Hazardous Waste Enforcement: Louisiana Department of Environmental Quality and Louisiana Department of Transportation & Development Enter into Settlement

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The Louisiana Department of Environmental Quality ("LDEQ") and the Louisiana Department of Transportation & Development ("LDOT") entered into a Settlement to address alleged violations of the Louisiana hazardous waste regulations. See Settlement Tracking No. SA-HE-22-0014.

The Settlement provides that LDOT is a government entity that:

. . . owns and/or operates US 190 Mississippi River Bridge maintenance project located at the District 61 Maintenance Yard under the US 190 Mississippi River Bridge in East Baton Rouge Parish, Louisiana ("Site").

LDEQ is stated to have previously issued to LDOT a Consolidated Compliance Order & Notice of Potential Penalty ("Order"). However, LDOT denies it committed any allegations or that it is liable for any fines, forfeitures and/or penalties.

The Order indicates that LDOT has been performing maintenance on the previously referenced bridge which includes blasting activities to remove paint from the bridge followed by application of a new coating of paint.

LDOT is stated to have notified LDEQ as a large quantity generator of hazardous waste and operates under an EPA facility identification number.

Inspections of the Site conducted by LDEQ are stated to have indicated the following violations:

- Failure to maintain isle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility operation in an emergency
- Failure to keep hazardous waste containers at or near any point of generation where wastes initially accumulate closed during storage, except when necessary to add or remove hazardous waste
- Failure to clearly label and mark hazardous waste containers at or near any point of generation where wastes initially accumulate with the word "Hazardous Waste" or with other words that identify the contents of the containers
- Failure to mark containers containing hazardous waste with an accumulation start date

- Failure to clearly mark and/or label containers used to store used oil with the words “Used Oil”
- Failure to keep a copy of each signed manifest for three years or until a signed copy is received from the designated facility which receives the waste
- Failure to create and implement a contingency plan for the facility
- Failure to develop and retain onsite a Waste Minimization Plan certified by a Louisiana Registered Professional Engineer
- Failure to conduct and implement a training program to ensure personnel who handle hazardous waste do so in accordance with regulatory procedure
- Failure to submit a copy of the annual report to the Office of Environmental Services by March 1 of each year

The Settlement assesses a civil penalty of $3,500 of which $792 is stated to represent LDEQ’s enforcement costs.

A copy of the Settlement can be downloaded here.