

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CECOS INTERNATIONAL, INC.

AI # 323

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

* Settlement Tracking No.
* SA-HE-19-0017
*
* Enforcement Tracking No.
* HE-PP-17-00477
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SETTLEMENT

The following Settlement is hereby agreed to between Cecos 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 owned and/or operated an inactive commercial hazardous waste landfill located in Livingston, Livingston Parish, Louisiana (“the Facility”).

II

On December 27, 2017, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. HE-PP-17-00477 (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 SEVEN THOUSAND SEVEN HUNDRED FOURTEEN AND NO/100 DOLLARS (\$7,714.00), of which Seven Hundred Ninety-Six and 08/100 Dollars (\$796.08) 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 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).

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.

CECOS INTERNATIONAL, INC.

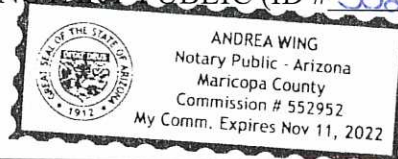
BY: [Signature]
(Signature)

Thomas D. Ulreich-Power
(Printed)

TITLE: Vice President

THUS DONE AND SIGNED in duplicate original before me this 10 day of July, 2019, at Maricopa County.

[Signature]
NOTARY PUBLIC (ID # 552952)



(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 5th day of Sept, 2019, 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
December 27, 2017

CERTIFIED MAIL (7016 0910 0000 2672 9136)
RETURN RECEIPT REQUESTED

CECOS INTERNATIONAL, INC.
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-17-00477
AGENCY INTEREST NO. 323**

Dear Sir/Madam:

On or about November 13, 2013, November 18, 2013, and June 23, 2016, inspections of an inactive commercial hazardous waste landfill, owned and/or operated by **CECOS INTERNATIONAL, INC. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Louisiana Hazardous Waste Regulations. The facility is located at 28422 Frost Road in Livingston, Livingston Parish, Louisiana. The Respondent notified the Department as a large quantity generator (LQG) of hazardous waste. The facility is managed under Post Closure Permit LAD000618298-PC-RN-1.

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 label universal waste electronics, or a container in which the electronics are contained, or each electronic device, package, or pallet containing universal waste electronics with any one of the following phrases: "Universal Waste – Electronics," or "Waste Electronics," or "Used Electronics," in violation of LAC 33:V.3823.A.7. Additionally, the Respondent failed to date the pallet to demonstrate the length of time universal waste had been accumulated, in violation of LAC 33:V.3825.C. Specifically, one pallet of universal waste electronics (used computers and monitors) was unlabeled and undated. This violation was noted during the November 13, 2013, inspection, and a representative of the Respondent immediately labeled and dated the electronic waste. This violation has been addressed.



CECOS INTERNATIONAL, INC.

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- B. An inspection conducted by the Department on or about November 18, 2013, revealed that the Respondent failed to notify the Office of Environmental Services within seven (7) days of changes to the information included in its application for an EPA identification number (HW-1 Notification Form), in violation of LAC 33:V.1105.B. Specifically, the facility did not update the HW-1 to include the current site identification information. The environmental manager and site contact listed on the HW-1 Form was an employee that left employment in February 2013. At the time of the November 18, 2013, inspection, the Respondent submitted an updated HW-1 form listing a current employee as the Site Contact. This violation has been addressed.
- C. The Respondent failed to immediately amend the hazardous waste contingency plan when the emergency coordinators change, in accordance with LAC 33:V.4345.A.4, in violation of Condition III.L.3 of the Standard Permit LAD000618298-PC-RN-1, LAC 33:V.1109.E.1.e, and LAC 33:V.309.A. Specifically, the facility's hazardous waste contingency plan listed two former employees as Emergency Coordinators. The November 18, 2013, inspection noted that the contingency plan was updated to specify a current employee as the Emergency Coordinator. This violation has been addressed.
- D. The Respondent failed to immediately amend the hazardous waste contingency plan to include emergency equipment changes, in accordance with LAC 33:V.4345.A.5, in violation of Condition III.L.3 of the Standard Permit LAD000618298-PC-RN-1, LAC 33:V.1109.E.1.e, and LAC 33:V.309.A. Specifically, the facility's hazardous waste contingency plan listed, in Appendix D, emergency equipment located in closed facility units. The November 18, 2013, inspection noted that the contingency plan was updated to delete closed units and modify the list of emergency equipment. This violation has been addressed.
- E. The Respondent failed to comply with all conditions of the hazardous waste permit, in violation of Condition III.C.3 of the Standard Permit LAD000618298-PC-RN-1 and LAC 33:V.309.A. Specifically, the Respondent failed to complete the annual re-characterization of leachate to detect changes in concentrations of chemical constituents and appearance of new constituents. For several years, the facility failed to include pyridine under Method 8270 of their testing protocol. On or about June 24, 2016, the Respondent submitted to the Department, via email correspondence, analytical results of the leachate, indicating that pyridine was included in the testing. This violation has been addressed.
- F. An inspection conducted by the Department on or about November 13, 2013, revealed that the Respondent failed to have the 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. Specifically, the facility's waste minimization plan was not certified by a Louisiana registered professional engineer. The waste minimization plan was certified and signed by a Louisiana registered professional engineer on January 10, 2014. This violation has been addressed.

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- G. An inspection conducted by the Department on or about November 13, 2013, revealed that the Respondent failed to provide personnel training which includes instruction which teaches facility personnel hazardous waste management procedures relevant to the positions in which they are employed, in accordance with LAC 33:V.1515.A.2, in violation of Condition III.F of the Standard Permit LAD000618298-PC-RN-1, LAC 33:V.1109.E.1.e, and LAC 33:V.309.A. Specifically, the personal training program consisted of HAZWOPER and safety education, but failed to provide instruction in hazardous waste management adequate with job descriptions. On or about December 5, 2013, the facility's hazardous waste staff completed hazardous waste management instruction. This violation has been addressed.
- H. An inspection conducted by the Department on or about June 23, 2016, revealed that the Respondent failed to obtain and submit to the Office of Environmental Services, prior to placing the tank system in service, a written assessment, reviewed and certified by an independent registered professional engineer, attesting that the tank system has sufficient structural integrity and is acceptable for storing or treating hazardous waste, in violation of LAC 33:V.1905.H. Specifically, the facility failed to obtain professional engineer certifications for the <90-day Pumping Station #1 Tank and the <90-day Mix Tank. On or about June 16, 2017, the Respondent submitted correspondence to the Department with documentation indicating that the tanks were inspected and certified by an American Petroleum Institute certified inspector and Professional Engineer on December 9, 2016. This violation has been addressed.

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 Tom Cranford at (225) 219-3095 or tom.cranford@la.gov 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.Chapter7. 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/TLC/tlc

Alt ID No. LAD000618298

c: Cecos International, Inc.
28422 Frost Road
Livingston, LA 70754

**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-17-00477	Contact Name	Tom Cranford
Agency Interest (AI) No.	323	Contact Phone No.	(225) 219-3095
Alternate ID No.	LAD000618298		
Respondent:	CECOS International, Inc.	Facility Name:	CECOS International Inc
	c/o C T Corporation System	Physical Location:	28422 Frost Road
	Agent for Service of Process		
	3867 Plaza Tower Drive Baton Rouge, LA 70816	City, State, Zip:	Livingston, LA 70754
		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 33:1.Subpart1.Chapter7.

In order to resolve any claim for civil penalties for the violations in **NOTICE OF POTENTIAL PENALTY (HE-PP-17-00477)**, 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-17-00477)**, 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-17-00477)** 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: Tom Cranford