

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

LEI, INC.

AI # 24512

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

* **Settlement Tracking No.**
* **SA-HE-23-0086**
*
* **Enforcement Tracking No.**
* **HE-PP-21-00394**
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SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between LEI, Inc. (“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 corporation that owned and/or operated a permitted hazardous waste storage and universal waste destination facility located in Hammond, Tangipahoa Parish, Louisiana (“the Facility”).

II

On November 9, 2021, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. HE-PP-21-00394 (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 THREE THOUSAND AND NO/100 DOLLARS (\$3,000.00), of which One Thousand One Hundred Sixty-Seven and 73/100 Dollars (\$1,167.73) 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 Tangipahoa 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. 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.

LEI, INC.

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

BY: _____
Aurelia S. Giacometto, Secretary

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

NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved: *Aurelia S. Giacometto*
Aurelia S. Giacometto, Secretary

JOHN BEL EDWARDS
GOVERNOR

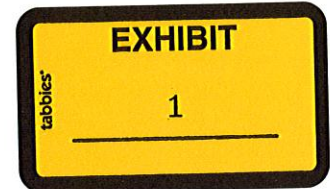


CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

NOV 09 2021

CERTIFIED MAIL (7019 1120 0000 2352 7444)
RETURN RECEIPT REQUESTED



LEI, INC.
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-PP-21-00394
AGENCY INTEREST NO. 24512**

Dear Sir/Madam:

On or about March 8, 2021, and March 19, 2021, inspections of a permitted hazardous waste storage and universal waste destination facility, owned and/or operated by **LEI, INC. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations and Hazardous Waste Operating Permit No. LA 0000365668-OP-RN-1. The facility is located at 46257 Morris Road in Hammond, Tangipahoa Parish, Louisiana.

On or about May 25, 2021, the Department issued Warning Letter HE-L-21-00394 to the Respondent for areas of concern identified during inspections conducted on or about March 8 2019 and March 19, 2021. On or about June 30, 2021, the Respondent submitted a response to the Department.

The Respondent submitted a Hazardous Waste Permit Renewal Application to the Department, dated December 19, 2019, to renew the Hazardous Waste Operating Permit Number LA0000365668-OP-RN-1. On or about October 12, 2021, the Department issued Hazardous Waste Operating Permit No. LA 0000365668-OP-RN-2 to the Respondent.

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 inspections:

- A. The Respondent failed to clean up in a timely manner any spilled material or material trapped in sumps that is a hazardous waste or that will be disposed of as a hazardous waste, in violation of Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1, Permit Conditions

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- II.E.1 & V.A.3.b.v, LAC 33:V.107.A, LAC 33:V.309.A, and LAC 33:V.1505.C.3. Specifically, during the March 8, 2021 inspection, a representative of the Department noted spilled un-containerized elemental mercury hazardous waste (D009) in the south end of the secondary containment for storage area FC-1. During the March 19, 2021 inspection, five (5) small beads of spilled un-containerized elemental mercury hazardous waste (D009) were noted in the south end of the secondary containment for storage area FC-1. On or about March 23, 2021, the Respondent submitted a response including photographs demonstrating cleanup of the spilled un-containerized elemental mercury hazardous waste (D009) and the debris accumulated throughout the FC-1 storage area.
- B. The Respondent failed to maintain and operate all facilities to minimize the possibility of a sudden or non-sudden release of hazardous wastes or hazardous constituents to air, soil, or water that could threaten human health or the environment, in violation of Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1, Permit Conditions II.E.1 & III.A.1, LAC 33:V.107.A, LAC 33:V.309.A, and LAC 33:V.1511.B. Specifically, during the March 8, 2021 inspection, a representative of the Department noted spilled un-containerized elemental mercury hazardous waste (D009) in the south end of the secondary containment for storage area FC-1. During the March 19, 2021 inspection, five (5) small beads of spilled un-containerized elemental mercury hazardous waste (D009) were noted in the south end of the secondary containment for storage area FC-1. On or about March 23, 2021, the Respondent submitted a response including photographs demonstrating cleanup of the spilled un-containerized elemental mercury hazardous waste (D009) and the debris accumulated throughout the FC-1 storage area.
- C. The Respondent failed to maintain a constant negative air pressure in the lamp process facility and hazardous waste storage area, in violation of Hazardous Waste Operating Permit No. LA0000365668-OP-RN-1, Permit Preamble I, Permit Conditions II.E.1 & V.A.4.a, LAC 33:V.107.A, and LAC 33:V.309.A. Specifically, according to the response to Section 517.A in the Hazardous Waste Operating Permit Application Volume I, the facility is designed in such a manner as to create a constant negative air pressure within the lamp process facility and hazardous waste storage area. During the March 19, 2021 inspection, a representative of the Department noted two (2) exit doors of the process facility open. During the inspection, a representative of the Respondent stated that the negative air pressure is not maintained in the process facility whenever the lamp recycling equipment is not in operation. On or about June 30, 2021, the Respondent submitted a response to the Warning Letter explaining that the negative pressure requirement was related to the bulb crushing operations which are no longer performed at the facility, as well as, the Respondent proposed alternatives to control potential vapor migration to replace the negative pressure requirement. The Hazardous Waste Permit Renewal Application dated December 19, 2019 that was submitted by the Respondent includes the proposed alternatives to control potential vapor migration and excludes the requirement for constant negative air pressure. On or about October 12, 2021, the Department issued Hazardous Waste Operating Permit No. LA 0000365668-OP-RN-2 to the Respondent.

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.

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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 like to have such a meeting, please contact Brock Bonvillain at (225) 219-1423 or Brock.Bonvillain@la.gov 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/brb
Alt ID No. LA0000365668

CERTIFIED MAIL (7019 1120 0000 2352 7451)
RETURN RECEIPT REQUESTED

c: LEI, Inc.
c/o Landyn Oller
P. O. Box 550
Independence, LA 70433



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-21-00394	Contact Name	Brock Bonvillain
Agency Interest (AI) No.	24512	Contact Phone No.	(225) 219-1423
Alternate ID No.	LA0000365668		
Respondent:	LEI, Inc.	Facility Name:	LEI, Inc. – Hammond Facility
	c/o C T Corporation System	Physical Location:	46257 Morris Road
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Hammond, LA , 70401
	Baton Rouge, LA 70816	Parish:	Tangipahoa

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.Subpart1.Chapter7.

_____ In order to resolve any claim for civil penalties for the violations in **NOTICE OF POTENTIAL PENALTY (HE-PP-21-00394)** 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 (HE-PP-21-00394)**, 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 (HE-PP-21-00394)** 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: Brock Bonvillain