

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-35776

LOUISIANA PUBLIC SERVICE COMMISSION

VS.

HECKMANN WATER RESOURCES (CVR), INC.

Docket No. T-35776, In Re: Alleged violation of La. R.S. 45:161 through 180.1, by operating under a company name different than that granted in Common Carrier numbers 7412-A and 7438-A on file with the Commission and; alleged violation of Louisiana Revised Statute 45:167 while operating under Common Carrier Certificate numbers 7412-A and 7438-A, for utilizing vehicles not clearly identified as being operated by the certificated carrier; allegedly occurring on or about May 01, 2019 through May 31, 2019.

(Decided at the **February 24, 2021** Business and Executive Session)

I. Background

The Louisiana Public Service Commission (“LPSC” or “Commission”) Staff issued a citation to Heckmann Water Resources (CVR), Inc. (“HWR”) for HWR’s violation of La. R.S. 45:161 through 180.1, by operating under a company name different than that granted in Common Carrier numbers 7412-A and 7438-A on file with the Commission, and of Louisiana Revised Statute 45:167 while operating under Common Carrier Certificate numbers 7412-A and 7438-A, for utilizing vehicles not clearly identified as being operated by the certificated carrier, occurring on or about May 01, 2019 through May 31, 2019.

Staff conducted an audit of E&P waste manifests maintained by the Louisiana Department of Natural Resources, Office of Conservation for the second quarter of 2019. As a result of this audit, Staff found eighty E&P waste manifests indicating that Nuverra Environmental Solutions, Inc. (“Nuverra”) had hauled regulated waste in Louisiana without authority. As a result of this audit, a citation was issued to Nuverra for eighty counts of operating intrastate without authority in Docket No. T-35591.

After the issuance of the citation in Docket No. T-35591, Staff was contacted by counsel for Nuverra, who indicated that Nuverra is a wholly owned subsidiary of HWR. HWR currently holds Common Carrier Certificate No. 7412-A, which authorizes the transportation of saltwater utilized in oil well exploration and production, and Common Carrier Certificate No. 7438-A, which authorizes the transportation of non-hazardous oilfield waste. After additional discovery, the citation in the present docket was issued to HWR for operating under a company name different than that granted in Common Carrier numbers 7412-A and 7438-A, and for utilizing vehicles not clearly identified as being operated by HWR.

II. Jurisdiction

The Commission exercises jurisdiction over common carriers and public utilities in Louisiana pursuant to Article IV, Section 21(B) of the Louisiana Constitution, which states:

“The commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.”

Further, L.A. R.S. 45:167 provides that “[t]here shall be displayed upon every vehicle operated intrastate under the authority of R.S. 45:161 through 172 the name and address of the operator and his certificate or permit number in such a manner as to be plainly discernible.”

III. Stipulation

In response to the citation in the current docket, HWR signed an Affidavit and Stipulation admitting to the violation and agreed to a fine of \$200.00 per count, with \$100.00 of the fine per count suspended conditioned on HWR not being found guilty of, entering a plea of guilty to, or entering a plea of no contest to any additional violations for a period of one year. HWR also agreed to remit to the Commission the fine of \$100.00 per count, together with a \$25.00 citation fee, for fines and fees totaling \$8,025.00, paid by certified funds, on or before January 22, 2021.

HWR also agreed to file an application for a name change with the Commission changing its name on file with the Commission to ‘Heckmann Water Resources (CVR), Inc. dba Nuverra Environmental Solutions’.

HWR further agreed that it shall implement changes to its corporate training policy which provide that all employees will receive an orientation on LPSC-related statutes, rules, and orders upon employment, and thereafter on an annual basis.

HWR and Staff also agreed that, upon Staff’s receipt of the executed Affidavit and Stipulation, along with certified funds for the fines and fees, Staff would file a Motion to Dismiss the citation against Nuverra in Docket No. T-35591.

IV. Commission Action

On motion of Commissioner Francis, seconded by Vice Chairman Skrmetta, with Chairman Greene and Commissioner Campbell concurring and Commissioner Boissiere temporarily absent, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.

On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, with Chairman Greene and Commissioner Campbell concurring and Commissioner Boissiere temporarily absent, the Commission voted to accept the Affidavit and Stipulation executed on January 22, 2021.

IT IS THEREFORE ORDERED THAT:

1. The Affidavit and Stipulation executed January 22, 2021, for fines and fees totaling \$8,025.00 is accepted; and,
2. This Order is effective immediately.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
March 16, 2021



/S/ MIKE FRANCIS

DISTRICT IV
CHAIRMAN MIKE FRANCIS

/S/ CRAIG GREENE

DISTRICT II
VICE CHAIRMAN CRAIG GREENE

/S/ FOSTER L. CAMPBELL

DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL

TEMPORARILY ABSENT

DISTRICT III
COMMISSIONER LAMBERT C. BOISSIERE, III

/S/ ERIC F. SKRMETTA

DISTRICT I
COMMISSIONER ERIC F. SKRMETTA

A handwritten signature in blue ink, appearing to read "Brandon M. Frey".

BRANDON M. FREY
SECRETARY