

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

November 13, 2018

CERTIFIED MAIL (7004 1160 0001 9956 5796)
RETURN RECEIPT REQUESTED

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

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-18-00649
AGENCY INTEREST NO. 32096**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **CLEAN HARBORS COLFAX, LLC (RESPONDENT)** for the violation(s) described therein.

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

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

Sincerely,

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

Celena J. Cage
Administrator
Enforcement Division

CJC/kce
Alt ID No. LAD981055791

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

IN THE MATTER OF

**CLEAN HARBORS COLFAX, LLC
GRANT PARISH
ALT ID NO. LAD981055791**

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

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ENFORCEMENT TRACKING NO.

MM-CN-18-00649

AGENCY INTEREST NO.

32096

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

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

FINDINGS OF FACT

I.

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

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

II.

The facility is located on approximately a 730-acre site. The Respondent's hazardous waste thermal treatment operations are conducted in an area designated as the "Thermal Treatment Area". The Thermal Treatment Area is approximately forty-three (43) acres and located near the center of the facility. The permitted Thermal Treatment Area is composed of twenty (20) curbed concrete treatment pads set upon a 700' x 130' reinforced concrete slab. The treatment pads are each equipped with an interchangeable burner assembly composed of an open steel tray or a steel-lined concrete burn chamber.

III.

On or about May 15, 2018, the Department conducted a compliance evaluation inspection (CEI) of the Respondent's facility to determine compliance with the Louisiana Solid and Hazardous Waste Regulations. While the Department's investigation is not yet complete, the Department's inspections revealed the following violations:

- A. The Respondent failed to determine if a generated waste was a hazardous waste, in violation of LAC 33:V.1103. Specifically, during the inspection, the Department observed one (1) 55-gallon container storing spent, unpunctured aerosol cans labelled with the words "Empty Aerosol Cans." Based upon statements provided by Respondent representatives during the inspection, it was revealed that the Respondent failed to determine whether these spent, unpunctured aerosol cans were a hazardous waste.
- B. The Respondent failed to properly remedy any deterioration or malfunction of equipment or structure(s) (e.g., burn trays, thermal treatment pad, etc.) associated with the hazardous waste-permitted Thermal Treatment Area, in violation of Hazardous Waste TSD Operating Permit Condition V.D.1.c.iii and iv; LAC 33:V.309.A; and LAC 33:V.1509.C. Specifically, during the Department's inspection of the Thermal Treatment Area, the Department observed the following deteriorations within the Thermal Treatment Area: 1) several cracks and gaps in the concrete curbing/containment; and 2) deterioration/damage (including cracks, gaps, and missing structural components) to treatment pads designated as Nos. 6, 8, 11, 12, 13, and 14. Conditions V.D.1.c.iii and iv of the Respondent's Hazardous Waste TSD Operating Permit stipulates that all defects, deteriorations, and/or malfunctions of the Thermal Treatment Area before additional treatment occurs within those impacted treatment pads.

- C. The Respondent failed to record the date and nature of repairs associated with the hazardous waste-permitted Thermal Treatment Area, in violation of Hazardous Waste TSD Operating Permit Condition V.D.1.c.vi; LAC 33:V.309.A; and LAC 33:V.1509.D. Specifically, during the inspection, the Department reviewed Thermal Treatment Area inspection records for calendar year 2018. Neither paper nor electronic inspection records associated with the Thermal Treatment Area documented specific damages/deteriorations to the unit, dates or repairs, or dates that specific components of the unit were placed back into service.
- D. The Respondent failed to store hazardous waste in a container or containers meeting the requirements of LAC 33:V.Chapter 21, in violation of LAC 33.V.1109.E.1.a.i. Specifically, during the inspection, the Department observed a pile of broken concrete on the southwest corner of the Thermal Treatment Area. A Respondent representative stated that the waste concrete was generated as a result of repairs to the Thermal Treatment Area and was awaiting deposit into one (1) of the hazardous waste roll-off containers storing listed hazardous waste (K044).
- E. The Respondent failed to label or clearly mark waste batteries or a container 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, during the inspection, the Department observed three (3) spent batteries removed from operational equipment stored in a tray that were not labelled as required.
- F. The Respondent stored solid waste on-site for greater than one (1) year without Department approval, in violation of LAC 33:VII.315.B. Specifically, during the inspection, the Department observed thirty-three (33) 55-gallon capacity drums of non-hazardous wastewater that were dated "12-15-2016." According to statements provided by Respondent representatives during the inspection, the containers of non-hazardous wastewater were generated as a result of groundwater sampling activities in late 2016 and had been stored on-site since that time.

COMPLIANCE ORDER

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

I.

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.

II.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to ensure deteriorations or malfunctions of the Respondent's permitted hazardous waste units are remedied in a timely manner, in accordance with LAC 33:V.1509.C.

III.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to record the date and nature of repairs associated with the Respondent's permitted hazardous waste units, in accordance with LAC 33:V.1509.D.

IV.

The Respondent shall immediately, upon receipt of this **COMPLIANCE ORDER**, institute procedures ensuring that hazardous waste are properly contained and/or stored.

V.

To label or mark clearly, immediately upon receipt of this **COMPLIANCE ORDER**, all universal waste batteries or containers in which the batteries are contained with any one (1) of the following phrases: "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)," in accordance with LAC 33:V.3823.A.1.

VI.

To properly dispose, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the solid waste (described in Findings of Fact Paragraph III.F) at an authorized treatment/disposal facility. Additionally, the Respondent shall prepare, obtain, and submit to the Office of Environmental Compliance, Enforcement Division documents verifying proper disposal of those solid wastes within five (5) days of the completion of waste treatment/disposal activities.

VII.

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

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

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Craig Easley
Re: Enforcement Tracking No. MM-CN-18-00649
Agency Interest No. 32096

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

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

II.

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

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. MM-CN-18-00649
Agency Interest No. 32096

III.

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

IV.

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

V.

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

VI.

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

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

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

II.

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

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a

justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

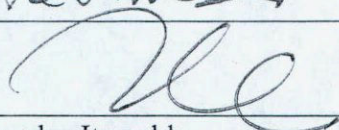
V.

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

VI.

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

Baton Rouge, Louisiana, this 13th day of November, 2018.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

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

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

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION

POST OFFICE BOX 4312

BATON ROUGE, LOUISIANA 70821-4312

CONSOLIDATED COMPLIANCE ORDER &

NOTICE OF POTENTIAL PENALTY

REQUEST TO CLOSE



Enforcement Tracking No.	MM-CN-18-00649	Contact Name	Craig Easley
Agency Interest (AI) No.	32096	Contact Phone No.	225-219-3801
Alternate ID No(s).	LAD981055791		
Respondent:	Clean Harbors Colfax, LLC	Facility Name:	Clean Harbors Colfax, LLC
	c/o C T Corporation System	Physical Location:	3763 Highway 471
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Colfax, LA 71417
	Baton Rouge, LA 70816	Parish:	Grant

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 90 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

_____	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.
_____	<p>In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY («Tracking_»), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$_____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.</p> <ul style="list-style-type: none"> • 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. <p>The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY («Tracking_») and has attached a justification of its offer and a description of any BEPs if included in settlement offer.</p>

CERTIFICATION STATEMENT		
<i>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.</i>		
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		