

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CECOS INTERNATIONAL, INC.

AI # 323

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

* Settlement Tracking No.
* SA-HE-10-0060
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* Enforcement Tracking No.
* HE-CN-08-0161
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SETTLEMENT

The following Settlement is hereby agreed to between Cecos International, 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 owns and/or operates an inactive commercial hazardous waste landfill facility in Livingston, Livingston Parish, Louisiana (“the Facility”).

II

On June 16, 2008, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. HE-CN-08-0161, which was based upon the following findings of fact:

The Respondent owns and/or operates the site known to the Department as Cecos International (the Site) located at 27004 South Frost Road in Livingston, Livingston Parish, Louisiana. The facility is an inactive commercial hazardous waste landfill. The facility is a large

quantity generator of hazardous waste F039 Multi-Source Leachate. The facility was assigned the agency interest number 323.

On or about December 4, 2007, an inspection was made and revealed the following:

The Respondent stored hazardous waste for greater than ninety (90) days without having interim status or a standard permit, in violation of LAC 33:V.303.B. Specifically, the facility stored hazardous waste in Tank T-3 from June 5, 2007, to December 10, 2007. This violation was corrected on or about December 10 and 11, 2007. A manifest submitted to the Department shows the hazardous waste was shipped off site.

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 ONE THOUSAND SIX HUNDRED EIGHTY-ONE AND 42/100 DOLLARS (\$1,681.42), of which One Hundred Eighty-One and 42/100 Dollars (\$181.42)) represents the Department's enforcement costs, in settlement of the claims set forth in this 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 Consolidated Compliance Order & Notice of Potential Penalty and this Settlement 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 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 agreement in any action by the Department to enforce this agreement.

VII

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

VIII

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

IX

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this 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 (Exhibit A).

X

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

XI

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.

CECOS INTERNATIONAL, INC.

BY: ASweet
(Signature)

Andrew Sweet
(Print)

TITLE: VP

THUS DONE AND SIGNED in duplicate original before me this 27th day of August, 2010, at Phoenix, AZ.

Susanne A. Webb
NOTARY PUBLIC (ID #207927)

Susanne A. Webb
(Print)



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

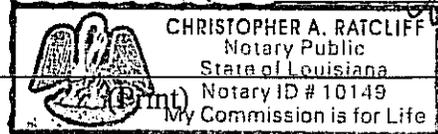
Peggy M. Hatch, Secretary

BY: BJ Brock

Beau James Brock, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 13th day of December, 2010, at Baton Rouge, Louisiana.

Christopher A. Ratcliff
NOTARY PUBLIC (ID #)



Preliminary Approval: Paul D. Miller
Paul D. Miller, P.E., Assistant Secretary