

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

OCHSNER CLINIC FOUNDATION

OCHSNER MEDICAL CENTER -
KENNER, L.L.C.

OCHSNER BAPTIST MEDICAL CENTER,
L.L.C.

AI # 3043, 10383, 10233

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

* Settlement Tracking No.
* SA-HE-20-0110
*
* Enforcement Tracking Nos.
* HE-PP-17-00524
* HE-CN-18-00864
* HE-CN-19-00112
* HE-CN-19-00382
*
*
*
*
* Docket Nos. 2020-5172-DEQ,
* 2020-7266-DEQ, 2020-9429-DEQ

SETTLEMENT

The following Settlement is hereby agreed to between Ochsner Clinic Foundation, Ochsner Medical Center – Kenner, L.L.C., and Ochsner Baptist Medical Center, L.L.C. (“Respondents”) 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

Respondents are limited liability companies and a non-profit corporation that own and/or operate facilities located in Jefferson Parish and Orleans Parish, Louisiana (“the Facilities”).

II

On March 26, 2018, the Department issued Notice of Potential Penalty, Enforcement No. HE-PP-17-00524 (Exhibit 1).

On January 16, 2019, the Department issued Consolidated Compliance Order & Notice of

Potential Penalty, Enforcement No. HE-CN-18-00864 (Exhibit 2).

On May 15, 2019, the Department issued Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. HE-CN-19-00112 (Exhibit 3).

On September 17, 2019, the Department Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. HE-CN-19-00382 (Exhibit 4).

III

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

IV

Respondents deny they committed any violations or that they are liable for any fines, forfeitures and/or penalties.

V

Nonetheless, Respondents, 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 THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00), of which Five Thousand Four Hundred Eighty-Four and 56/100 Dollars (\$5,484.56) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondents 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

Respondents further agree that the Department may consider the inspection report(s), the Notice of Potential Penalty, Consolidated Compliance Orders & 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 Respondents, and in any such action Respondents shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondents' 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 Respondents hereby waive 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 Respondents have caused a public notice advertisement to be placed in the official journal of the parish governing authority in Jefferson Parish and Orleans 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. Respondents have 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 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.

OCHSNER CLINIC FOUNDATION,
OCHSNER MEDICAL CENTER -
KENNER, L.L.C., AND OCHSNER
BAPTIST MEDICAL CENTER, L.L.C.

BY: 
(Signature)

Michael F. Hulefeld
(Printed)

TITLE: EVP + System COO

THUS DONE AND SIGNED in duplicate original before me this 23rd day of
July, 20 21, at Jefferson, LA.

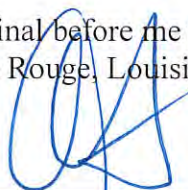

NOTARY PUBLIC (ID # 899742)

Meredith Miceli
(stamped or printed)

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

BY: 
Helena J. Cage, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 21st day of
June, 20 22, at Baton Rouge, Louisiana.


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

Approved: 
Lourdes Iturralde, Assistant Secretary



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
March 26, 2018



CERTIFIED MAIL 7004 1160 0001 9956 5772
RETURN RECEIPT REQUESTED

OCHSNER CLINIC FOUNDATION

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

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-PP-17-00524
AGENCY INTEREST NO. 3043**

Dear Sir:

On or about August 25, 2010, November 30, 2011, and July 31, 2013, inspections of **OCHSNER FOUNDATION HOSPITAL**, a 473-bed acute care hospital, owned and/or operated by **OCHSNER CLINIC FOUNDATION (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Louisiana Hazardous Waste Regulations. The facility is located at 1516 Jefferson Highway in New Orleans, Jefferson Parish, Louisiana. The facility has notified and is classified as a large quantity generator of hazardous waste and operates under EPA identification number LAD077900207.

On or about August 25, 2010, November 30, 2011, and on July 31, 2013, representatives of the Department performed a series of inspections of the of the Respondent's facility that revealed the following violations:

- A. The Respondent failed to label multiple containers of hazardous waste and on multiple occasions with the words "Hazardous Waste," in violation of LAC: 33:V.1109.E.1.c and d.
 - 1. During the August 25, 2010 inspection the Department observed, the following containers of hazardous waste were not marked or labeled with an accumulation start date or with the words "Hazardous Waste":

Ochsner Clinic Foundation

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- a. Six (6) 55-gallon, thirty-eight (38) 1-gallon, four (4) 3-gallon, and twenty-two (22) 5-gallon containers of hazardous waste located in the less than 90-day storage area.
 - b. Three (3) 55-gallon containers of hazardous paint waste located outside the less than 90-day storage.
 - c. Approximately one-hundred fifty (150) containers of hazardous waste stored within a portable shipping container designated as the "Conex Box."
 - d. A full 55-gallon container of hazardous fluorescent bulb waste observed in an area designated as the "Central Plant."
2. During the November 30, 2011 inspection the Department observed, the following containers of hazardous waste were not marked or labeled with an accumulation start date or with the words "Hazardous Waste":
- a. Numerous containers of hazardous waste located within the less than 90-day storage area. Specifically, numerous containers of hazardous waste ammonium chloride, potassium hydroxide, aluminum ammonium sulfate, sodium nitrate, hexamethylene tetramin, formaldehyde, and ethyl alcohol observed in the less than 90-day storage area were not marked with the words "Hazardous Waste"
 - b. A full 55-gallon container of hazardous fluorescent bulb waste observed in an area designated as the "Central Plant."
- B. During the August 25, 2010 inspection, the Department observed, that the Respondent failed to mark two (2) 1-gallon hazardous waste satellite accumulation containers observed in an area designated as the "Anatomic Pathology Lab Satellite Accumulation Area" with the words "Hazardous Waste" or other words that identify the contents of the containers, in violation of LAC 33:V.1109.E.4.
- C. During the August 25, 2010 inspection, the Department observed, that the Respondent failed to keep containers of hazardous waste closed during storage as specified in LAC 33:V.2107.A, in violation of LAC 33:V.1109.E.1.a.i. Specifically the Respondent failed to properly close the following containers of hazardous waste:
1. Three (3) 5-gallon containers of hazardous waste in the less than 90-day hazardous waste storage area.
 2. One (1) 5-gallon container of hazardous waste stored within the less than 90-day hazardous waste storage area (did not have a cap).
 3. Two (2) 5-gallon containers of hazardous waste were observed to have cracked caps that prohibited proper closure of the containers.
- D. During the August 25, 2010 inspection, the Department observed, that the Respondent failed to keep one (1) 5-gallon container and one (1) 1-gallon container of hazardous waste located in an area designated as the "Anatomic Pathology Lab Satellite Accumulation Area," closed as specified in LAC 33:V.2107.A, in violation of LAC 33:V.1109.E.4. Specifically, one (1) 5-gallon container of hazardous waste within the satellite accumulation area did not have a cap. Additionally, one (1) 1-gallon container of hazardous waste located within the satellite accumulation area was open and had a funnel inserted into the container's opening.

Ochsner Clinic Foundation

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- E. The Respondent failed to determine whether generated solid wastes were a hazardous waste, in violation of LAC 33:V.1103. Specifically, the Respondent failed to determine whether the following solid wastes were a hazardous waste:
1. Waste fluorescent light bulbs observed by the Department during the August 25, 2010 inspection.
 2. Residues remaining in containers observed by the Department during the November 30, 2011 inspection that once held P-listed pharmaceuticals (chemotherapy agents). These containers that were not "Empty Container", as defined in LAC 33:V.109, and were offered to an environmental services company known as Stericycle, Inc. (Stericycle) and shipped to Stericycle's Apopka, Florida facility for incineration. Stericycle was not and is not permitted to dispose and/or treat regulated hazardous waste.
- F. The Respondent failed to label or mark clearly four (4) 55-gallon containers storing used oil located within an area designated as the "Central Plant" with the words "Used Oil," in violation of LAC 33:V.4013.D.
- G. During the Department's August 25, 2010 inspection, the Department documented that the Respondent failed to notify the Office of Environmental Services within seven (7) days if any of the information submitted in the application for the identification number changes, in violation of LAC 33:V.1105.B. Specifically, the 2008 manifest (#003383926 JJK) and the subsequent 2008 Annual Hazardous Waste Report indicated hazardous waste codes of D022, U117 and U188, but the Respondent did not update its HW-1 notification form to include these applicable hazardous waste codes.
- H. During the Department's August 25, 2010 and May 30, 2011 inspections, the Department documented that the Respondent failed to develop and implement a hazardous waste training program for facility personnel responsible for the management of hazardous waste in accordance with LAC 33:V.1515, in violation of LAC 33:V.1109.E.1.e.
- I. During the Department's August 25, 2010 and May 30, 2011 inspections, the Department documented that the Respondent failed to develop and/or maintain an adequate contingency plan in accordance with LAC 33:V.1513.A and B, in violation of LAC 33:V.1109.E.1.e. Specifically, the contingency plan did not contain: 1) actions to be taken in the event of a fire or spill; 2) arrangements with police departments, fire departments, contractors, or state and local emergency response teams; a list of emergency coordinators; 3) a list of available emergency equipment; and 4) an emergency evacuation plan.
- J. During the Department's August 25, 2010 and May 30, 2011 inspections, the Department documented that the Respondent failed to develop and implement a waste minimization plan certified by a Louisiana registered professional engineer, as specified in LAC 33:V.2245.J and K, in violation of LAC 33:V.1109.E.1.e.
- K. During the Department's August 25, 2010 and May 30, 2011 inspections, the Department documented that the Respondent had failed to inspect, at least weekly, areas where containers are stored, looking for leaking containers and for deterioration of containers in accordance with LAC 33:V.2109.A, in violation of LAC 33:V.1109.E.1.a.i. Specifically, during the inspection, the Department conducted a review of various required hazardous waste records that revealed the

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- Respondent was not conducting routine weekly inspections of hazardous waste managed within its less than 90-day hazardous waste storage areas.
- L. The Respondent failed to list all of the waste codes, used for offsite shipments of hazardous waste during 2010, in the facility's Annual Hazardous Waste Report, in violation of LAC 33:V.1111.B.1.e. Specifically, the Respondent shipped hazardous waste offsite in 2010 using waste codes D035 and F005, on hazardous waste manifest # 003775385 and waste code U133, on hazardous waste manifest #005279975, but failed to include these waste codes in the facility's 2010 Annual Hazardous Waste Report dated January 20, 2011.
 - M. The Respondent failed to notify the Office of Environmental Services within seven (7) days if any of the information submitted in the application for the identification number changes, in violation of LAC 33:V.1105.B. Specifically, hazardous waste codes D035 and F005 were used on hazardous waste manifest #003775385 dated September 15, 2010, hazardous waste codes P105 and D007 were used on hazardous waste manifest #007849038 dated February 22, 2011, and hazardous waste code U003 was used on hazardous waste manifest #007849040 dated February 22, 2011. However, the Respondent failed to submit a revised HW-1 notification that included these hazardous waste codes.
 - N. The Respondent offered hazardous waste for disposal to a facility that is not permitted to dispose of the waste, in violation of LAC 33:V.1105.C. Specifically, residues remaining in containers that once held P-listed pharmaceuticals (chemotherapy agents) that were not an "Empty Container", as defined in LAC 33:V.109, were offered to an environmental services company known as Stericycle, Inc. (Stericycle) and shipped to Stericycle's Apopka, Florida facility for incineration. The facility is not permitted to dispose and/or treat regulated hazardous waste.
 - O. The Respondent offered for transportation, hazardous waste for off-site treatment, storage, or disposal, without preparing a Uniform Hazardous Waste Manifest, in violation of LAC 33:V.1107.A.1. Specifically, residues remaining in containers that once held P-listed pharmaceuticals (chemotherapy agents) and were not an "Empty Container", as defined in LAC 33:V.109, were transported to Stericycle's Apopka, Florida for incineration.

On or about July 31, 2013, the Department conducted an incident investigation inspection (Incident No. 150332) at the Respondent's facility in response to a spill of elemental mercury that occurred as a result of the breakage of a blood pressure monitor. The inspection revealed the following violation:

The Respondent failed to train employees in hazardous waste management practices relevant to the position in which they are employed in accordance with LAC 33:V.1515.A.2, in violation of LAC 33:V.1109.E.1.e. Specifically, security personnel employed at the Respondent's facility initiated spill response activities as a result of the mercury spill. However, these employees did not receive adequate training to ensure the safe and proper management of hazardous waste generated as a result of this spill.

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The Respondent submitted to the Department an extensive written response regarding the above-referenced violations dated June 23, 2017. This four (4) volume written response detailed a series of corrective actions implemented by the Respondent in 2014, 2015, 2016, and 2017 that demonstrated that all of the above-referenced violations had been satisfactorily addressed (EDMS Document Nos. 10671779; 10671784; 10674024; and 10672464).

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 violations 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 violations. 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**.

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.

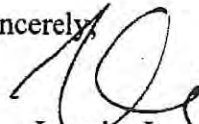
For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

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.

Ochsner Clinic Foundation
HE-CN-17-00524
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Sincerely,




Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/KCE/kce
Alt ID No. LAD077900207

c: Ochsner Clinic Foundation

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.	HE-PP-17-00524	Contact Name	CRAIG EASLEY
Agency Interest (AI) No.	3043	Contact Phone No.	225-219-3801
Alternate ID No.	LAD077900207		
Respondent:	OCHSNER CLINIC FOUNDATION	Facility Name:	OCHSNER FOUNDATION HOSPITAL
	c/o B.C. BRANNON	Physical Location:	1516 JEFFERSON HIGHWAY
	Agent for Service of Process		
	1516 JEFFERSON HIGHWAY	City, State, Zip:	NEW ORLEANS, LA 70121
	NEW ORLEANS, LA 70121	Parish:	JEFFERSON

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 («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.
_____	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.
_____	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

January 16, 2019



CERTIFIED MAIL (7004 1160 0001 9956 5802)
RETURN RECEIPT REQUESTED

OCHSNER CLINIC FOUNDATION

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

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-CN-18-00864
AGENCY INTEREST NO. 3043**

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 **OCHSNER CLINIC FOUNDATION (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. LAD077900207
Attachment

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

IN THE MATTER OF

**OCHSNER CLINIC FOUNDATION
JEFFERSON PARISH
ALT ID NO. LAD077900207**

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

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ENFORCEMENT TRACKING NO.

HE-CN-18-00864

AGENCY INTEREST NO.

3043

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **OCHSNER CLINIC FOUNDATION (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 Ochsner Foundation Hospital, a 473-bed acute care hospital that includes the Ochsner Cancer Institute, Ochsner Multi-Organ Transplant Center, and Ochsner Heart and Vascular Institute. The facility is located at 1514 Jefferson Highway in Jefferson, Jefferson Parish, Louisiana. The facility has notified as and is classified as a large quantity generator of hazardous waste and operates under EPA identification number LAD077900207.

II.

On or about May 23, 2018 and May 24, 2018, the Department performed an inspection of the Respondent's facility that revealed the following violations:

- A. The Respondent failed to include all applicable hazardous waste codes on its 2015 annual hazardous waste report, in violation of LAC 33:V.1111.B.1.e. Specifically, the

- Respondent failed to include the hazardous waste code P-106 (sodium cyanide) on its hazardous waste activity form (HW-1).
- B. The Respondent offered for transportation a characteristic hazardous waste for off-site disposal without preparing a Uniform Hazardous Waste Manifest, in violation of LAC 33:V.1107.A.1. Specifically, in 2015, the Respondent offered for transportation approximately ninety-one (91) pounds of hazardous P-listed pharmaceutical wastes without an accompanying Uniform Hazardous Waste Manifest.
 - C. The Respondent failed to determine if a generated waste was a hazardous waste, in violation of LAC 33:V.1103. Specifically, the Respondent failed to determine whether approximately ninety-one (91) pounds of pharmaceutical waste was hazardous waste. It was ultimately determined that this pharmaceutical waste was a hazardous waste.
 - D. The Respondent offered its generated hazardous waste to a facility that did not have the required permits (or other authorization) necessary to receive that hazardous waste, in violation of LAC 33:V.1105.C. Specifically, the Respondent transported approximately ninety-one (91) pounds of hazardous P-listed pharmaceutical wastes to a facility that was not authorized to receive hazardous waste.
 - E. The Respondent failed to notify the Office of Environmental Services within seven (7) days of changes in the information submitted in its application for an EPA identification number, in violation of LAC 33:V.1105.B. Specifically, the Respondent failed to include all applicable hazardous waste codes (i.e., P001, P005, P009, P012, P075, P076, and P188) on its hazardous waste activity form (HW-1).
 - F. The Respondent failed to include all applicable hazardous waste codes on its 2017 annual hazardous waste report, in violation of LAC 33:V.1111.B.1.e. Specifically, the Respondent failed to include the hazardous waste codes: D001 (waste xylene - ignitable); D011 (characteristically toxic for silver); and D018 and U019 (disposed product benzene - characteristically toxic for benzene) and on its 2017 annual hazardous waste report. On June 13, 2018, the Respondent submitted an updated 2017 annual hazardous waste report that included the hazardous waste codes D001, D011, D018 and U019. This violation has been addressed.
 - G. The Respondent failed to maintain a hazardous waste manifest for a period of three (3) years in violation of LAC 33:V.1111.A. Specifically, the Respondent failed to maintain

a copy of Uniform Hazardous Waste Manifest 009813371 FLE, which included the signed destination copy.

- H. The Respondent failed to ensure that all hazardous waste manifests include proper EPA hazardous waste codes, in violation of LAC 33:V.1107.B.1.d. Specifically, Uniform Hazardous Waste Manifest 003456368 GBF failed to list hazardous waste code U019 and Hazardous Waste Manifest 0011317495 FLE failed to list EPA waste code D011.
- I. The Respondent failed to maintain a Waste Minimization Plan certified by a Louisiana registered professional engineer as required by LAC 33:V.2245.J, in violation of LAC 33:V.1109.E.1.e. Specifically, the Respondent failed to have a Waste Minimization Plan that was certified by a Louisiana registered professional engineer at the time of the inspection. On June 25, 2018, the facility submitted a properly engineer-certified Waste Minimization Plan. This violation has been addressed.

COMPLIANCE ORDER

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

I.

To immediately develop and implement, upon receipt of this **COMPLIANCE ORDER**, procedures and practices to ensure that all applicable hazardous waste codes are included in the Respondent's annual hazardous waste reports, on the current and future hazardous waste activity forms (HW-1) submitted to the Department, and on all Uniform Hazardous Waste Manifests, in accordance with LAC 33:V.1111.B.1, LAC 33:V.1105.C, and LAC 33:V.1107.

II.

To cease, upon receipt of this **COMPLIANCE ORDER**, offering hazardous waste for transportation to a facility that is not authorized and/or permitted to accept, treat, store, and/or dispose of hazardous waste.

III.

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.

IV.

To submit to the Office of Environmental Services, within seven (7) days after receipt of this **COMPLIANCE ORDER**, an updated and accurate HW-1 Form detailing the facility's hazardous waste activities and accurately lists the EPA hazardous waste codes handled at the Respondent's facility.

V.

To immediately implement, upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that all shipments of hazardous waste are accompanied by an accurate and complete Uniform Hazardous Waste Manifest.

VI.

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

VII.

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-18-00864
Agency Interest No. 3043

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-18-00864
Agency Interest No. 3043

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Division of Administrative Law (DAL) Procedural Rules. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible

enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Craig Easley at 225-219-3801 or craig.easley@la.gov 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.

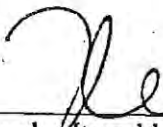
IV.

The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

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

Baton Rouge, Louisiana, this 16th day of January, 2019.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: 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.	HE-CN-18-00864	Contact Name	Craig Easley
Agency Interest (AI) No.	3043	Contact Phone No.	225-219-3801
Alternate ID No.	LAD077900207		
Respondent:	Ochsner Clinic Foundation	Facility Name:	Ochsner Foundation Hospital
	c/o C T Corporation System	Physical Location:	1514 Jefferson Highway
	Agent for Service of Process		
	3867 Plaza Tower Dr.	City, State, Zip:	New Orleans, LA
	Baton Rouge, LA 70816	Parish:	Jefferson

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph V 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 33:1.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"/>	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.

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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

May 15, 2019

CERTIFIED MAIL (7004 1160 0001 9956 5819)
RETURN RECEIPT REQUESTED

OCHSNER MEDICAL CENTER – KENNER, LLC
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Dr.
Baton Rouge, Louisiana 70816

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-CN-19-00112
AGENCY INTEREST NO. 10383**

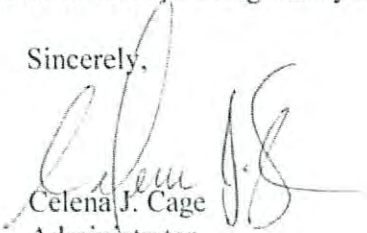
Dear Sir/Madam:

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 **OCHSNER MEDICAL CENTER – KENNER, LLC (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Craig Easley at (225) 219-3801.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/KCE/kce
Alt ID No. LAD118992569



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

IN THE MATTER OF

**OCHSNER MEDICAL CENTER -
KENNER, LLC
JEFFERSON PARISH
ALT ID NO. LAD118992569**

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

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ENFORCEMENT TRACKING NO.

HE-CN-19-00112

AGENCY INTEREST NO.

10383

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **OCHSNER MEDICAL CENTER - KENNER, LLC (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates a facility known to the Department as Ochsner Medical Center - Kenner. The facility is located at 180 West Esplanade Avenue in Kenner, Jefferson Parish, Louisiana. The facility is an acute care hospital and licensed for one-hundred and ten (110) beds. The facility is notified and classified as a large quantity generator of hazardous waste and operates under EPA identification number LAD118992569.

II.

On or about September 17 & 25, 2018, representatives of the Department performed inspections of the Respondent's facility that revealed the following violations:

- A. The Respondent stored hazardous waste on-site for greater than ninety (90) days without a permit or other authorization, in violation of LAC 33:V.303.B. Specifically, the Respondent stored two (2) 55-gallon drums of corrosive characteristic hazardous waste (D002) observed within a hazardous waste central accumulation area designated as the "Hazardous Waste Storage Area" (both dated with an accumulation start date of January 2, 2017) onsite for approximately 625 days. The Respondent disposed of these drums at an authorized facility on September 20, 2018, and September 26, 2018.
- B. The Respondent failed to properly label a container used to store hazardous waste, in violation of LAC 33:V.1109.E.1.d. Specifically, one (1) 55-gallon drum containing corrosive hazardous waste (spilled Acecide-C Solution 1/2 and sorbent materials) located within a hazardous waste central accumulation area designated as the "Hazardous Waste Storage Area" was not labeled with the words "Hazardous Waste."
- C. The Respondent failed to properly label or mark a container of hazardous waste with an accumulation start date, in violation of LAC 33:V.1109.E.1.c. Specifically, one (1) 5-gallon container storing hazardous pharmaceutical waste located within the Hazardous Waste Storage Area was not labeled with an accumulation start date.
- D. The Respondent failed to properly close a container storing hazardous waste as specified in LAC 33:V.2017.A, in violation of LAC 33:V.1109.E.1.a.i. Specifically, one (1) 55-gallon container of hazardous pharmaceutical waste located in the Hazardous Waste Storage Area observed during the September 25, 2018 inspection was not properly closed.
- E. The Respondent failed to mark a hazardous waste satellite accumulation container with the words "Hazardous Waste" or other words that identify the contents of the container, in violation of LAC 33:V.1109.E.4. Specifically, one (1) wall-mounted hazardous waste satellite accumulation container observed within one (1) of the Respondent's twelve (12) satellite accumulation areas designated as "Nursing Units" was not marked or labeled as required. The Department documented that this violation was addressed during the September 25, 2018 inspection.

- F. The Respondent stored universal wastes for a period of greater than one (1) year from the date of generation, in violation of LAC 33:V.3825.A. Specifically, the facility stored onsite one (1) five-gallon bucket containing waste batteries for approximately five (5) years.
- G. The Respondent failed to properly mark or label universal waste lamp containers with an accumulation start date, in violation of LAC 33:V.3825.C. Specifically, six (6) containers containing waste fluorescent lamps were not labeled with an accumulation start date.
- H. The Respondent failed to notify the Department within seven (7) days if any of the information submitted in the application for the identification number changes, in violation of LAC 33:V.1105.B. Specifically, the Respondent failed to notify the Department of a change in ownership that occurred in 2006. This violation was addressed by submittal of an updated HW-1 form received by the Department on October 22, 2018.
- I. The Respondent failed to ensure that all hazardous waste manifests include proper EPA hazardous waste codes, in violation of LAC 33:V.1107.B.1.d. Specifically, the Respondent failed to list applicable hazardous waste codes on uniform hazardous waste manifests with the tracking numbers 008238502 FLE, 008238647 FLE, and 008187994 FLE. Beginning on or about September 17, 2018. The Respondent and its environmental contractors (Stericycle Regulatory Group and Technical Environmental Services) revised its manifest reporting practices and began auditing its manifests to ensure accuracy. This violation has been addressed.
- J. The Respondent failed to prepare a required hazardous waste manifest for P-listed pharmaceutical wastes that were transported off-site during 2015, 2017, and 2018, in violation of LAC 33:V.1107.A. Specifically, the facility failed to produce a manifest for the shipments of P-listed pharmaceutical waste (P001, P012, P075, P188) generated in 2015, 2017, and 2018.
- K. The Respondent failed to make arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places/locations where facility personnel would be normally working, entrances, and possible evacuation routes in accordance with LAC 33:V.1511.G.1.a, in violation of LAC 33:V.1109.E.1.e. Specifically, the facility

- failed to make any arrangements with local police, fire departments, and emergency response teams.
- L. The Respondent failed to mark a full 55-gallon container of hazardous fluorescent bulb waste observed in an area designated as the "Central Plant" with the words "Hazardous Waste" or an accumulation date, in violation of LAC 33:V.1109.E.1.c and d.
- M. The Respondent failed to notify the Office of Environmental Services within seven (7) days if any of the information submitted in the application for the identification number changes, in violation of LAC 33:V.1105.B. Specifically, the 2008 manifest (#003383926 JJK) and the subsequent 2008 Annual Hazardous Waste Report indicated hazardous waste codes of D022, U117 and U188, but the facility did not update its HW-1 notification form to include these applicable hazardous waste codes.
- N. The Respondent failed to develop and implement a hazardous waste training program for facility personnel responsible for the management of hazardous waste in accordance with LAC 33:V.1515, in violation of LAC 33:V.1109.E.1.e. Specifically, the facility failed to provide employees with a training program or job training that ensured compliance with applicable hazardous waste regulations including handling, identification, clean-up, and management of hazardous waste at the facility.
- O. The Respondent failed to maintain an adequate contingency plan in accordance with LAC 33:V.1513.A and B, in violation of LAC 33:V.1109.E.1.e. Specifically, the contingency plan did not contain: 1) actions to be taken in the event of a fire or spill; 2) arrangements with police departments, fire departments, contractors, or state and local emergency response teams; a list of emergency coordinators; 3) a list of available emergency equipment; and 4) an emergency evacuation plan.
- P. The Respondent failed to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies, in violation of LAC 33:V.3849.A.
- Q. The Respondent failed to inspect, at least weekly, areas where containers are stored, looking for leaking containers and for deterioration of containers in accordance with LAC 33:V.2109.A, in violation of LAC 33:V.1109.E.1.a.i. Specifically, during the inspection, the Department conducted a review of various required hazardous waste

records that revealed the Respondent was not conducting routine weekly inspections of hazardous waste managed within its less than 90-day hazardous waste storage areas.

COMPLIANCE ORDER

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

I.

To mark or label, immediately upon receipt of this **COMPLIANCE ORDER**, all containers storing hazardous waste at the Respondent's facility with the words "Hazardous Waste" and to institute procedures to ensure that all containers holding hazardous waste are labeled.

II.

To mark or label, immediately upon receipt of this **COMPLIANCE ORDER**, all containers storing hazardous waste at the Respondent's facility with the date upon which accumulation of waste began and to institute procedures to ensure that all containers holding hazardous waste are marked with the date upon which accumulation of waste began.

III.

To close, immediately upon receipt of this **COMPLIANCE ORDER**, all containers storing hazardous waste at the Respondent's facility and institute procedures to ensure that all containers storing hazardous waste remain closed except when necessary to add or remove waste.

IV.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that all hazardous waste that are shipped offsite are listed on the Annual Report using the proper waste codes, in accordance with LAC 33:V.1111.B.1.e.

V.

To list, immediately upon receipt of this **COMPLIANCE ORDER**, in the facility's contingency plan, all persons qualified to act as emergency coordinator, all emergency equipment and the location, physical description of each, and a brief list of its capabilities, in accordance with LAC 33:V.1513.B.4 and LAC 33:V.1513.B.5. The Respondent shall submit the updated contingency plan the Enforcement Division within thirty (30) days of receipt of this **COMPLIANCE ORDER**.

VI.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that all shipments of hazardous waste are accompanied by a uniform hazardous waste manifest in accordance with LAC 33:V.1107.A.

VII.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that areas where hazardous waste containers are stored are inspected, at least weekly, looking for leaking containers and deterioration of the containers.

VIII.

To submit to the Office of Environmental Compliance, Enforcement Division, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, the documents and records specified in LAC 33:V.1515.D in order to demonstrate compliance with the personnel training requirements specified in LAC 33:V.1515.

IX.

To submit to the Office of Environmental Compliance, Enforcement Division, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, documents and records necessary to demonstrate compliance with the training universal waste training requirements specified in LAC 33:V.3849.

X.

To make, within sixty (60) days of receipt of this **COMPLIANCE ORDER**, arrangements with local authorities in accordance with the content requirements specified in LAC 33:V.1511.G. The Respondent shall submit documentation of its arrangements with local authorities to the Office of Environmental Compliance, Enforcement Division within seven (7) days of making the required arrangements with local authorities.

XI.

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.

XII.

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-19-00112
Agency Interest No. 10383

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. HE-CN-19-00112
Agency Interest No. 10383

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Division of Administrative Law (DAL) Procedural Rules. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right

to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on ~~August 15, 2004~~, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Craig Easley at (225) 219-3801 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

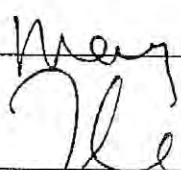
III.

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 10th day of May, 2019.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: 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.	HE-CN-19-00112	Contact Name	Craig Easley
Agency Interest (AI) No.	10383	Contact Phone No.	(225) 219-3801
Alternate ID No.	LAD118992569		
Respondent:	OCHSNER MEDICAL CENTER -- KENNER, LLC	Facility Name:	Ochsner Medical Center - Kenner
	Agent for Service 3867 Plaza Tower Dr. Baton Rouge, Louisiana, 70816	Physical Location:	180 West Esplanade Avenue
		City, State, Zip:	Kenner, Louisiana, 70065
		Parish:	Jefferson

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph VII 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 Paragraphs IV and V of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 60 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph III of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

- The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:I.Subpart1.Chapter7.
- In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY UE-CN-19-00244, 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 UE-CN-19-00244, 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 UE-CN-19-00244 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

September 17, 2019

CERTIFIED MAIL (7012 3460 0001 0423 5004)
RETURN RECEIPT REQUESTED

OCHSNER BAPTIST MEDICAL CENTER, LLC
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Dr.
Baton Rouge, Louisiana 70816

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-CN-19-00382
AGENCY INTEREST NO. 10233**

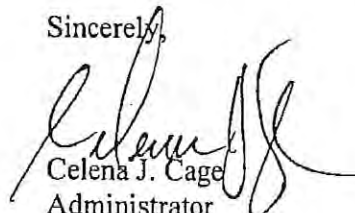
Dear Sir/Madam:

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 **OCHSNER BAPTIST MEDICAL CENTER, LLC (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Craig Easley at (225) 219-3801.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/KCE/kce
Alt ID No. LAD050637479



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

IN THE MATTER OF	*	
	*	
OCHSNER BAPTIST MEDICAL CENTER, LLC	*	ENFORCEMENT TRACKING NO.
ORLEANS PARISH	*	
ALT ID NO. LAD050637479	*	HE-CN-19-00382
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.	*	10233
	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **OCHSNER BAPTIST MEDICAL CENTER, LLC (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates a facility known to the Department as Ochsner Baptist Medical Center, LLC. The facility is located at 2700 Napoleon Avenue in New Orleans, Orleans Parish, Louisiana. The facility is currently classified as a large quantity generator of hazardous waste and operates under EPA identification number LAD050637479.

II.

On or about January 30, 2019, representatives of the Department performed an inspection of the Respondent's facility to determine compliance with the Louisiana Hazardous Waste Regulations. At the time of the inspection, the Respondent's facility was classified as a small quantity generator of hazardous waste. However, observations noted during and records reviewed over the course of the inspection

revealed that the facility is a large quantity of generator of hazardous waste. The Respondent submitted an updated Hazardous Waste Activity Form (HW-1) dated February 15, 2019 that noted the facility was a large quantity generator of hazardous waste. The following violations were revealed as a result of the aforementioned inspection:

- A. The Respondent failed to properly close containers storing hazardous waste closed except when adding or removing waste as specified in LAC 33:V.2017.A, in violation of LAC 33:V.1109.E.1.a.i. Specifically, the Respondent failed to properly close: one (1) wall-mounted container of hazardous waste observed in Room 6S111B; one (1) 5-gallon container of hazardous waste observed in Room 6S917; and one (1) plastic bag containing hazardous waste observed in Room 3153A. On or about January 30, 2019, the Respondent submitted photographs to the Department demonstrating closure of the aforementioned hazardous waste containers. This violation has been addressed.
- B. The Respondent failed to mark or label containers storing waste batteries with the words "Universal Waste – Battery(ies)" "Waste Battery(ies)", or "Used Battery(ies)", in violation of LAC 33:V.3823.A.1. Specifically, seven (7) 5-gallon buckets containing waste batteries, observed within Hazardous Waste Storage Room B123, were not labeled with the words "Universal Waste – Battery(ies)" "Waste Battery(ies)", or "Used Battery(ies)."
- C. The Respondent failed to mark or label containers storing universal waste batteries with an accumulation start date, in violation of LAC 33:V.3825.C. Specifically, seven (7) 5-gallon buckets, containing universal waste batteries observed within Hazardous Waste Storage Room B123, were not labeled with an accumulation start date.
- D. The Respondent failed to mark or label containers storing waste lamps with the words "Universal Waste – Lamp(s)" "Waste Lamp(s)", or "Used Lamp(s)", in violation of LAC 33:V.3823.A.6. Specifically, five (5) containers of waste lamps observed within Hazardous Waste Storage Room B123 and the Maintenance Shop, were not labeled with the words "Universal Waste – Lamp(s)" "Waste Lamp(s)", or "Used Lamp(s)."
- E. The Respondent failed to mark or label containers storing universal waste lamps with an accumulation start date, in violation of LAC 33:V.3825.C. Specifically, the Department observed eleven (11) containers of waste lamps observed within Hazardous Waste Storage

Room B123 and the Maintenance Shop that were not labeled with an accumulation start date.

- F. The Respondent failed to mark or label a container storing mercury-containing universal waste with the words "Universal Waste – Mercury-Containing Equipment," "Waste – Mercury-Containing Equipment," or "Used – Mercury-Containing Equipment," in violation of LAC 33:V.3823.A.4. Specifically, one (1) mercury-containing blood pressure monitor located in Hazardous Waste Storage Room B123 was not labeled with an accumulation start date.
- G. The Respondent failed to notify the Department within seven (7) days if any of the information submitted in the application for the identification number changes, in violation of LAC 33:V.1105.B. Specifically, the Respondent failed to notify the Department of:
 - 1) a change in ownership of that occurred in 2006. The Respondent submitted an updated Hazardous Waste Activity Form (HW-1) dated February 15, 2019; and
 - 2) a change in its hazardous waste generator status from small quantity generator to large quantity generator. The Respondent submitted an updated Hazardous Waste Activity Form (HW-1) dated February 15, 2019.

These violations have been addressed.

- H. The Respondent failed to include all applicable EPA hazardous waste codes on a Uniform Hazardous Waste Manifest, in violation of LAC 33:V.1107.B.1.d. Specifically, Uniform Hazardous Waste Manifest No. 009823495 FLE did not include EPA hazardous Waste Code D001 for ignitable hazardous waste aerosols (UN1950 Aerosols).
- I. The Respondent failed to make arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places/locations where facility personnel would be normally working, entrances, and possible evacuation routes in accordance with LAC 33:V.1511.G.1.a, in violation of LAC 33:V.1109.E.1.e.
- J. The Respondent failed to develop and implement a contingency plan that addressed the content requirements specified in LAC 33:V.1513.B, in violation of LAC 33:V.1109.E.1.e.

Specifically, a review of the Respondent's contingency plan conducted over the course of the inspection revealed the following deficiencies:

- a. The contingency plan failed to address arrangements with local police departments, fire departments, state and local emergency response teams, as specified in LAC 33:V.1513.B.3;
 - b. The contingency plan did not include the names, addresses, and phone numbers of persons qualified to act as emergency coordinator, as specified in LAC 33:V.1513.B.4;
 - c. The contingency plan did not include lists of all emergency equipment at the facility, as specified in LAC 33:V.1513.B.5;
 - d. The contingency plan did not designate an emergency coordinator with the responsibility of coordinating emergency response measures, as specified in LAC 33:V.1513.E.
- K. The Respondent failed to develop and implement a hazardous waste training program for facility personnel responsible for the management of hazardous waste in accordance with LAC 33:V.1515, in violation of LAC 33:V.1109.E.1.e.
- L. The Respondent failed to ensure that employees responsible for handling and/or managing universal wastes received training that addressed requisite universal waste handling and emergency procedures, in violation of LAC 33:V.3849.A.

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 mark or label, immediately upon receipt of this **COMPLIANCE ORDER**, containers storing universal wastes with words identifying the contents and accumulation start dates in accordance with the requirements specified in LAC 33:V.3823 and LAC 33:V.3825.

III.

To implement procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that all applicable EPA hazardous waste codes associated with its offsite shipments of hazardous wastes are included on associated Uniform Hazardous Waste Manifests, in accordance with LAC 33:V.1107.B.1.d.

IV.

To develop and submit to the Office of Environmental Compliance, Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a hazardous waste contingency plan that addresses and satisfies all of the content requirements specified in LAC 33:V.1513.

V.

To submit to the Office of Environmental Compliance, Enforcement Division, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, the documents and records specified in LAC 33:V.1515.D in order to demonstrate compliance with the hazardous waste personnel training requirements specified in LAC 33:V.1515.

VI.

To submit to the Office of Environmental Compliance, Enforcement Division, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, the documents and records necessary to demonstrate that the Respondent has made arrangements with local authorities as specified in LAC 33:V.1511.G.

VII.

To submit to the Office of Environmental Compliance, Enforcement Division, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, the documents and records necessary to demonstrate compliance with the universal waste personnel training requirements specified in LAC 33:V.3849.

VIII.

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-19-00382
Agency Interest No. 10233

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. HE-CN-19-00382
Agency Interest No. 10233

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**.

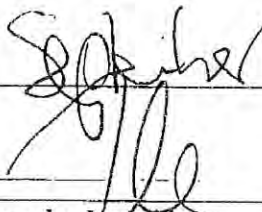
III.

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 17th day of September, 2019.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Craig Easley