

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ADVANCED COLLISION REPAIR, L.L.C.

AI # 127767

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

* Settlement Tracking No.
* SA-MM-24-0014
*
* Enforcement Tracking No.
* MM-PP-19-01215
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SETTLEMENT AGREEMENT

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

I

Respondent is a limited liability company that owned and/or operated a facility located in Pineville, Rapides Parish, Louisiana (“the Facility”).

II

On May 12, 2020, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. MM-PP-19-01215 (Exhibit 1).

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FIVE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$5,500.00), of which One Thousand Five Hundred Fifty-Eight and 15/100 Dollars (\$1,558.15) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement Agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

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

VI

This Settlement 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 Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VII

This Settlement Agreement 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 Agreement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Rapides Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement 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 Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement Agreement is voidable at the option of the Department. The Respondent shall provide its tax identification number when submitting payment. 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 attached hereto.

XI

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement Agreement.

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

ADVANCED COLLISION REPAIR, L.L.C.

BY: _____
(Signature)

(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20_____, at _____.

NOTARY PUBLIC (ID # _____)

(stamped or printed)


LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Aurelia S. Giacometto, Secretary

BY: _____
Jerrie "Jerry" Lang, Assistant Secretary
Office of Environmental Compliance

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

NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved: 

Jerrie "Jerry" Lang, Assistant Secretary



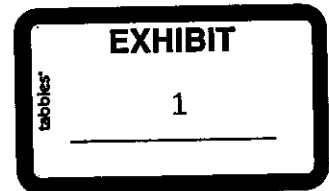
JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

MAY 12 2020

CERTIFIED MAIL (7017 2400 0000 7557 2760)
RETURN RECEIPT REQUESTED



ADVANCED COLLISION REPAIR, L.L.C.
c/o Hanner Jeansonne
Agent for Service of Process
1966 Monroe Highway
Pineville, LA 71360

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-PP-19-01215
AGENCY INTEREST NO. 127767**

Dear Sir:

On or about September 26, 2019, an inspection of **ADVANCED COLLISION REPAIR**, owned and/or operated by **ADVANCED COLLISION REPAIR, L.L.C. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act), the Hazardous Waste, and Air Quality Regulations. The facility is located at 1966 Monroe Highway in Pineville, Rapides Parish, Louisiana. The Respondent has notified the Department as being a small quantity generator of hazardous waste and has been assigned EPA identification number LAR000101218.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent failed to keep a container accumulating hazardous waste closed during storage at/or near the point of generation where the waste initially accumulated, except when necessary to add or remove hazardous waste, in accordance with LAC 33:V.2107.A, in violation of LAC 33:V.1109.E.4. Specifically, the Respondent failed to close a five (5) gallon plastic satellite accumulation container of hazardous waste spent solvent (D001, F003, F005). The Respondent was not actively adding waste into the bucket. A representative of the Respondent submitted documentation on or about January 24, 2020, showing the five (5) gallon plastic satellite accumulation container closed during storage. A representative of the Respondent also submitted documentation on or about January 14, 2020, detailing training conducted with all employees regarding the importance of closed containers.

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- B. The Respondent failed to mark containers accumulating hazardous waste during storage at/or near the point of generation where the waste initially accumulated with the words "Hazardous Waste" or other words that identify the contents, in violation of LAC 33:V.1109.E.4. Specifically, the five (5) gallon plastic satellite accumulation container of hazardous waste spent solvent (D001, F003, F005) was not labeled. A representative of the Respondent submitted documentation on or about January 24, 2020 showing the five (5) gallon plastic satellite accumulation container is now labeled.
- C. The Respondent failed to place lids on containers containing volatile organic compounds, allowing the contents to evaporate to the atmosphere. Specifically, a five (5) gallon plastic bucket containing approximately one (1) gallon of Advantage 89 solvent was discovered in the mixing room without a lid, allowing the contents to evaporate. Additionally, a five (5) gallon metal container containing Advantage 89 solvent was discovered in the mixing room without a lid while not in use, allowing the contents to evaporate. According to the safety data sheet, Advantage 89 solvent contains 50-60 percent toluene and 10-20 percent acetone. Furthermore, in the <180 day container storage area, four (4) waste paint/thinner 55-gallon drums were discovered to not be closed due to missing bungs. Each failure is a violation of LAC 33:III.2113.A.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Photographs submitted to the Department on or about January 24, 2020, show the 5-gallon plastic containers now have lids. A representative of the Respondent submitted documentation on or about January 24, 2020, showing the drums, located in the <180 day container storage area, were closed. A representative of the Respondent also submitted documentation on or about January 14, 2020, detailing training conducted with all employees regarding the importance of closed containers.
- D. The Respondent failed to determine if generated solid waste is a hazard, in violation of LAC 33:V.1103.B. Specifically, a representative of the Respondent stated the solvent still bottoms were disposed of in the commercial waste dumpster onsite. The representative of the Respondent was unable to provide any documentation of a waste determination for the solvent still bottoms. Safety Data Sheets of the solvents used at the facility indicate once the solvents are spent, they carry hazardous waste codes D001, F003, and F005. At a minimum, the still bottoms would carry the F005 hazardous waste listing, due to the solvent formulation consisting of 50 percent Toluene. A representative of the Respondent submitted documentation on or about January 24, 2019, stating the facility now stores/disposes the still bottoms as a hazardous waste, and no longer disposes the solvent still bottoms into the commercial waste dumpster.
- E. The Respondent failed to keep hazardous waste containers closed during storage, except when necessary to add or remove hazardous waste, in accordance with LAC 33:V.2107.A, in violation of LAC 33:V.1109.E.7. Specifically, four (4) fifty-five (55) gallon metal drums storing paint/thinner hazardous waste (D001, F003, and F005), were located in the < 180 day container storage area and were not closed due to missing bungs. A representative of the Respondent submitted documentation on or about January

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24, 2020, showing the drums, located in the <180 day container storage area, are being kept closed. A representative of the Respondent also submitted documentation on or about January 14, 2020, detailing training conducted with all employees regarding the importance of closed containers.

- F. The Respondent failed to label or clearly mark containers of hazardous waste with the words "Hazardous Waste," in accordance with LAC 33:V.1109.E.1.c, in violation of LAC 33:V.1109.E.7. Specifically, five (5) fifty-five (55) gallon metal drums located in the <180 day storage area containing hazardous waste spent solvent (D001, F003, and F005) were not marked or labeled with the words "Hazardous Waste." A representative of the Respondent submitted documentation on or about January 24, 2020, showing the drums are located in the <180 day container storage area and are correctly labeled.
- G. The Respondent failed to clearly mark containers of hazardous waste with the date upon which each period of accumulation began, in accordance with LAC 33:V.1109.E.1.c, in violation of LAC 33:V.1109.E.7. Specifically, five (5) fifty-five (55) gallon metal drums, located in the <180 day container storage area, were storing hazardous waste spent solvent (D001, F003, and F005). The metal drums were not marked with a date to note the beginning of the accumulation period. A representative of the Respondent submitted documentation on or about January 24, 2020, showing the drums, located in the <180 day container storage area, are clearly marked with a beginning date of accumulation.
- H. The Respondent failed to notify the Office of Environmental Services within seven (7) days when the information submitted in the application for the identification number changed, in violation of LAC 33:V.1105.B. Specifically, the facility uses a solvent (Advantage 89) for paint gun cleaning. Once spent, the solvent mixture carries hazardous waste codes of F003, F005, and D001. In addition, a waste manifest, dated March 16, 2018, lists the waste codes F003, F005, D001, D005, and D006. The facility's HW-1 Notification Form, received February 12, 2018, failed to reflect D001, D005, and D006 waste codes generated. An updated HW-1 Notification Form was submitted on January 14, 2020, which included all of the waste codes generated. A representative of the Respondent also stated during a phone call on or about January 24, 2020, that the waste codes, D005 and D006, were documented by mistake on the March 16, 2018 waste manifest by the transporter. The manifest represented comingled waste from the facility and another, as documented on the Record of Communication form.

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

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would

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like to have such a meeting, please contact Brock Bonvillain at (225) 219-1423 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.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

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

Sincerely,



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/BRB/cgc
Alt ID No. LAR000101218

c: Advanced Collision Repair, L.L.C.
1966 Monroe Highway
Pineville, LA 71360

Advanced Collision Repair, L.L.C.
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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.	MM-PP-19-01215	Contact Name	Brock Bonvillain
Agency Interest (AI) No.	127767	Contact Phone No.	(225) 219-1423
Alternate ID No.	LAR000101218		
Respondent:	Advanced Collison Repair, L.L.C.	Facility Name:	Advanced Collision Repair
	c/o Hanner Jeahsonne	Physical Location:	1966 Monroe Highway
	Agent for Service of Process		
	1966 Monroe Highway	City, State, Zip:	Pineville, LA, 71360
	Pineville, LA 71360	Parish:	Rapides

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 (MM-PP-19-01215)**, 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 (MM-PP-19-01215)**, 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 (MM-PP-19-01215)** 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:

Advanced Collision Repair, L.L.C.

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**Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821
Attn: Brock Bonvillain**