

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

LOVE'S OF LOUISIANA, L.L.C.

AI # 148935

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

* Settlement Tracking No.
* SA-UE-18-0049
*
* Enforcement Tracking No.
* UE-PP-17-00058
*
*
*
*

SETTLEMENT

The following Settlement is hereby agreed to between Love's of Louisiana, 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 owns and/or operates a motor fuel retailer facility located in Calcasieu Parish, Louisiana ("the Facility").

II

On June 5, 2017, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. UE-PP-17-00058, attached as Exhibit A.

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 NINE HUNDRED FIFTY-FOUR AND NO/100 DOLLARS (\$7,954.00), of which One Thousand Three Hundred Eighty-Nine and 20/100 Dollars (\$1,389.20) 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)/permit record(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 Calcasieu 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 B).

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.

Love's of Louisiana L.L.C.

BY: [Signature]
(Signature)

Jenny L Meyer
(Printed)

TITLE: Manager

THUS DONE AND SIGNED in duplicate original before me this 10 day of October, 20 19, at Oklahoma.



Kathryn Lee
NOTARY PUBLIC (ID # 16002798)

Kathryn Lee
(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 14th day of Feb, 20 20, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary

EDMS# 6039453

SB

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
June 5, 2017

2444
CERTIFIED MAIL (7014 1200 0000 7864 2321)
RETURN RECEIPT REQUESTED

Correct copy
with
New certified
7014 1200
0000-7864
2444

LOVE'S OF LOUISIANA, L.L.C.
c/o CT Corporation System
Agent for Service of Process
3867 Plaza Tower Dr.
Baton Rouge, LA 70816

RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. UE-PP-17-00058
AGENCY INTEREST NO. 148935

Dear Sir or Madam:

On or about July 14, 2015, an inspection of LOVE'S TRAVEL STOP #362, a motor fuel retailer, owned and/or operated by LOVE'S OF LOUISIANA, L.L.C. (RESPONDENT), was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Underground Storage Tank Regulations. The facility is located at 2024A West Street in Vinton, Calcasieu Parish, Louisiana. The facility is registered with the Department and is assigned facility identification number 10-019109.

On or about September 22, 2015, the Department issued a NOTICE OF POTENTIAL DELIVERY PROHIBITION to the Respondent for violations noted during the July 14, 2015 inspection. A follow-up inspection was performed by the Department on or about September 8, 2015. On or about November 28, 2016, the Department issued a DEFICIENCY CLEAR LETTER to the Respondent, stating that the violations had been adequately addressed.

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 inspection:

- A. The Respondent failed to ensure that spill prevention equipment has liquid tight sides and bottoms, in violation of LAC 33:XI.303.D.3.a.i. Specifically, the spill bucket on the unleaded 12,000-gallon compartment tank was cracked at the time of the inspection. The Respondent submitted an invoice dated September 22, 2015, to the Department as documentation that Rittiner Equipment Co., Inc. replaced the unleaded spill bucket on September 16, 2015. This violation has been addressed.



Love's of Louisiana, L.L.C.

UE-PP-17-00058

Page 2

- B. The Respondent failed to monitor all tanks at least every thirty (30) days for releases using one of the methods listed in LAC 33:XI.701.A.4-8, in violation of LAC 33:XI.703.B.1. Specifically, the diesel interstitial sensors were in alarm during the months of October 2013 through March 2014 and the premium and unleaded interstitial sensors were in alarm during the months of June 2013 and December 2013 through March 2014. The Respondent submitted correspondence dated July 12, 2016, to the Department stating that the submersible turbine pump (STP) sumps were repaired and water was removed from the annular spaces. This violation has been addressed.
- C. The Respondent failed to report a suspected release within twenty-four (24) hours after becoming aware of the occurrence or when a leak detection method required under LAC 33:XI.703.B and C indicated that a release may have occurred, in violation of LAC 33:XI.707. Specifically, the Respondent did not notify the Department of the diesel interstitial sensors in alarm during the months of October 2013 through March 2014 and the premium and unleaded interstitial sensors in alarm during the months of June 2013 and December 2013 through March 2014. The Respondent submitted correspondence dated November 11, 2015, to the Department stating that they now understand the requirement to report a suspected release within twenty-four (24) hours. Furthermore, the Respondent has updated software that allows them to monitor the automatic tank gauging (ATG) system multiple times a day for sensor alarms. This violation has been addressed.
- D. The Respondent failed to immediately investigate and confirm all suspected releases of regulated substances requiring reporting under LAC 33:XI.707 within seven (7) days, in violation of LAC 33:XI.711. Specifically, the diesel interstitial sensors were in alarm during the months of October 2013 through March 2014 and the premium and unleaded interstitial sensors were in alarm during the months of June 2013 and December 2013 through March 2014. In correspondence dated November 11, 2015, the Respondent stated that they investigated the suspected release multiple times and confirmed that the interstitial sensor alarms were attributed to water in the annular spaces. STP sump repairs were completed by July 12, 2016. The Respondent stated that they were previously unaware that interstitial STP sump sensors were part of their leak detection method due to the age of the USTs. This violation has been addressed.
- E. The Respondent failed to maintain the interstitial space or sump free of water, debris, or anything that could interfere with leak detection capabilities, in violation of LAC 33:XI.701.B.4.a. Specifically, at the time of the inspection, the Respondent stated that water was the cause of the diesel, unleaded, and premium sensor alarms. Multiple submersible turbine pump (STP) and interstitial sensors were in alarm for consecutive months. In correspondence dated July 12, 2016, the Respondent stated that all water had been removed from the interstitial spaces and that STP sump repairs were complete. This violation has been addressed.
- F. The Respondent failed to submit a UST REG-01 Form at least thirty (30) days before bringing such tanks into use, in violation of LAC 33:XI.301.B. Specifically, tank 70084 was registered as 100 percent biofuel and was changed to 99.9 percent biofuel on or about March 2015. The Respondent submitted an updated UST-REG-01 Form to the Department on December 14, 2015. This violation has been addressed.
- G. The Respondent failed to maintain the records required at the UST site and make them immediately available for the Department's inspection or keep them at a readily available alternative site and provide them to the Department for inspection upon request, in violation

Love's of Louisiana, L.L.C.
UE-PP-17-00058
Page 3

of LAC 33:XI.509.C. Specifically, the Respondent did not provide requested records to the Inspector in a timely fashion, including results of a line leak detector (LLD) test, procedures for responding to sensor alarms, and documentation of the cause of the diesel, unleaded, and premium sensor alarms. The Respondent provided the requested records to the Department by November 11, 2015. 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 Jennifer Boudreaux at (225) 219-3636 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.

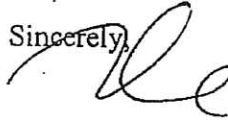
For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

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.

Love's of Louisiana, L.L.C.
UE-PP-17-00058
Page 4

Sincerely,



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/JMB/jmb
Alt ID No. 10-019109

c: Love's of Louisiana, LLC
P.O. Box 26210
Oklahoma City, OK 73120

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.	UE-PP-17-00058	Contact Name	Jennifer Boudreaux
Agency Interest (AI) No.	148935	Contact Phone No.	(225) 219-3636
Alternate ID No.	10-019109		
Respondent:	Love's of Louisiana, L.L.C.	Facility Name:	Love's Travel Stop #362
	c/o CT Corporation System	Physical Location:	2024A West Street
	Agent for Service of Process		
	3867 Plaza Tower Dr.	City, State, Zip:	Vinton, LA 70668
	Baton Rouge, LA 70816	Parish:	Calcasieu

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 (UE-PP-17-00058), 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 (UE-PP-17-00058), 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 (UE-PP-17-00058) 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: Jennifer Boudreaux