

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

QUALITECH SERVICES, INC.

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

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Tracking Number:
RE-P-01-0018

SETTLEMENT

The following Settlement is hereby agreed to between Qualitech Services, Inc. (Respondent) and the Department of Environmental Quality, (Department), under authority granted by the Louisiana Environmental Quality Act, LSA- R.S. 30:2001, et seq., (the "Act").

I.

Respondent is in possession of radioactive material in Louisiana and is authorized to perform industrial radiography in Louisiana under the provisions of Louisiana License Number LA-6346-L01 issued by the Department. Respondent's physical address is 505 Justa Street in Morgan City, St. Mary Parish, Louisiana.

II.

The allegations which form the basis of the enforcement action(s) are:

(A) On or about April 27, 2000, an inspection of Respondent's facility was conducted by an employee of the Department. During the inspection it was discovered that on February 1, 2000, Mr. John Harrison and Mr. T. Veillon worked as an illegal two-person crew at Cameron Corporation in Berwick, Louisiana. On January 10, 2000, February 14, 2000, March 18, 2000 and April 14, 2000, Mr. Timothy Veillon and Mr. Vincent Hayes worked as an illegal two-person crew. It was also

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determined that according to the Respondent's Landauer dosimetry report, Mr. Sony Deshotel's cumulative dose for the 1999 monitoring year was 6155 mRem.

(B) As a result of the inspection, the following violations were noted:

(i) Respondent failed to submit a written report of Mr. Deshotel's excessive exposure within thirty (30) days after learning of the occurrence, in violation of LAC 33:XV.487.A.2.a.

(ii) Respondent allowed a two-person crew consisting of two unqualified employees to perform industrial radiography, in violation of LAC 33:XV.575.D.

(C) On February 6, 2001, a Consolidated Compliance Order & Notice of Potential Penalty (CONOPP), Enforcement Tracking No. RE-CN-00-0186 was issued to Respondent.

III.

On October 25, 2001, a penalty assessment in the amount of \$17,986.08 was issued by the Department against Respondent.

IV.

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

V.

Nonetheless, the Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept the amount of THIRTEEN THOUSAND FOUR HUNDRED EIGHTY NINE DOLLARS AND 56/100 DOLLARS (\$13,489.56), \$390.08 of this amount shall be deemed to be reimbursement to the Department for enforcement costs incurred by the Department, in settlement of the claims set forth in this agreement.

The total amount shall be payable over a one year period with a \$1,000.00 installment due within

ten (10) days of the Respondent's receipt of an executed copy of this Settlement Agreement. The remaining installments shall be paid in three (3) installments of \$3,000 per quarter with the first quarterly payment due ninety (90) days from the first payment and a final installment of \$3,489.56. Each installment is due ninety (90) days from the previous payment. In the event that collection action under this agreement is necessary, the Department is entitled to attorney fees and costs.

VI.

Respondent further agrees that the Department may consider the inspection report(s), the Penalty Assessment 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 the 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.

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. 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 a proof-of-

publication affidavit 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 as required in Paragraph V above. If payment is not received within that time, this Agreement is voidable at the option of the Department. Penalties are to be made payable to the Department of Environmental Quality and mailed to the attention of Darryl Serio, Office of Management and Finance, Department of Environmental Quality, Post Office Box 52231, Baton Rouge, Louisiana, 70884-2231.

X.

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

XI.

This agreement shall be considered a final order of the secretary for the purposes of La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement.

XII.

Each undersigned representative of the parties to this agreement warrants that he/she is fully authorized to enter into and execute this agreement on behalf of the party he/she represents and to legally bind such party to this agreement.

WITNESSES:

Angela L Hoffmann
Ann D'Arcy

RESPONDENT

BY: J. M. Destotel
NAME: J. M. Destotel
TITLE: President Tower

THUS DONE AND SIGNED before me this 19th day of JUNE 2002, in Morgan City, La.

[Signature]
NOTARY PUBLIC

WITNESSES:

Holly Smith
Le Wood

STATE OF LOUISIANA
J. Dale Givens, Secretary
Dept. of Environmental Quality

BY: R. Bruce Hammatt
R. Bruce Hammatt, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED before me this 14 day of August, 2002, in Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC

Approved: R. Bruce Hammatt
R. Bruce Hammatt, Assistant Secretary