

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

INDUSTRIAL HELICOPTERS, INC.

AI # 2611

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

* Settlement Tracking No.
* SA-WE-16-0015
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* Enforcement Tracking No.
* WE-CN-08-0443
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SETTLEMENT

The following Settlement is hereby agreed to between Industrial Helicopters, L.L.C., formerly known to the Department as Industrial Helicopters, 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 limited liability company that owns and/or operates two package sewage treatment facilities located in Lafayette Parish, Louisiana (“the Facility”).

II

On March 18, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-08-0443**, which was based upon the following findings of fact:

“The Respondent owns and/or operates two package sewage treatment plants which serve Industrial Helicopters located at 1915 Renaud Drive in Scott, Lafayette Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit

LA0105783 on June 29, 2000, with an effective date of July 1, 2000. The Respondent failed to submit a LPDES permit application in a timely manner and LPDES permit LA0105783 expired on June 30, 2005. The Respondent submitted a permit application on or about March 1, 2008. The Respondent was granted coverage under LPDES General Permit LAG530000 and specifically assigned permit number LAG532685 on or about April 14, 2008. Under the terms and conditions of LPDES permit LAG532685, the Respondent is authorized to discharge treated sanitary wastewater from outfalls 101 and 002 to an unnamed ditch, thence into Coulee Mine, waters of the state.

A file review conducted by the Department on or about February 17, 2010, revealed that the Respondent operated without a LPDES permit. Specifically, the Respondent failed to submit a permit application in a timely manner and LPDES permit LA0105783 expired on June 30, 2005. The Respondent was not authorized to discharge from the two sanitary treatment plants until coverage was obtained under LPDES permit LAG532685 on or about April 14, 2008. Operating without a LPDES permit or other authority to discharge wastes and/or other substances into waters of the state from July 1, 2005, to April 13, 2008, is a violation of La. R.S. 30:2075, La. R.S. 30:2076 (A) (1) (a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1.

An inspection conducted by the Department on or about April 4, 2005, and a subsequent file review conducted on or about February 17, 2010, revealed that the Respondent failed to submit a renewal application 180 days prior to the expiration date of LPDES permit LA0105783. LPDES permit LA0105783 expired on June 30, 2005. A renewal application was submitted to the Department on or about March 1, 2008. Failure to submit a permit renewal application 180 days prior to the expiration date of the LPDES permit is a violation of LPDES permit LA0105783 (Part III, Sections A.2 and A.5), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and

LAC 33:IX.2701.B.

An inspection conducted by the Department on or about April 4, 2005, revealed that the Respondent failed to conduct annual storm water inspections as required by the Storm Water Pollution Prevention Plan. The failure to conduct annual storm water inspections is a violation of LPDES permit LA0105783 (Part II, Section H.4.a and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about February 17, 2010, revealed that the Respondent failed to submit Discharge Monitoring Reports (DMRs) as required by the permits. Specifically, the Respondent was required by LPDES permit LA0105783 to submit quarterly DMRs for Outfalls 001 and 003. The Respondent was also required to submit semi-annual DMRs for Outfalls 101 and 002. The Respondent failed to submit DMRs as required by LPDES permit LA0105783 from January 1, 2002, through June 30, 2005. LPDES permit LAG532685 requires the Respondent to submit semi-annual DMRs for Outfalls 101 and 002. The Respondent has failed to submit DMRs from April 14, 2008, through December 31, 2009. Each failure to submit DMRs from January 1, 2002, through June 30, 2005, is a violation of LPDES permit LA0105783 (Part II, Section J and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.a. Each failure to submit DMRs from April 14, 2008 to December 31, 2009, is a violation of LPDES permit LAG53268 (Part II, Section N.8 and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.a.

An inspection conducted by the Department on or about April 4, 2005, revealed that the Respondent failed to sample the effluent as required by LPDES permit LA0105783. Specifically, a facility representative told the inspector that he was responsible for doing the sampling, but had not

taken any samples since 2001. Failure to sample effluent is a violation of LPDES permit LA0105783 (Part I, Pages 2 through 5 and Part III, Sections A.2 and C.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about February 17, 2010, revealed that the Respondent exceeded the effluent limitations contained in LPDES permit LA0105783. These effluent exceedences, as reported on the Respondent on Discharge Monitoring Reports (DMRs), are summarized below:

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
07/01/2001-12/31/2001	002*	BOD ₅ Weekly Average	45 mg/L	74 mg/L
07/01/2001-12/31/2001	002*	BOD ₅ Weekly Average	45 mg/L	548 mg/L
07/01/2001-12/31/2001	002	TSS Weekly Average	135 mg/L	153 mg/L
07/01/2001-12/31/2001	002	Fecal Coliform Weekly Average	400 col/100ml	>12000 col/100ml
07/01/2001-12/31/2001	101*	BOD ₅ Weekly Average	45 mg/L	49 mg/L
07/01/2001-12/31/2001	101*	BOD ₅ Weekly Average	45 mg/L	1200 mg/L
07/01/2001-12/31/2001	101	Fecal Coliform Weekly Average	400 col/100ml	>12000 col/100ml

**Multiple DMRs were submitted for this monitoring period.*

Each exceedence of the effluent limitations is a violation of LPDES permit LA0105783 (Part I, pages 2 and 3; Part II, Section I; and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about February 17, 2010, revealed that the Respondent failed to submit non-compliance reports (NCRs) for each of the aforementioned effluent violations. Each failure to submit a NCR is a violation of LPDES permit LA0105783 (Part III, Sections A.2 and D.7), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.7.

A file review conducted by the Department on or about February 17, 2010, revealed that the Respondent submitted inaccurate DMRs. Specifically, the Respondent reported "ND" for the Oil and Grease Weekly Average and reported the frequency of analysis as semi-annual instead of quarterly for Outfalls 001 and 003 for the October 1, 2001, through December 31, 2001, monitoring period. The Respondent also reported the monitoring period as September 1, 2001, through December 31, 2001, instead of October 1, 2001, through December 31, 2001, for Outfalls 001 and 003. Each failure to submit an accurate DMR is a violation of LPDES permit LA0105783 (Part III, Section A.2), La R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

An inspection conducted by the Department on or about April 4, 2005, revealed that the Respondent failed to provide records when requested by the Department. Specifically, the Respondent produced some sampling records from 2001, but no other records pertaining to the permit were made available to the Department. The failure to provide records is a violation of LPDES permit LA0105783 (Part III, Sections A.2 and A.8), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, LAC 33:IX.2701.H, and LAC 33:IX.2701.I.2."

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 THIRTEEN THOUSAND AND NO/100 DOLLARS (\$13,000.00), of which One Thousand Ninety-Three and 53/100 Dollars (\$1,093.53) 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), 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 Lafayette 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 on an installment basis as follows: 23 months at \$541.67 each month and \$541.59 due on the 24th month. The first installment is due within ten (10) days from notice of the Secretary's signature. Each subsequent payment is due on the first of the month each month until paid in full. If payment is not received according to the stated payment schedule, 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.

INDUSTRIAL HELICOPTERS, L.L.C.

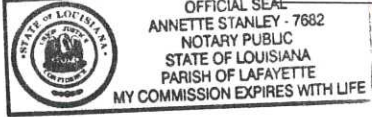
BY: [Signature]
(Signature)

Michael P. Richard.
(Printed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 4th day of August, 20 16, at _____.

[Signature]
NOTARY PUBLIC (ID # _____)



(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 9th day of Nov, 20 16, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary