

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

PLANTATION PIPELINE COMPANY

AI # 582

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

\* Settlement Tracking No.  
\* SA-HE-10-0036  
\*  
\* Enforcement Tracking No.  
\* HE-PP-09-0264  
\*  
\*  
\*  
\*

SETTLEMENT

The following Settlement is hereby agreed to between Plantation Pipeline Company ("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 a combination refined petroleum products tank facility and pumping station facility in Baton Rouge, East Baton Rouge Parish, Louisiana ("the Facility").

II

On October 22, 2009, the Department issued to Respondent a Notice of Penalty Assessment, Enforcement No. HE-PP-09-0264, which was based upon the following findings of fact:

On or about April 30, 2009, an inspection of Plantation Pipeline Company, owned and/or operated by Plantation Pipeline Company (Respondent), was performed to determine the degree of

compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations. The facility is located at 2200 Blount Road, Baton Rouge, East Baton Rouge Parish, Louisiana.

The following violations were noted during the course of the inspection:

- A. The Respondent failed to label or mark universal waste lamps clearly with either "Universal Waste - Lamps," "Waste Lamp(s)," or "Used Lamp(s)," in violation of LAC 33:V.3823.A.6. This violation was addressed on or about May 14, 2009, when the facility labeled the container with "Universal Waste Lamps".
- B. The Respondent failed to label or use any other method which clearly demonstrates the length of time that the universal waste lamp box had been accumulating waste lamps, in violation of LAC 33:V.3825.C. This violation was addressed on or about May 14, 2009, when the facility labeled the container with an accumulation start date.
- C. The Respondent failed to properly determine if a generated solid waste was a hazard, in violation of LAC 33:V.1103. Specifically, the Respondent improperly labeled a 55-gallon drum containing petroleum soiled debris as Hazardous Waste. This violation was addressed on or about May 14, 2009, when the facility conducted a new waste determination that demonstrated the waste was not a hazard.
- D. The Respondent failed to label containers storing hazardous waste with the words "Hazardous Waste" or other words that identify the waste as a hazard, in violation of LAC 33:V.1109.E.4. Specifically, during the inspection, the Inspector observed unlabeled 5-gallon containers on a pallet in the Contractor Area and 5-gallon containers with the product label Carboline in a second zone of the Contractor Area. During the inspection, the facility representative determined four (4) of the 5-gallon containers on the pallet and four (4) of the 5-gallon containers that had product labels in the second zone contained miscellaneous paint waste. This violation was corrected when the facility transferred the paint waste to a 55-gallon drum labeled with the words "Hazardous Waste" and with an accumulation date.
- E. The Respondent failed to have their waste minimization plan certified by a Louisiana registered professional engineer as specified in LAC 33:V.2245.J, in violation of LAC 33:V.1109.E.1.e. This violation was addressed on or about May 15, 2009, when a certified plan was submitted by the Respondent to the Department.

- F. The Respondent failed to label a container storing used oil with the words "Used Oil," in violation of LAC 33:V.4013.D.1. Specifically, unlabeled 5-gallon containers were observed on a pallet in the Contractor Area. After the inspection, the Respondent determined that five (5) of the containers on the pallet were used Hydraulic Oil. This violation was corrected on or about May 13, 2009, when the Respondent added the used oil to a used oil drum which will be sent to a used oil recycler.

### 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 TWO THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$2,300.00), of which Two Hundred and 48/100 Dollars (\$200.48) 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 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.

PLANTATION PIPELINE COMPANY

BY: Brian S Williams  
(Signature)

BRIAN S WILLIAMS  
(Print)

TITLE: ASSUTANT SECRETARY

THIS DONE AND SIGNED in duplicate original before me this 8<sup>th</sup> day of June, 20 10, at Decherade, La

Mona Crawford  
NOTARY PUBLIC (ID #           )

Mona Crawford  
(Print)  
exp. Aug 18, 2011

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
Peggy M. Hatch, Secretary

BY: Beau James Brock  
Beau James Brock, Assistant Secretary  
Office of Environmental Compliance

THIS DONE AND SIGNED in duplicate original before me this 12<sup>th</sup> day of October, 20 10, at Baton Rouge, Louisiana.

Christopher A. Ratcliff  
NOTARY PUBLIC (ID # 10149)

Christopher A. Ratcliff  
(Print)

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

