

**STATE OF LOUISIANA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

**U.S. FILTER RECOVERY SERVICES  
(MID-ATLANTIC), INC.**

**AI # 47316**

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

\* **Settlement Tracking No.**  
\* **SA-HE-08-0039**  
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\* **Enforcement Tracking No.**  
\* **HE-CN-04-0439**  
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**SETTLEMENT**

The following Settlement is hereby agreed to between Siemens Water Technologies Corp., successor by merger to U.S. Filter Recovery Services (Mid-Atlantic), 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 was a corporation that owned and/or operated a used oil recycling facility located in New Orleans, Orleans Parish, Louisiana ("the Facility").

**II**

On July 25, 2005, the Department issued to Respondent a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. HE-CN-04-0439, which was based upon the following findings of fact:

The Respondent owns and/or operates a used oil recycling facility located at 14890 Intracoastal Drive in New Orleans, Orleans Parish, Louisiana. That facility currently operates under

EPA identification number LAR000057885.

On or about October 24, 2004 and December 3, 2004, inspections by the Department noted the following:

The Respondent is operating a used oil transfer facility at 301 Louisiana Highway 20 in Schriever, Louisiana without approval of the administrative authority, in violation of LAC 33:V.4035.

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 FOUR THOUSAND AND NO/100 DOLLARS (\$4,000.00), of which One Thousand Nine Hundred Fifty-Eight and 33/100 Dollars (\$1,958.33) 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 Terrebonne 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 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 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 based upon the violations alleged or the factual assertions made in the above referenced Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. HE-CN-04-0439, 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.

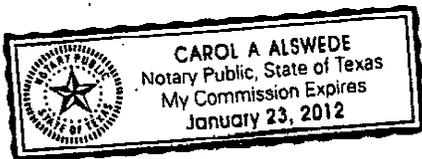
SIEMENS WATER TECHNOLOGIES  
CORP., SUCCESSOR BY MERGER TO  
U.S. FILTER RECOVERY SERVICES  
(MID-ATLANTIC), INC.

BY: Jack J. Masella  
(Signature)

Jack J. Masella  
(Print)

TITLE: Director - EHS

THUS DONE AND SIGNED in duplicate original before me this 29<sup>th</sup> day of  
April, 20 09, at 2:15 CDT



Carol A. Alswede  
NOTARY PUBLIC (ID # 01076446-3)

Carol A. Alswede  
(Print)

LOUISIANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
Harold Leggett, Ph.D., Secretary

BY: Peggy M. Hatch  
Peggy M. Hatch, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 10<sup>th</sup> day of  
July, 20 09, at Baton Rouge, Louisiana.

Christopher A. Ratcliff  
NOTARY PUBLIC (ID # 10149)

Christopher A. Ratcliff  
(Print)

Approved: Peggy M. Hatch  
Peggy M. Hatch, Assistant Secretary