

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

HONEYWELL INTERNATIONAL, INC.

AI # 289

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

\* Settlement Tracking No.  
\* SA-HE-10-0019  
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\* Enforcement Tracking No.  
\* HE-CN-08-0425  
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SETTLEMENT

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The following Settlement is hereby agreed to between Honeywell 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 the Honeywell International Baton Rouge Plant in Baton Rouge, East Baton Rouge Parish, Louisiana ("the Facility"), which is a large quantity generator of hazardous waste.

II

On October 31, 2008, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. HE-CN-08-0425, which was based upon the following findings of fact:

The Respondent owns and/or operates the Honeywell International Baton Rouge Plant (the Site) located at the corner of Lupine and Ontario Street in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility has notified the Department as a large quantity generator of hazardous waste

and has been assigned EPA Identification No. LAD000802868.

On or about December 14 and 17, 2007, inspections were conducted by a representative of the Department which revealed the following violations:

- A. The Respondent failed to mark a container of hazardous waste with the words "Hazardous Waste," in violation of LAC 33:V.1109.E.4. Specifically, one (1) 55-gallon satellite accumulation container was not labeled with the words "Hazardous Waste." This violation has been addressed.
- B. The Respondent failed to label universal waste batteries with one of the following phrases: "Universal Waste – Battery(ies)," "Waste Battery(ies)," or "Used Battery(ies)," in violation of LAC 33:V.3823.A.1. This violation has been addressed.
- C. The Respondent failed to notify the Department within seven (7) days from the time that information submitted in the application for the EPA identification number changed, in violation of LAC 33:V.1105.B. Specifically, the Respondent failed to submit an updated HW-1 to the Department within seven (7) days after changing the current contact person and their phone number, and several waste codes shipped offsite in 2007 were not on the form. The Department received a HW-1 on or about March 4, 2008. The HW-1 did not contain waste codes U044, U154, and U159, all of which were listed on manifests in 2007.
- D. The Respondent failed to submit an exception report to the Department after signed hazardous manifest copies were not received by the facility within forty-five (45) days, in violation of LAC 33:V.1111.C.2. Specifically, several

hazardous waste manifests were dated as received by the designated facility after forty-five (45) days, but an exception report was not submitted.

- E. The Respondent failed to update the hazardous waste contingency plan with the current emergency coordinator's name and information as required by LAC 33:V.4341.A and specified in LAC 33:V.1513.B.4, in violation of LAC 33:V.1109.E.1.e. Specifically, the emergency coordinator list was not updated with the current primary and alternate emergency coordinators.
- F. The Respondent failed to have the waste minimization plan certified by a professional engineer as specified in LAC 33:V.2245.J, in violation of LAC 33:V.1109.E.1.e.
- G. The Respondent failed to have facility personnel take part in an annual review of the initial training required in LAC 33:V.1515.A, as required by LAC 33:V.4319 and specified in LAC 33:V.1515.C, in violation of LAC 33:V.1109.E.1.e.
- H. The Respondent failed to maintain training records for facility personnel as required by LAC 33:V.4319 and specified in LAC 33:V.1515.D.4, in violation of LAC 33:V.1109.E.1.e. Specifically, the facility did not maintain the training records for painting contractor workers who handle hazardous waste at the plant.

### 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 SIX THOUSAND AND NO/100 DOLLARS (\$6,000.00), of which One thousand Six Hundred Fifty-Six and 79/100 Dollars (\$1,656.79) 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 and 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 East Baton Rouge 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.

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HONEYWELL INTERNATIONAL, INC.

BY: Brett W. Ark  
(Signature)

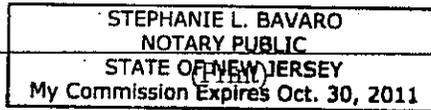
BRETT W. ARK  
(Print)

TITLE: V.P., I&C

THUS DONE AND SIGNED in duplicate original before me this 12<sup>th</sup> day of October, 20 10, at 3:20 pm.

Stephanie L. Bavaro

NOTARY PUBLIC (ID # \_\_\_\_\_)



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Peggy M. Hatch, Secretary

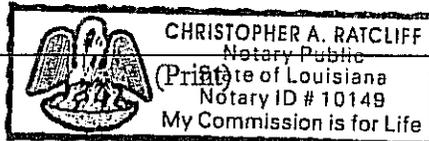
BY: [Signature]

Beau James Brock, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 19<sup>th</sup> day of January, 20 11, at Baton Rouge, Louisiana.

Christopher A. Ratcliff

NOTARY PUBLIC (ID # \_\_\_\_\_)



Approved: Paul D. Miller  
Paul D. Miller, P.E., Assistant Secretary