, 2020.



Lourdes Itturalde
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
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

CONSOLIDATED COMPLIANCE ORDER &
 NOTICE OF POTENTIAL PENALTY
 REQUEST TO CLOSE



Enforcement Tracking No.	HE-CN-20-00330	Contact Name	Craig Easley
Agency Interest (AI) No.	24512	Contact Phone No.	225-219-3801
Alternate ID No.	LA0000365668		
Respondent:	LEI, INC.	Facility Name:	LEI, INC. – Hammond
	c/o C T Corporation System	Physical Location:	46257 Morris Road
	Agent for Service of Process		
	3867 Plaza Tower Dr. Baton Rouge, LA	City, State, Zip:	Hammond, LA 70043
		Parish:	Tangipahoa

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph IV 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 Subpart 1 Chapter 7.
<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"/>	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. <ul style="list-style-type: none"> • 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.
<input type="checkbox"/>	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.

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			



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

JUL 06 2020

CERTIFIED MAIL (7004 1160 0001 9956 5833)
RETURN RECEIPT REQUESTED

LEI, INC.
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Dr.
Baton Rouge, LA 70816

RE: **CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-CN-20-00411
AGENCY INTEREST NO. 185115**

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 **LEI, INC. (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 Craig Easley at (225) 219-3801.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/KCE/kce
Alt ID No. LAR000077560
Attachment



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
LEI, INC.	*	ENFORCEMENT TRACKING NO.
TANGIPAHOA PARISH	*	
ALT ID NO. LAR000077560	*	HE-CN-20-00411
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	185115
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 **LEI, INC. (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 waste storage and universal waste destination facility located at 11437 Fontana Lane in Independence, Tangipahoa Parish, Louisiana. The facility has notified as a recycler of hazardous waste and a large quantity handler of universal waste for batteries, pesticides, mercury-containing equipment, lamps, and other universal waste and has been assigned EPA Identification No. LAR000077560.

II.

On or about November 22, 2019, the Department conducted an inspection of the Respondent's facility to determine the degree of compliance with the Louisiana Hazardous Waste Regulations and the Act. While the Department's investigation is not complete, the following violations were discovered as a result of the above-referenced inspection:

- A. The Respondent failed to perform a hazardous waste determination for a solid waste generated and/or managed at the Respondent's facility, in violation of LAC 33:V.1103.B. Specifically, during the inspection, the Department observed broken glass associated with universal waste lamps managed and/or processed by the Respondent located at the east entrance to the south section of the warehouse.
- B. The Respondent failed to provide timely notification to the Department's Office of Environmental Compliance of its receipt of a shipment that was identified and characterized as universal waste but was regulated hazardous waste, in violation of LAC 33:V.3853.G.
- C. The Respondent caused and/or allowed the unauthorized disposal of hazardous waste, in violation of LAC 33:V.303.B. Specifically, during the inspection, the Department observed two (2) aerosol containers that had been discarded in a non-hazardous waste roll-off container. These containers were ultimately determined to be classified as ignitable (D001) and reactive (D003) characteristic hazardous waste by the Respondent.

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 Louisiana Hazardous Waste Regulations.

II.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that proper hazardous waste determinations are performed for all of the Respondent's generated solid/hazardous wastes, in accordance with LAC 33:V.1103.

III.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, the unauthorized treatment, storage, and/or disposal of hazardous waste(s), in accordance with LAC 33:V.303.B.

IV.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that, in the event that the Respondent receives a shipment that was identified and characterized as universal waste but is a regulated hazardous waste, that timely notification is provided to the Department's Office of Environmental Compliance, in accordance with LAC 33:V.3853.G.

V.

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: Craig Easley
Re: Enforcement Tracking No. HE-CN-20-00411
Agency Interest No. 185115

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-20-00411
Agency Interest No. 185115

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**.

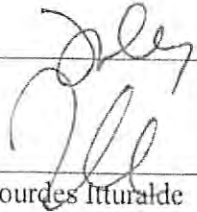
III.

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.

IV.

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

Baton Rouge, Louisiana, this 6th day of July, 2020.



Lourdes Ituralde
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



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

JUL 06 2020

CERTIFIED MAIL (7004 1160 0001 9956 5826)
RETURN RECEIPT REQUESTED

LEI, INC.
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Dr.
Baton Rouge, LA 70816

RE: **CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-CN-20-00413
AGENCY INTEREST NO. 123236**

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 **LEI, INC. (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 Craig Easley at (225) 219-3801.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/KCE/kce
Alt ID No. LAR000055467
Attachment



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

LEI, INC.
TANGIPAHOA PARISH
ALT ID NO. LAR000055467

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

*	
*	
*	ENFORCEMENT TRACKING NO.
*	
*	HE-CN-20-00413
*	
*	AGENCY INTEREST NO.
*	
*	123236
*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **LEI, INC. (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 waste storage and universal waste destination facility located at 11441 Fontana Lane in Independence, Tangipahoa Parish, Louisiana. The facility has notified as a recycler of hazardous waste and a large quantity handler of universal waste for batteries, pesticides, mercury-containing equipment, lamps, and other universal waste and has been assigned EPA Identification No. LAR000055467.

II.

On or about November 22, 2019, the Department conducted an inspection of the Respondent's facility to determine the degree of compliance with the Louisiana Hazardous Waste Regulations and the Act. While the Department's investigation is not complete, the following violations were discovered as a result of the above-referenced inspection:

- A. The Respondent caused and/or allowed the unauthorized storage of hazardous waste, in violation of LAC 33:V.303.B. Specifically, during the inspection, the Department observed:
 - 1) one (1) fifty-five (55)-gallon container of hazardous waste received from an off-site customer that been stored at the Respondent's facility for greater than ten (10) days; and
 - 2) twelve (12) containers of hazardous waste received from an off-site customer that been stored at the Respondent's facility for greater than ten (10) days.
- B. The Respondent caused and/or allowed the unauthorized storage of hazardous waste, in violation of LAC 33:V.303.B. Specifically, in correspondence dated November 18, 2019 and December 20, 2019, the Respondent self-reported that numerous containers of hazardous waste, specified on twenty-one (21) individual manifests, which had been accepted from off-site customers had been was stored at the Respondent's facility for greater than ten (10) days.
- C. The Respondent failed to perform a hazardous waste determination for a solid waste generated and/or managed at the Respondent's facility, in violation of LAC 33:V.1103.B. Specifically, during the inspection, the Department observed two (2) fifty-five (55)-gallon containers of liquid waste located east and outside of the covered expansion area. During the inspection, Respondent representatives acknowledged that the contents of the containers were waste but was unable to identify the contents of the containers or provide documentation of a proper waste determination.
- D. The Respondent failed to process and/or transport hazardous wastes to an authorized treatment, storage, and/or disposal facility accepted from off-site customers, in violation of LAC 33:V.1309.A. Specifically, the Respondent failed to timely process and/or transport hazardous wastes, accepted from off-site customers and specified on twenty-one (21) uniform hazardous waste manifests, to an authorized treatment, storage, and/or disposal facility.
- E. The Respondent failed to label used oil with the words "Used Oil," in violation of LAC 33:V.4035.G.1. Specifically, during the inspection, the Department observed three (3) electrical bushings containing used oil, located within an area designated as the "Facility Yard," that were not labeled with the words "Used Oil."

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 Louisiana Hazardous Waste Regulations.

II.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that proper hazardous waste determinations are performed for all of the Respondent's generated solid/hazardous wastes, in accordance with LAC 33:V.1103.

III.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, the unauthorized treatment, storage, and/or disposal of hazardous waste(s), in accordance with LAC 33:V.303.B.

IV.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that hazardous waste(s) accepted from off-site customers is/are delivered timely to an authorized designate facility, in accordance with LAC 33:V.1309.A.

V.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to ensure units containing used oil are labeled/marked with the words "Used Oil," in accordance with LAC 33:V.4035.G.1.

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: Craig Easley
Re: Enforcement Tracking No. HE-CN-20-00413
Agency Interest No. 123236

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-20-00413
Agency Interest No. 123236

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.

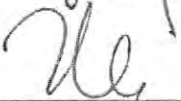
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross

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.

IV.

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

Baton Rouge, Louisiana, this 6th day of July, 2020.



Lourdes Itturalde
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