

**STATE OF LOUISIANA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

**VEOLIA WATER NORTH AMERICA  
OPERATING SERVICES, LLC**

**AI # 85188**

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

\* **Settlement Tracking No.**  
\* **SA-AE-24-0017**  
\*  
\*  
\* **Enforcement Tracking No.**  
\* **AE-PP-18-00615**  
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**SETTLEMENT AGREEMENT**

The following Settlement Agreement is hereby agreed to between Veolia Water North America Operating Services, LLC (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

**I**

Respondent is a limited liability company that, during the period applicable to the events noted in Paragraph II and Exhibit 1, leased and operated a potassium hydroxide production facility located in Chalmette, St. Bernard Parish, Louisiana (“the Facility”).

**II**

On January 9, 2019, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. AE-PP-18-00615 (Exhibit 1).

**III**

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FOUR THOUSAND AND NO/100 DOLLARS (\$4,000.00), of which Six Hundred Forty-Nine and 90/100 Dollars (\$649.90) 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 St. Bernard 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.

**VEOLIA WATER NORTH AMERICA  
OPERATING SERVICES, LLC**

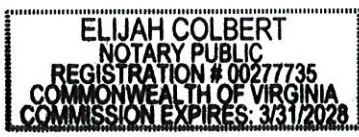
BY: Courtney Wright  
(Signature)

Courtney Wright  
(Printed)

TITLE: COO

THUS DONE AND SIGNED in duplicate original before me this 22<sup>nd</sup> day of August, 20 24, at Chesterfield, Virginia.

Elisah Colbert  
NOTARY PUBLIC (ID # 00277735)



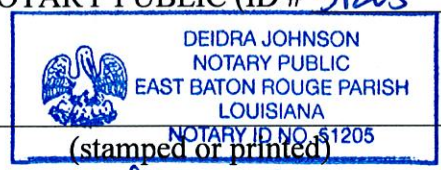
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**LOUISIANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY**  
Aurelia S. Giacometto, Secretary

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

THUS DONE AND SIGNED in duplicate original before me this 28<sup>th</sup> day of October, 20 24, at Baton Rouge, Louisiana.

Deidra Johnson  
NOTARY PUBLIC (ID # 51205)



\_\_\_\_\_  
(stamped or printed)  
Lifetime Commission

Approved: Jerry Lang  
Jerrie "Jerry" Lang, Assistant Secretary

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

**NOTICE OF POTENTIAL PENALTY**



Enforcement Tracking No.	AE-PP-18-00615	Certified Mail No.	7017 0530 0000 5978 6752
Agency Interest (AI) No.	85188	Contact Name	Emily Poche
Alternate ID No.	2500-00056	Contact Phone No.	(225) 219-3760
Respondent:	Veolia Water North America Operating Services, LLC	Facility Name:	Veolia Water North America Operating Services LLC-Chalmette Facility
	c/o CT Corporation System	Physical Location:	500 Bonita Drive
	Agent for Service of Process	City, State, Zip:	Chalmette, LA 70043
	3867 Plaza Tower Drive	Parish:	St. Bernard
	Baton Rouge, LA 70816		

This NOTICE OF POTENTIAL PENALTY is issued 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 30:2050.3(B).

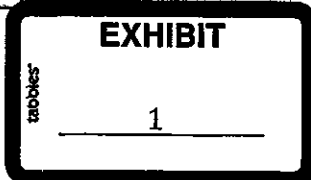
**FINDINGS OF FACT**

An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.

I.	The Respondent owns and/or operates an existing Potassium Hydroxide Production Facility located at 500 Bonita Drive, Chalmette, St. Bernard Parish, Louisiana. The facility currently operates under Small Source Air Permit No. 2500-00056-01 issued July 11, 2014.
	<b>Date of Violation</b> <span style="float:right"><b>Description of Violation</b></span>
II.	<p><b>Inspection(s)</b> April 26, 2018</p> <p>At the time of the inspection, one (1) of the personnel entry doors on the Filter Press Building was in the open position. The Respondent's failure to follow the facility's Standard Operating Procedure (SOP) by keeping the personnel entry doors in the closed position is a violation of Specific Requirement No. 13 of Air Permit No. 2500-00056-01, LAC 33:III.501.C.4, LAC 33:III.905.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2). The Respondent submitted a response, postmarked October 3, 2018, stating the 2 (two) personnel entry doors that were unable to close completely were replaced.</p>
III.	<p><b>Inspection(s)</b> April 26, 2018</p> <p>At the time of the inspection, the Daily Operations Log spreadsheet for multiple days in April was reviewed. The procedure for determining free chlorine in the sodium hypochlorite scrubber (AS-2) solution requires the operator to analyze the AS-2 solution for free chlorine every three (3) hours, and log the results into the Daily Operations Log spreadsheet. No results for the free chlorine analysis were found in the spreadsheet. The Respondent's operator admitted that they had not been analyzing the solution. The Respondent's failure to follow the facility's SOP by analyzing the AS-2 solution for free chlorine every three (3) hours, and logging the results into the Daily Operations Log spreadsheet is a violation of Specific Requirement No. 13 of Air Permit No. 2500-00056-01, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2). The Respondent submitted a response, postmarked October 3, 2018, stating employees were retrained on SOP, the results are now being logged in accordance with the SOPs, and the Respondent implemented a shift sign-off verification of logged sample results.</p>
IV.	<p><b>Inspection(s)</b> April 26, 2018</p> <p>At the time of the inspection, the Respondent failed to recharge the AS-2 solution when the free chlorine test result was less than ten thousand (10,000) mg/l, and to log the change out in the Daily Operations Log spreadsheet in accordance with the AS-2 Solution Recharge SOP. The spreadsheet did list that change outs occurred, but randomly, as the free chlorine analysis was not being done. The Respondent's failure to follow the facility's SOP by recharging the AS-2 solution when the free chlorine test result is less than ten thousand (10,000) mg/l is a violation of Specific Requirement No. 13 of Air Permit No. 2500-00056-01, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2). The Respondent submitted a response, postmarked October 3, 2018, stating the employees were retrained on AS-2 Solution Recharge SOP.</p>

**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 Emily Poche at (225) 219-3760 within ten (10) days of receipt of this <b>NOTICE OF POTENTIAL PENALTY</b> .
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 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 <b>NOTICE OF POTENTIAL PENALTY</b> . 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.
IV.	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.
V.	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.

**CONTACTS AND SUBMITTAL OF INFORMATION**

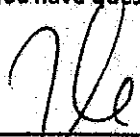
<b>Enforcement Division:</b>	<b>Physical Address (if hand delivered):</b>
Louisiana Department of Environmental Quality Office of Environmental Compliance Air Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Emily Poche	Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

**HOW TO REQUEST CLOSURE OF THIS NOTICE OF POTENTIAL PENALTY**

To expedite closure of the **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 Department assesses civil penalties based on LAC 33:I.Subpart 1.Chapter 7.
- The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
- 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.

If you have questions or need more information, you may contact Emily Poche at (225) 219-3760 or emily.poche@la.gov.

  
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 Lourdes Iturralde  
 Assistant Secretary  
 Office of Environmental Compliance

Date: 1-9-19

cc: Veolia Water North America Operating Services, LLC  
 500 Bonita Drive  
 Chalmette, LA 70043

Attachment(s)

- Request to Settle



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

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



Enforcement Tracking No.	AE-PP-18-00615	Contact Name	Emily Poche
Agency Interest (AI) No.	85188	Contact Phone No.	(225) 219-3760
Alternate ID No.	2500-00056		
Respondent:	Veolia Water North America Operating Services, LLC	Facility Name:	Veolia Water North America Operating Services LLC-Chalmette Facility
	c/o C T Corporation System Agent for Service of Process	Physical Location:	500 Bonita Drive
	3867 Plaza Tower Drive	City, State, Zip:	Chalmette, LA 70043
	Baton Rouge, LA 70816	Parish:	St. Bernard

**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 33:1.Subpart 1.Chapter 7.

In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-PP-18-00615), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.

In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-PP-18-00615), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ \_\_\_\_\_ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.

- Monetary component = \$ \_\_\_\_\_
- Beneficial Environmental Project (BEP) component (optional) = \$ \_\_\_\_\_
- **DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM-** the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-PP-18-00615) 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: Emily Poche

If you have questions or need more information, you may contact Emily Poche at (225) 219-3760 or [emily.poche@la.gov](mailto:emily.poche@la.gov).