

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 27, 2019

CERTIFIED MAIL (7018 3090 0002 0373 5558)
RETURN RECEIPT REQUESTED

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

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-19-01210
AGENCY INTEREST NO. 32096**

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 **CLEAN HARBORS COLFAX, LLC (RESPONDENT) (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 Antoinette Cobb at (225) 219-3072.

Sincerely,

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

Celena J. Cage
Administrator
Enforcement Division

CJC/afc/wrs
Alt ID Nos. 1120-00010 & LA0101931
Attachment

c: Clean Harbor Colfax, LLC
c/o Mr. Paul Andrews, Senior Compliance Manager
3763 Louisiana Highway 471
Colfax, Louisiana 71417

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

IN THE MATTER OF

**CLEAN HARBORS COLFAX, LLC
GRANT PARISH
ALT ID NOS. 1120-00010 & LA0101931**

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

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ENFORCEMENT TRACKING NO.

MM-CN-19-01210

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 (facility), a hazardous waste treatment facility, located at 3763 Louisiana Highway 471 in Colfax, Grant Parish, Louisiana. The facility, a Resource Conservation and Recovery Act (RCRA) Subpart X-regulated facility, is a flexible open burning destruction operation that thermally treats energetic materials (RCRA reactive wastes). The facility previously operated under the authority of Minor Source Air Permit No. 1120-00010-05, issued on July 8, 2019. The facility currently operates under the authority of administratively amended Minor Source Air Permit No. 1120-00010-05AA issued on September 13, 2019. The Respondent is authorized to discharge treated contact storm water runoff from a burn pad and treated sanitary wastewater into an unnamed ditch, thence into Summerfield Branch, thence into Bayou Grappe, thence into the Red River, all waters of the state, under the terms and conditions of Louisiana Pollutant Discharge Elimination System

(LPDES) Permit No. LA0101931, issued to the Respondent on May 1, 2019, with an effective date of May 1, 2019, and an expiration date of April 30, 2024.

II.

The Department conducted investigations at the facility as noted in Table 1. A subsequent file review was conducted on or about December 11, 2019. The investigations and file review were conducted to determine the Respondent's degree of compliance with the Louisiana Environmental Quality Act (the Act), the Air Quality Regulations, and all applicable permits. While the investigation by the Department is not yet complete, the following violations were noted during the course of the investigations and/or file review:

Table 1

	INVESTIGATION DATE(S) [EDMS DOCUMENT ID]	DEPARTMENT INCIDENT NUMBERS
I.	July 29, 2019 [11868248]	T192450
II.	August 9, 2019 [11868166]	T192412, T192550, T192552, T192536, T192612, and T192624
III.	September 20, 2019 [11978071]	T193127, T193138, T193150, T193178, T193211, T193245, T193268, T193282, and T19330
IV.	October 30, 2019 [11977931]	T193932

- A. The table below contains specific information regarding the inspectors' reviews of the facility's treatment logs and noted burn times that exceeded the five (5) minute burn/detonation permit limit:

	BURN LOG DATE	PERMITTED BURN TIME	RECORDED BURN TIMES
i.	July 24, 2019	5 minutes	4-15 minutes
ii.	July 26, 2019	5 minutes	15 minutes
iii.	July 31, 2019	5 minutes	5-15 minutes
iv.	August 1, 2019	5 minutes	5-15 minutes
v.	September 5, 2019	5 minutes	3-15 minutes
vi.	September 6, 2019	5 minutes	5-15 minutes

	BURN LOG DATE	PERMITTED BURN TIME	RECORDED BURN TIMES
vii.	September 9, 2019	5 minutes	2-15 minutes
viii.	September 10, 2019	5 minutes	3-15 minutes
ix.	September 12, 2019	5 minutes	5-15 minutes

Each failure to comply with the five (5) minute burn/detonation permit limit is a violation of Specific Requirement 3.7 of Minor Source Permit No. 1120-00010-05 OR Specific Requirement 3.7 of Minor Source Permit No. 1120-00010-05AA, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- B. The Respondent failed to comply with a permitted operating parameter. Specifically, the Respondent operated more than ten (10) pans simultaneously during an hour. On August 29, 2019 at 1:58 PM, Tray Nos. 1 through 4 and 6 through 9 were used for burns/detonations. Tray Nos. 11 through 20 were used for burns/detonations at 2:00 PM. A total of 18 pans were used for burns/detonations during an hour. Failure to comply with the ten (10) pans maximum limit is a violation of Specific Requirement 3.10 of Minor Source Permit No. 1120-00010-05, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

III.

An inspection conducted by the Department on or about September 12, 2019, revealed that the Respondent failed to implement an adequate Storm Water Pollution Prevention Plan (SWP3). Specifically, the SWP3 for the facility was revised in July 2019; however, the plan did not include a discussion of the new treatment system for outfall 001. Additionally, the SWP3 site map was not updated to include the new treatment system for outfall 001. The failure to implement an adequate SWP3 is in violation of LPDES permit No. LA0101931 (Part II, Section G.4.b & c and Part III, Section A.2), La. R.S. 30:2076(A)(3) and LAC 33:IX.2701.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 Air Quality Regulations and the applicable permit.

II.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations and LPDES permit No. LA0101931. This shall include, **but not be limited to**; updating the current SWP3 to include the new treatment system for outfall 001.

III.

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 violation(s) 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: Antoinette Cobb
Re: Enforcement Tracking No. MM-CN-19-01210
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-19-01210
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 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 Antoinette Cobb at (225) 219-3072 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.

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

Baton Rouge, Louisiana, this 29th day of December, 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: Antoinette Cobb

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-19-01210	Contact Name	Antoinette Cobb
Agency Interest (AI) No.	32096	Contact Phone No.	(225) 219-3072
Alternate ID Nos.	1120-00010 & LA0101931		
Respondent:	Clean Harbors Colfax, LLC	Facility Name:	Colfax Facility
	c/o C T Corporation System	Physical Location:	3763 Louisiana Highway 471
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Colfax, Louisiana 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 III 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)

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:I.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (MM-CN-19-01210), 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"/>	<p>In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (MM-CN-19-01210), 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 SUEMIT 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 (MM-CN-19-01210) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.</p>

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: Antoinette Cobb