

**STATE OF LOUISIANA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

**LBC BATON ROUGE, LLC**

**AI # 3492**

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

\* **Settlement Tracking No.**  
\* **SA-MM-22-0068**  
\*  
\* **Enforcement Tracking No.**  
\* **MM-CN-20-00078**  
\*  
\*  
\*  
\*

**SETTLEMENT**

The following Settlement is hereby agreed to between LBC Baton Rouge, LLC (“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 petroleum terminal facility located in Sunshine, Iberville Parish, Louisiana (“the Facility”).

**II**

On May 4, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-20-00078 (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 FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), of which One Thousand Two Hundred Twenty-Nine and 66/100 Dollars (\$1,229.66) 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 & 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 Iberville 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 attached hereto.

## 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.

**LBC BATON ROUGE, LLC**

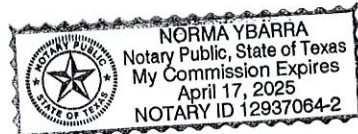
BY: [Signature]  
(Signature)

Bruce Moore  
(Printed)

TITLE: Manager

THUS DONE AND SIGNED in duplicate original before me this 26<sup>th</sup> day of June, 20 23, at 8:57am.

[Signature]  
NOTARY PUBLIC (ID # 12938064-2)



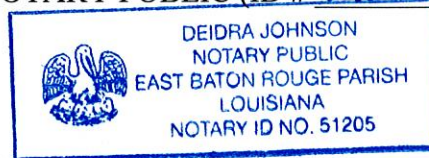
(stamped or printed)

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Roger W. Gingles, Secretary

BY: [Signature]  
Celena J. Cage, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 18<sup>th</sup> day of September, 20 23, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 51205)



(stamped or printed)  
Lifetime Commission

Approved: [Signature]  
Celena J. Cage, Assistant Secretary

JOHN BEL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, Ph.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

MAY 04 2020

CERTIFIED MAIL (7017 2400 0000 7557 2791)  
RETURN RECEIPT REQUESTED

**LBC BATON ROUGE, LLC**  
c/o CT Corporation System  
Agent for Service of Process  
3867 Plaza Tower Drive  
Baton Rouge, LA 70816

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. MM-CN-20-00078  
AGENCY INTEREST NO. 3492**

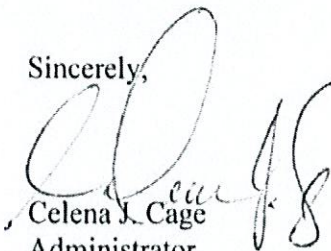
Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **LBC BATON ROUGE, LLC (RESPONDENT)** for the violations described therein.

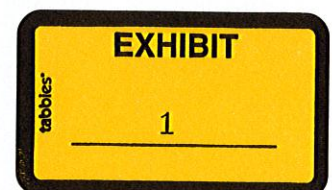
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Brock Bonvillain at (225) 219-1423 or Brock.Bonvillain@la.gov.

Sincerely,

  
Celena J. Cage  
Administrator  
Enforcement Division

CJC/BRB/brb  
Alt ID No. LAD096040712  
Attachment



c: LBC Baton Rouge, LLC  
Kevin Chimento, Terminal Manager  
1725 Highway 75  
Sunshine, LA 70780

**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE**

<b>IN THE MATTER OF</b>	*	
	*	
<b>LBC BATON ROUGE, LLC</b>	*	<b>ENFORCEMENT TRACKING NO.</b>
<b>IBERVILLE PARISH</b>	*	
<b>ALT ID NO. LAD096040712</b>	*	<b>MM-CN-20-00078</b>
	*	
	*	<b>AGENCY INTEREST NO.</b>
<b>PROCEEDINGS UNDER THE LOUISIANA</b>	*	
<b>ENVIRONMENTAL QUALITY ACT,</b>	*	<b>3492</b>
<b>La. R.S. 30:2001, ET SEQ.</b>	*	

**CONSOLIDATED**  
**COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **LBC BATON ROUGE, LLC (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

**I.**

The Respondent owns and/or operates a petroleum terminal facility, LBC Baton Rouge LLC – Sunshine Terminal, located at 1725 Highway 75 in Sunshine, Iberville Parish, Louisiana. The facility leases storage tanks for petroleum products, where material is stored onsite prior to shipment to an end user. The Respondent notified the Department as a large quantity generator of hazardous waste and operates under EPA identification number LAD096040712.

**II.**

On or about May 14, 2019, the Department conducted an inspection at the above referenced facility to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course



of the inspection:

- A. The Respondent failed to mark containers containing hazardous waste with an accumulation start date, in violation of LAC 33:V.1109.E.1.c. Specifically, the facility had centralized their satellite accumulation containers, four (4) fifty-five (55) gallon drums of hazardous waste (D001) labeled hazardous waste and "Satellite," by placing them in the less than ninety (90) day Hazardous Waste Storage Area. The containers are located away from the point of generation and no longer under the control of the operator, therefore the containers cannot be considered satellite accumulation containers.
- B. The Respondent failed to demonstrate the length of time universal waste has been accumulated from the date it becomes a waste by marking or labeling the container with the earliest date that any universal waste in the container became a waste, in violation of LAC 33:V.3825.C. Specifically, the facility had one (1) fifty-five (55) gallon drum of used antifreeze, stored in the less than ninety (90) day Hazardous Waste Storage Area, that was closed, labeled, but not dated with the first day the container received waste. On or about May 29, 2019, a Representative of the Respondent emailed photographs of the antifreeze drum with an updated label with a start accumulation date of May 13, 2019.
- C. The Respondent failed to store solid waste in containers that prevent access by rodents and insects, minimize the escape of odors to the minimum extent possible, and keep out water and prevent leakage, in violation of LAC 33:VII.503.A.2. Specifically, the container of solid waste located in the Laydown yard was open and did not have a cover. On or about May 29, 2019, a Representative of the Respondent emailed photographs of the container covered with a tarpaulin.
- D. The Respondent failed to furnish upon request and make available at all reasonable times for inspection, all records, in accordance with LAC 33:V.1529.C.1., in violation of LAC 33:V.1109.E.1.a.i. Specifically, the Respondent provided weekly container inspection records for 2016, 2017, 2018, and 2019. The Department noted gaps in the weekly inspection records from March 2, 2017 through March 15, 2017 and November 22, 2017 through December 15, 2017.
- E. The Respondent failed to list names, addresses, and phone numbers (office and home)

of all persons qualified to act as emergency coordinator in accordance with LAC 33:V.1513.B.4, in violation of LAC 33:V.1109.E.1.e. Specifically, the Emergency Coordinator list included only titles but did not include names and contact information for each Emergency Coordinator.

- F. The Respondent failed to submit copies of the Contingency Plan to all local police departments, fire departments, hospitals and other state and local emergency response teams that may be called upon to provide emergency services in accordance LAC 33:V.1513.C.2, in violation of LAC 33:V.1109.E.1.e. Specifically, the facility could not provide proof of receipt that the Contingency Plan was sent to local authorities that may be called upon to provide emergency services.
- G. The Respondent failed to maintain the following documents and records of current and former personnel: the job title and name of each employee for each position at the facility related to hazardous waste management, a written job description for each position, a written description of the type and amount of both introductory and continuing training that will be given to each person filling the position, and records documenting that the training or job experience have been given to and completed by the facility's personnel in accordance with LAC 33:V.1515.D.1-4, in violation of LAC 33:V.1109.E.1.e. Specifically, the Respondent was unable to provide these documents at the time of the inspection. On or about May 29, 2019, a representative of the Respondent submitted a copy of the New Hire Orientation Training Guide but failed to provide the requested written job descriptions, written descriptions for type and amount of initial and continuing training for each position, and transcripts for the facility's employees.

### **COMPLIANCE ORDER**

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Louisiana Solid Waste and Hazardous Waste Regulations.

II.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure all containers containing hazardous waste are marked with an accumulation start date in accordance with LAC 33:V.1109.E.1.c.

III.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure weekly inspection records of areas where containers of hazardous waste are stored are maintained and made readily available for review at all reasonable times during inspections, in accordance with LAC 33:V.1529.C.1.

IV.

To list, immediately upon receipt of this **COMPLIANCE ORDER**, names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator and to submit documentation to the Department in accordance with LAC 33:V.1513.B.4.

V.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure written job descriptions, written descriptions for type and amount of initial and continuing training for each position, and transcripts for former and current employees, related to hazardous waste management, are documented and maintained, in accordance with LAC 33:V.1515.D.1-4.

VI.

To submit, immediately upon receipt of this **COMPLIANCE ORDER**, a copy of the facility's contingency plan 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 well as, provide proof of receipt and submit documentation to the Department, in accordance with LAC 33:V.1513.C.2.

VII.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be

submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
**Attn: Brock Bonvillain**  
**Re: Enforcement Tracking No. MM-CN-20-00078**  
**Agency Interest No. 3492**

**THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:**

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality  
Office of the Secretary  
Post Office Box 4302  
Baton Rouge, Louisiana 70821-4302  
**Attn: Hearings Clerk, Legal Division**  
**Re: Enforcement Tracking No. MM-CN-20-00078**  
**Agency Interest No. 3492**

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right

to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

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

**NOTICE OF POTENTIAL PENALTY**

I.

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.

II.

Prior to the issuance of additional appropriate enforcement action(s), 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 Brock Bonvillain at (225) 219-1423 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

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 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 violation(s) 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 that 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.


IV.

The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, 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 "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" 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.

V.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 5<sup>th</sup> day of May, 2020.

  
\_\_\_\_\_  
Lourdes Iturraide  
Assistant Secretary  
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
P.O. Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Brock Bonvillain

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

CONSOLIDATED COMPLIANCE ORDER &  
 NOTICE OF POTENTIAL PENALTY  
 REQUEST TO CLOSE



Enforcement Tracking No.	MM-CN-20-00078	Contact Name	Brock Bonvillain
Agency Interest (AI) No.	3492	Contact Phone No.	225-219-1423
Alternate ID No.	LAD096040712		
Respondent:	LBC Baton Rouge, LLC	Facility Name:	LBC Baton Rouge, LLC – Sunshine Terminal
	c/o CT Corporation System	Physical Location:	1725 Highway 75
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Sunshine, LA 70780
	Baton Rouge, LA 70816	Parish:	Iberville

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph VIII of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<input type="checkbox"/>	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.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY MM-CN-20-00078, the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY MM-CN-20-00078, 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. <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• 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.</li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY MM-CN-20-00078 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.



<b>Respondent's Signature</b>	<b>Respondent's Printed Name</b>	<b>Respondent's Title</b>
<b>Respondent's Physical Address</b>	<b>Respondent's Phone #</b>	<b>Date</b>
<b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>		
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Brock Bonvillain		