

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CB&I WALKER, LA L.L.C.

AI # 9154, 44009

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

* Settlement Tracking No.
* SA-HE-18-0068
*
* Enforcement Tracking No.
* HE-PP-17-01188
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SETTLEMENT

The following Settlement is hereby agreed to between CB&I Walker, LA L.L.C. (“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 limited liability company that owned and/or operated facilities located in Walker, Livingston Parish, Louisiana (“the Facilities”).

II

On March 14, 2018, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. HE-PP-17-01188 (Exhibit 1).

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 FIVE HUNDRED FIFTY-FOUR AND 40/100 DOLLARS (\$2,554.40), of which Eight Hundred Eleven and 93/100 Dollars (\$811.93) 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 La. R. S. 30:2025(E) of the Act.

VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

IX

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 and wording 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.

X

Payment is to be made within thirty (30) 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).

XI

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

XII

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.

CB&I WALKER LA, L.L.C.

BY: [Signature]
(Signature)

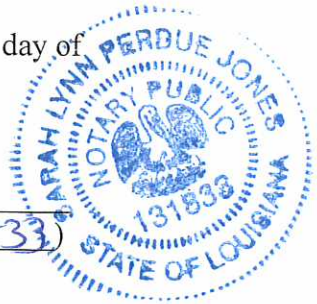
RODNEY PADDUE
(Printed)

TITLE: PLANT MANAGER

THUS DONE AND SIGNED in duplicate original before me this 8th day of April, 20 19, at Baton Rouge, LA.

[Signature]

NOTARY PUBLIC (ID # 131833)



Sarah Lynn Perdue Jones
Notary Public ID# 131833
State of Louisiana
Commissioned For Life
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary

BY: [Signature]
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 19th day of June, 20 19, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
March 14, 2018

CERTIFIED MAIL (7017 1070 0000 2657 7918)
RETURN RECEIPT REQUESTED

CB&I WALKER LA, L.L.C.
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-PP-17-01188
AGENCY INTEREST NOS. 9154; 44009**

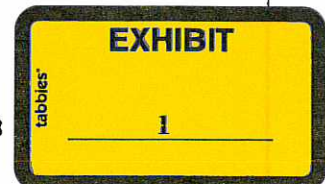
Dear Sir/Madam:

On or about August 15, 2017, and August 17, 2017, inspections of a metal fabrication facility owned and/or operated by **CB&I WALKER LA, L.L.C. (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations. The main facility is located at 30103 Sunland Drive in Walker, Livingston Parish, Louisiana (Agency Interest No. 9154). The Respondent notified as a Large Quantity Generator of hazardous waste and operates at the main facility under EPA Identification No. LAD118972231.

The August 15, 2017, and August 17, 2017 inspections revealed that the E-Shop building of the facility, located at 15685 Industrial Way in Walker, Livingston Parish, Louisiana (Agency Interest No. 44009), is adjacent to, but not contiguous with the main facility. Therefore, the E-Shop Building was required to be registered as its own hazardous waste facility and obtain its own EPA identification number. The Respondent notified as a Conditionally Exempt Small Quantity Generator of hazardous waste for the E-Shop building, obtained EPA identification number LAR000036301, and submitted an HW-1 Form to the Department dated November 8, 2017.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspections:

- A. The Respondent failed to close a container of hazardous waste, except when it is necessary to add or remove waste in accordance with LAC 33:V.2107.A, in violation of LAC 33:V.1109.E.4. Specifically, the following containers were not closed:



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1. One (1) 55-gallon steel drum managed as satellite accumulation and located in the Materials Yard was open. The drum contained waste aerosol cans and was labeled with the words "Hazardous Waste." The lid of the drum was not secured to the body of the drum with a ring clamp. A representative of the Respondent submitted a response to the Department dated August 25, 2017, stating that the drum's lid was secured to the body of the drum with a ring clamp.
 2. One (1) 55-gallon drum managed as satellite accumulation and located in the Robot Building was open. The drum was roughly forty (40) percent full and was labeled with the words "Aerosol Cans Only." The container was only covered with a black plastic pipe end, and the body of the drum had been damaged. A representative of the Respondent submitted a response to the Department dated August 25, 2017, stating that the waste in the drum was transferred to another similar container and the damaged drum was disposed of.
 3. One (1) 55-gallon steel drum managed as satellite accumulation and located in the Pipe Wheelabrator Building was open. The drum was labeled with the words "Aerosol Cans Only" and was open with a black plastic pipe end cap adjacent to the drum. A representative of the Respondent submitted a response to the Department dated August 25, 2017, stating that the drum was replaced and secured with a ring-clamped lid.
 4. One (1) 55-gallon steel drum managed as satellite accumulation and located in the Power Bay Building was open. The drum was labeled with the words "Aerosol Cans Only" and was open. A representative of the Respondent submitted a response to the Department dated August 25, 2017, stating that the drum was replaced and secured with a ring-clamped lid.
 5. One (1) 55-gallon steel drum managed as satellite accumulation and located in the West Side Shipping Building was open. The drum was labeled with the words "Aerosol Cans Only." The drum was open with a black plastic pipe end cap covering that was not secured to the drum. A representative of the Respondent submitted a response to the Department dated August 25, 2017, stating that the drum's lid had been secured to the body of the drum with a ring clamp.
 6. One (1) 55-gallon steel drum managed as satellite accumulation and located in the Main Shop Building was open. The drum was labeled with the words "Aerosol Cans Only." The drum was covered with a black plastic pipe end cap with a hole cut through the end. A representative of the Respondent submitted a response to the Department dated August 25, 2017, stating that the drum's lid had been secured to the body of the drum with a ring clamp.
- B. The Respondent failed to ensure that containers holding hazardous waste are in good condition (e.g., free of severe rusting and/or apparent structural defects) in accordance with LAC 33:V.2103.A, in violation of LAC 33:V.1109.E.4. Specifically, the body of the 55-gallon drum described in Findings of Fact Paragraph A.2 had been damaged. A representative of the Respondent submitted a response to the Department dated

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August 25, 2017, stating that the waste in the drum was transferred to another similar container and the damaged drum was disposed of.

- C. The Respondent failed to obtain an EPA identification number before treating, storing, disposing, transporting, or offering hazardous waste for transportation, in violation of LAC 33:V.1105.A. Specifically, the Respondent generated and stored hazardous waste at the E-Shop Building and offered hazardous waste for transportation from the E-Shop Building to the main facility (Agency Interest No. 9154). The E-Shop Building is adjacent to but not contiguous with the main facility and has a different address (15685 Industrial Way; Agency Interest No. 44009). Therefore, the E-Shop Building is required to be registered as its own hazardous waste facility and obtain its own EPA identification number. The Respondent obtained EPA identification number LAR000036301 for the E-Shop Building and submitted an HW-1 Form to the Department dated November 8, 2017.
- D. The Respondent offered hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an active EPA identification number, in violation of LAC 33:V.1105.C. Specifically, the Respondent offered hazardous waste for transportation from the E-Shop Building to the main facility, which is not a registered treatment, storage, or disposal facility. After obtaining EPA identification number LAR000036301 for the E-Shop Building, the Respondent ceased offering hazardous waste to the main facility on August 27, 2017, as stated in a response submitted to the Department dated February 2, 2018.
- E. The Respondent failed to include all hazardous waste descriptions and EPA hazardous waste numbers on the annual report, in violation of LAC 33:V.1111.B.1.e. Specifically, hazardous waste code D006 was listed on the GM Form on the 2015 Annual Hazardous Waste Report but was not listed under Section 11.A. The Respondent submitted a revised 2015 Annual Hazardous Waste Report to the Department dated August 21, 2017.
- F. The Respondent failed to list addresses (office and home) of all persons qualified to act as emergency coordinator in the contingency plan as required by LAC 33:V.1513.B.4, in violation of LAC 33:V.1109.E.1.e. Specifically, the contingency plan did not include the home and/or office address of the facility's emergency contacts. A representative of the Respondent submitted a revised contingency plan to the Department in a response dated August 25, 2017.
- G. The Respondent failed to list the emergency equipment at the facility, such as fire extinguishing system, spill control equipment, communications, and alarm systems (internal and external), and decontamination equipment and the location and a physical description of each item on the list in the contingency plan as required by LAC 33:V.1513.B.5, in violation of LAC 33:V.1109.E.1.e. Specifically, the contingency plan did not include a list, location, and brief description of all of the fire control devices, spill kits, or decontamination equipment onsite. A representative of

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the Respondent submitted a revised contingency plan to the Department in a response dated August 25, 2017.

- H. The Respondent failed to ensure a copy of the contingency plan and all revisions to the plan are submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services as specified in LAC 33:V.1513.C.2, in violation of LAC 33:V.1109.E.1.e. The updated contingency plan was mailed via certified mail to local emergency response providers after the inspection.
- I. The Respondent failed to maintain documents and records at the facility pertaining to training as specified in LAC 33:V.1515.D.4 and LAC 33:V.1515.E, in violation of LAC 33:V.1109.E.1.e. Specifically, at the time of the inspection, the training records requested were incomplete. A representative of the Respondent submitted some training records, including job descriptions of various facility positions, personnel in the positions and training frequency, to the Department in a response dated August 25, 2017. On November 16, 2017, a representative of the Respondent submitted job descriptions and current training for two (2) additional employees. Training records for Mr. Ian Piper were requested and were not provided to the Department. Additionally, the responses submitted to the Department did not include all dates of hire and termination, dates of initial and subsequent training for the personnel listed in the job descriptions provided. The Respondent provided the missing training records in a response submitted to the Department dated February 2, 2018.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Cynthia Arrison at (225) 219-3796 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

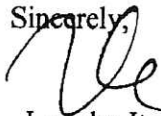
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For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/CLA/cla
Alt ID Nos. LAD118972231; LAR000036301

c: CB&I Walker LA, L.L.C.
c/o Ronald White, EHS Supervisor
30103 Sunland Drive
Walker, LA 70785

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

**NOTICE OF POTENTIAL PENALTY
 REQUEST TO SETTLE (OPTIONAL)**



Enforcement Tracking No.	HE-PP-17-01188	Contact Name	Cynthia Arrison
Agency Interest (AI) Nos.	9154; 44009	Contact Phone No.	(225) 219-3796
Alternate ID Nos.	LAD118972231; LAR000036301		
Respondent:	CB&I WALKER LA, L.L.C.	Facility Name:	CB&I Walker LA, LLC
	c/o C T Corporation System	Physical Location:	30103 Sunland Drive
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Walker, LA 70785
	Baton Rouge, LA 70816	Parish:	Livingston

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:11.Subpart1.Chapter7.

In order to resolve any claim for civil penalties for the violations in **NOTICE OF POTENTIAL PENALTY (HE-PP-17-01188)**, the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.

In order to resolve any claim for civil penalties for the violations in **NOTICE OF POTENTIAL PENALTY (HE-PP-17-01188)**, the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.

- Monetary component = \$ _____
- Beneficial Environmental Project (BEP) component (optional)= \$ _____
- **DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM-** the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

The Respondent has reviewed the violations noted in **NOTICE OF POTENTIAL PENALTY (HE-PP-17-01188)** and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality
 Office of Environmental Compliance
 Enforcement Division
 P.O. Box 4312
 Baton Rouge, LA 70821
 Attn: Cynthia Arrison