

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CHEM CARRIERS, L.L.C.

AI # 8056

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

\* Settlement Tracking No.  
\* SA-MM-17-0061  
\*  
\* Enforcement Tracking No.  
\* MM-CN-10-01732  
\* MM-CN-15-01245  
\*  
\* Docket No. 2017-3291-EQ  
\*

SETTLEMENT

The following Settlement is hereby agreed to between Chem Carriers, 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 barge and maritime equipment refurbishing facility located in Iberville Parish, Louisiana (“the Facility”).

II

On March 24, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-10-01732, which is attached as Exhibit A.

On January 4, 2016, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-15-01245, which is attached as Exhibit B.

III

The following violations, although not cited in the foregoing enforcement actions, are included within the scope of this settlement.

An inspection conducted by the Department on or about September 28, 2016, and a subsequent file review conducted by the Department on or about June 8, 2017, revealed that the Respondent exceeded effluent limitations. These effluent limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs), are summarized below:

<b>Monitoring Period</b>	<b>Outfall</b>	<b>Parameter</b>	<b>Permit Limit</b>	<b>Reported Value</b>
May 2016	04A	pH Minimum – s. u.	6.0	5.71
2 <sup>nd</sup> Qtr. of 2016	006-Q	pH Maximum – s. u.	9.0	10.77

Each effluent exceedance is a violation of LPDES permit LA0059455 (Effluent Limitations and Monitoring Requirements, Pages 3 and 6 of 14 prior to July 1, 2016; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

An inspection conducted by the Department on or about September 28, 2016, revealed that the Respondent had the following Storm Water Pollution Prevention Plan (SWPPP) deficiencies:

- A. The SWPPP had not been updated since 2004; and
- B. The annual Compliance Evaluation was not conducted for 2015

The failure to maintain the SWPPP is a violation of LPDES LA0059455 (Other Requirements, Section Y after July 1, 2016; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

File reviews conducted by the Department on or about June 8, 2017, and December 19, 2017, revealed that the Respondent failed to sample in accordance with LPDES permit LA0059455 as follows:

<b>Monitoring Period</b>	<b>Outfall</b>	<b>Parameter</b>
December 2012	04B	pH Minimum – s. u.
		pH Maximum – s. u.
January 2013	04B	pH Minimum – s. u.
		pH Maximum – s. u.
February 2013	04B	pH Minimum – s. u.
		pH Maximum – s. u.
March 2013	04B	pH Minimum – s. u.
		pH Maximum – s. u.
April 2013	04B	pH Minimum – s. u.
		pH Maximum – s. u.
May 2013	04B	pH Minimum – s. u.
		pH Maximum – s. u.
June 2013	04B	pH Minimum – s. u.
		pH Maximum – s. u.
July 2013	04B	pH Minimum – s. u.
		pH Maximum – s. u.
August 2013	04B	pH Minimum – s. u.
		pH Maximum – s. u.
September 2013	04B	pH Minimum – s. u.
		pH Maximum – s. u.
October 2013	04B	pH Minimum – s. u.
		pH Maximum – s. u.
November 2013	04B	pH Minimum – s. u.
		pH Maximum – s. u.
December 2013	04B	pH Minimum – s. u.
		pH Maximum – s. u.
January 2014	04B	pH Minimum – s. u.
		pH Maximum – s. u.
February 2014	04B	pH Minimum – s. u.
		pH Maximum – s. u.
March 2014	04B	pH Minimum – s. u.
		pH Maximum – s. u.
April 2014	04B	pH Minimum – s. u.
		pH Maximum – s. u.
May 2014	04B	pH Minimum – s. u.
		pH Maximum – s. u.
June 2014	04B	pH Minimum – s. u.
		pH Maximum – s. u.
July 2014	04B	pH Minimum – s. u.
		pH Maximum – s. u.

<b>Monitoring Period</b>	<b>Outfall</b>	<b>Parameter</b>
August 2014	04B	pH Minimum – s. u.
		pH Maximum – s. u.
September 2014	04B	pH Minimum – s. u.
		pH Maximum – s. u.
October 2014	04B	pH Minimum – s. u.
		pH Maximum – s. u.
November 2014	04B	pH Minimum – s. u.
		pH Maximum – s. u.
December 2014	04B	pH Minimum – s. u.
		pH Maximum – s. u.
January 2015	04B	pH Minimum – s. u.
		pH Maximum – s. u.
February 2015	04B	pH Minimum – s. u.
		pH Maximum – s. u.
March 2015	04B	pH Minimum – s. u.
		pH Maximum – s. u.
April 2015	04B	pH Minimum – s. u.
		pH Maximum – s. u.
May 2015	04B	pH Minimum – s. u.
		pH Maximum – s. u.
June 2015	04B	pH Minimum – s. u.
		pH Maximum – s. u.
July 2015	04B	pH Minimum – s. u.
		pH Maximum – s. u.
August 2015	04B	pH Minimum – s. u.
		pH Maximum – s. u.
September 2015	04B	pH Minimum – s. u.
		pH Maximum – s. u.
October 2015	04B	pH Minimum – s. u.
		pH Maximum – s. u.
November 2015	04B	pH Minimum – s. u.
		pH Maximum – s. u.
December 2015	04B	pH Minimum – s. u.
		pH Maximum – s. u.

Each failure to sample is a violation of LPDES permit LA0059455 (Effluent Limitations and Monitoring Requirements, Page 4 of 14 prior to July 1, 2016; and Standard Conditions for LPDES Permits, Sections A.2, and C.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.



A file review conducted by the Department on or about June 8, 2017, revealed that the Respondent failed to report the following data in accordance with LPDES permit LA0059455 as follows:

<b>Monitoring Period</b>	<b>Outfall</b>	<b>Parameter</b>
July 2015	04B	Flow Monthly Average
		Flow Daily Maximum
August 2015	04B	Flow Monthly Average
		Flow Daily Maximum
September 2015	04B	Flow Monthly Average
		Flow Daily Maximum
October 2015	04B	Flow Monthly Average
		Flow Daily Maximum
November 2015	04B	Flow Monthly Average
		Flow Daily Maximum
December 2015	04B	Flow Monthly Average
		Flow Daily Maximum
January 2016	04A	pH Minimum – s. u.
		pH Maximum – s. u.
	04B	Flow Monthly Average
		Flow Daily Maximum
February 2016	04A	pH Minimum – s. u.
		pH Maximum – s. u.
March 2016	04A	pH Minimum – s. u.
		pH Maximum – s. u.
	04B	Flow Monthly Average
		Flow Daily Maximum
	006-Q	pH Minimum – s. u.
		pH Maximum – s. u.
April 2016	04A	pH Minimum – s. u.
		pH Maximum – s. u.
	04B	Flow Monthly Average
		Flow Daily Maximum
May 2016	04B	Flow Monthly Average
		Flow Daily Maximum
June 2016	04B	Flow Monthly Average
		Flow Daily Maximum
October 2016	04B	Flow Monthly Average
		Flow Daily Maximum
November 2016	04B	Flow Monthly Average
		Flow Daily Maximum

<b>Monitoring Period</b>	<b>Outfall</b>	<b>Parameter</b>
December 2016	04B	Flow Monthly Average
		Flow Daily Maximum
January 2017	04B	Flow Monthly Average
		Flow Daily Maximum
February 2017	04B	Flow Monthly Average
		Flow Daily Maximum
March 2017	04B	Flow Monthly Average
		Flow Daily Maximum

Each failure to report the required data is a violation of LPDES permit LA0059455 (Other Requirements, Section AA prior to July 1, 2016 and Section Z after July 1, 2016; and Standard Conditions for LPDES Permits, Section A.2), La R.S. 30:2076 (A)(3), and LAC 33:IX.2701.L.4.a.

IV

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-15-01245, Respondent made a timely request for a hearing.

V

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

VI

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 THIRTY-THREE THOUSAND AND NO/100 DOLLARS (\$33,000.00) of which Three Thousand One Hundred Ninety-Four and 47/100 Dollars (\$3,194.47) 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).

## VII

Respondent further agrees that the Department may consider the inspection report(s)/permit record(s), the Consolidated Compliance Orders & Notices 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.

## VIII

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.

## IX

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.

X

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.

XI

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.

XII

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 C).

XIII

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

#### XIV

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.

Chem Carriers, L.L.C.

BY: Doug LeBlanc  
(Signature)

Doug LeBlanc  
(Printed)

TITLE: ASSE DIRECTOR

THUS DONE AND SIGNED in duplicate original before me this 19<sup>th</sup> day of February, 20 18, at Sunshine La. Iberville

Verda Dupuy  
NOTARY PUBLIC (ID # \_\_\_\_\_)

Verda Dupuy  
Iberville Parish, La.  
019392  
(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 27<sup>th</sup> day of June, 20 18, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 19181)

Perry Theriot  
(stamped or printed)

Approved: [Signature]  
Lourdes Iturralde, Assistant Secretary

BOBBY JINDAL  
GOVERNOR



PEGGY M. HATCH  
SECRETARY

State of Louisiana  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

March 24, 2011

CERTIFIED MAIL (7005 1820 0002 2361 8836)  
RETURN RECEIPT REQUESTED

**CHEM CARRIERS, L.L.C.**  
c/o Frank W. Banta, Jr., Registered Agent  
1247 Highway 75 Brookewood  
Sunshine, Louisiana 70780

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY**  
-- ENFORCEMENT TRACKING NO. MM-CN-10-01732  
-- AGENCY INTEREST NO. 8056

Dear Sir:

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 **CHEM CARRIERS, L.L.C. (RESPONDENT)** for the violations described therein.

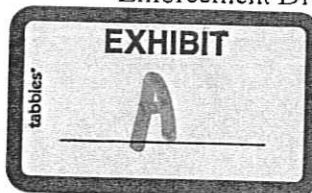
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Elizabeth Kashefi Smith at [Elizabeth.kashefi@la.gov](mailto:Elizabeth.kashefi@la.gov) or (225) 219-3807.

Sincerely,

Celena J. Cage  
Administrator  
Enforcement Division

CJC/eks/tbl  
Alt ID No. LAD 098 167 422  
Attachment



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

<p><b>IN THE MATTER OF</b></p> <p><b>CHEM CARRIERS, L.L.C.</b> <b>IBERVILLE PARISH</b> <b>ALT ID NO. LAD 098 167 422</b></p> <p><b>PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.</b></p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p><b>ENFORCEMENT TRACKING NO.</b></p> <p style="padding-left: 40px;"><b>MM-CN-10-01732</b></p> <p><b>AGENCY INTEREST NO.</b></p> <p style="padding-left: 40px;"><b>8056</b></p>
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**CONSOLIDATED  
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **CHEM CARRIERS, L.L.C. (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 facility known to the Department as the Plaquemine Point Shipyard (the Site). The Site is a barge and maritime equipment refurbishing facility located at 1070 River Road in Sunshine, Iberville Parish, Louisiana. The facility has notified the Department as a generator of hazardous waste and operates under air permit 1280-00014-03, issued on January 8, 2010, and shall expire on January 8, 2020.

II.

On or about September 28, 2010, an inspection was conducted by representatives of the Department which revealed the following violations:

- A. The Respondent failed to determine if a generated solid waste is a hazard, in violation of LAC 33:V.1103. Specifically, the Respondent generated multiple 5-gallon containers of



- paint waste in the barge repair area and approximately ten (10) containers of paint waste in the Main Paint Storage Warehouse and allowed them to open air dry.
- B. The Respondent failed to store used oil in a closed container, as specified in LAC 33:V.2107.A, in violation of LAC 33:V.4013.B. Specifically, one (1) 55-gallon container of used oil, used oil rags and used oily booms were found open in the paint storage warehouses; additionally, another 55-gallon container of used oil and used booms, located between the sand blasting area and the main office, was noted to be open.
- C. The Respondent failed to label or clearly mark two (2) 55-gallon drums of used oil with the words "Used Oil", in violation of LAC 33:V.4013.D.1. Specifically, one (1) 55-gallon container of used oil, used oil rags and used oily booms in the paint storage warehouses were not labeled; another 55-gallon container of used oil and used booms, located between the sand blasting area and the main office, was not labeled.
- D. The Respondent failed to conduct weekly inspections of the hazardous waste container storage area in accordance with LAC 33:V.2109.A, in violation of LAC 33:V.1109.E.7.a.
- E. The Respondent failed to notify the Office of Environmental Services within seven (7) days of changes in the information submitted in the application for the identification number, in violation of LAC 33:V.1105.B. Specifically, the Respondent failed to update the HW-1 notification form to reflect a change in name/ownership from Plaquemine Point Shipyard, L.L.C. to Chem Carriers, L.L.C.
- F. The inspector noted blasting emissions were being emitted from the sand blasting yard. According to correspondence dated January 24, 2011, from the Respondent's consultant, Enviro One, LLC (Enviro One), no containment was being used during the blasting operation that occurred on September 28, 2010. The failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of LAC 33:III.1305.A, Specific Requirement No. 56 of Air Permit No. 1280-00014-03, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- G. The inspector noted paint containers located in the repair access barge area and main paint storage warehouse that were left open and the contents allowed to evaporate. Each failure to reduce or eliminate the emission of volatile organic compounds is a violation of LAC 33:III.2113.A.2, LAC 33:III.2113.A.3, Specific Requirement No. 57 of Air Permit No. 1280-00014-03, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- H. According to Enviro One's correspondence dated January 24, 2011, "Minimal amounts of spent blast sand did reach the waterway as the blasting operations occurred on a barge over the water [the Mississippi River]. In the future, barriers will be used to eliminate spent blast sand from entering the waterway." The failure to prevent blasting material or visible floating solids from reaching waters of the state is a violation of LAC 33:III.1329.E, Specific Requirement No. 8 of Air Permit No. 1280-00014-03, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- I. According to LAC 33:III.1331.F.10, the Best Management Practices (BMP) Plan shall contain signatures of the responsible officials. On January 7, 2011, Enviro One provided the Department with a copy of the Respondent's BMP. This BMP did not contain signatures of the responsible officials. This is a violation of LAC 33:III.1331.F.10, Specific Requirement No. 10 of Air Permit No. 1280-00014-03, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- J. According to Enviro One's correspondence dated January 24, 2011, "The facility is inspected. However, the forms have not been used nor have records of the inspections been kept. PPS [Plaquemine Point Shipyard] will use the forms and attach the reports to the Abrasive BMP. PPS is currently restructuring its environmental program and is developing a method to ensure all recordkeeping, inspections, and training sessions required by the environmental regulations are accomplished properly and timely." According to the Respondent's BMP plan the Respondent is to weekly inspect the premises and abrasive blasting equipment to ensure spent blasting materials and floatable solids are managed properly. The failure to maintain documentation of self-inspections on the facility premises is a violation of LAC 33:III.1331.H.2.a, Air Permit No. 1280-00014-03, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- K. According to the Respondent's BMP, employees shall be trained on the best management practices related to their employment to prevent or minimize abrasive blasting material and floatable solids from reaching air and water bodies. On January 14, 2011, the Department requested copies of these training records. According to Enviro One's correspondence dated January 24, 2011, "PPS is currently restructuring its environmental program and is developing a method to ensure all recordkeeping, inspections, and training sessions required by the environmental regulations are accomplished properly and timely." The

failure to maintain documentation of employee and contractor training on the facility premises is a violation of LAC 33:III.1331.H.2.b, LAC 33:III.1331.F.9, Air Permit No. 1280-00014-03, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- L. Enviro One provided the Department with the Respondent's blasting records in correspondence dated January 27, 2011. These blasting records documented the date of blasting, project name, media type, quantity of blasting material, wind direction, and disposal of spent material. The failure to maintain records at the facility in accordance with LAC 33:III.1333.A.7.a-c is a violation of LAC 33:III.1333.A.7, Specific Requirement No. 11 of Air Permit No. 1280-00014-03, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

### COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To perform, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a hazardous waste determination on the solid waste in accordance with LAC 33:V.1103, and institute procedures to ensure waste determinations are made on all solid waste generated. The Respondent shall submit the results of the hazardous waste determination to the Enforcement Division within fourteen (14) days of completion of the determination.

II.

To dispose, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, of all waste based on the hazardous waste determination, in accordance with the Louisiana Hazardous Waste Regulations and/or the Louisiana Solid Waste Regulations.

III.

To immediately, upon receipt of this **COMPLIANCE ORDER**, close all containers of used oil and institute procedures to ensure that all containers of used oil are stored in securely closed containers that meet the requirements of LAC 33:V.4013.B.

IV.

To immediately, upon receipt of this **COMPLIANCE ORDER**, label all containers storing used oil with the words "Used Oil" and institute procedures to ensure that all containers storing used oil are labeled.

V.

To immediately, upon receipt of this **COMPLIANCE ORDER**, implement procedures ensuring hazardous waste container storage areas are inspected weekly as specified in LAC 33:V.2109.A.

VI.

To submit, within seven (7) days of receipt of this **COMPLIANCE ORDER**, to the Office of Environmental Services, an updated HW-1 form that accurately reflects the facility's current and accurate information.

VII.

To submit to the Enforcement Division a copy of the BMP that contains signatures of the responsible officials as required by LAC 33:III.1331.F.10 within thirty (30) days after receipt of this **COMPLIANCE ORDER**.

VIII.

To perform self-inspections in accordance with LAC 33:III.1331.H.2.a and the Respondent's BMP within ten (10) days after receipt of this **COMPLIANCE ORDER**, and to maintain these records on the facility premises in accordance with LAC 33:III.1331.H.2.

IX.

To perform employee training in accordance with LAC 33:III.1331.F.9 and the Respondent's BMP within thirty (30) days after receipt of this **COMPLIANCE ORDER**, and to maintain these records on the facility premises in accordance with LAC 33:III.1331.H.2. The Respondent shall submit a copy of employee training documentation to the Enforcement Division no later than thirty (30) days after completion of employee training.

X.

To immediately, upon receipt of this **COMPLIANCE ORDER**, take any and all steps necessary to meet and maintain compliance with the Hazardous Waste Regulations, and all applicable state and federal Air Quality Regulations, including but not limited to, Air Permit No. 1280-00014-03, LAC 33:III.1305.A, LAC 33:III.1329.E, LAC 33:III.2113.A.2, and LAC 33:III.2113.A.3.

XI.

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: **Elizabeth Kashefi Smith**  
Re: **Enforcement Tracking No. MM-CN-10-01732**  
**Agency Interest No. 8056**

**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-10-01732**  
**Agency Interest No. 8056**

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 violations. If you would like to have such a meeting, please contact Elizabeth Kashefi Smith at (225) 219-3807 or [Elizabeth.kashefi@la.gov](mailto:Elizabeth.kashefi@la.gov) 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.

IV.

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

Baton Rouge, Louisiana, this 24 day of March, 2011.



Cheryl Sonnier Nolan  
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: Elizabeth Kashefi Smith





**BOBBY JINDAL**  
GOVERNOR

**PEGGY M. HATCH**  
SECRETARY

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

January 4, 2016

CERTIFIED MAIL (7014 1200 0000 7863 9291)  
RETURN RECEIPT REQUESTED

**CHEM CARRIERS, L.L.C.**  
c/o Frank W. Banta, Jr.  
Agent for Service of Process  
1237 Highway 75  
Sunshine, LA 70780

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. MM-CN-15-01245  
AGENCY INTEREST NO. 8056**

Dear Sir:

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 **CHEM CARRIERS, L.L.C. (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 Cynthia Arrison at (225) 219-3796.

Sincerely,

Celena J. Cage  
Administrator  
Enforcement Division

CJC/CLA/ds/bkb  
Alt ID No. LAD098167422; 1280-00014-03;  
LA0059455

Attachment



c: Plaquemine Point Shipyard, LLC  
c/o David Easley, Manager  
1070 River Road  
Sunshine, LA 70780

**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**OFFICE OF ENVIRONMENTAL COMPLIANCE**

<p><b>IN THE MATTER OF</b></p> <p><b>CHEM CARRIERS, L.L.C.</b></p> <p><b>IBERVILLE PARISH</b></p> <p><b>ALT ID NO. LAD098167422; 1280-00014 ;</b> <b>LA0059455</b></p> <p><b>PROCEEDINGS UNDER THE LOUISIANA</b> <b>ENVIRONMENTAL QUALITY ACT,</b> <b>La. R.S. 30:2001, ET SEQ.</b></p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p><b>ENFORCEMENT TRACKING NO.</b></p> <p><b>MM-CN-15-01245</b></p> <p><b>AGENCY INTEREST NO.</b></p> <p><b>8056</b></p>
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**CONSOLIDATED**  
**COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **CHEM CARRIERS , L.L.C. (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 barge and maritime equipment refurbishing facility known to the Department as Plaquemine Point Shipyard, L.L.C., located at 1070 River Road in Sunshine, Iberville Parish, Louisiana (the Site). The Respondent is authorized to emit pollutants to the atmosphere with Minor Source Air Permit No. 1280-00014-03, issued January 8, 2010, to the facility's previous owner Plaquemine Towing Corporation, and effectively transferred to the Respondent on April 23, 2010. The facility notified the Department as a large quantity generator of hazardous waste and operates under EPA facility identification number LAD098167422. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0059455 on July 20, 2010, with an effective date of September 1, 2010, and an expiration date of August 31, 2015. The Respondent

submitted an LPDES permit renewal application to the Department on or about March 4, 2015, and LPDES permit LA0059455 was administratively continued. Under the terms and conditions of LPDES permit LA0059455, the Respondent is authorized to discharge chemical and petroleum barge washwater; incoming ballast and void water; facility ballast, dry dock ballast, and void water; uncontaminated stormwater runoff from the Plaquemine Point Shipyard Containment Barge and the Chotin 1546 Barge; boiler condensate; once-through noncontact cooling water from the Tool Room HVAC; treated sanitary wastewater; edible food grade liquids barge washwater; dry commodity vessel washwater; coal and coke barge washwater; and exterior equipment/vehicle washwater to the Mississippi River, waters of the state. On or about October 28, 2014; October 29, 2014; and November 6, 2014, the Department conducted a joint inspection of the facility with the Environmental Protection Agency, Region 6 (EPA) to assess compliance with the Louisiana Air Quality, Water Quality, Hazardous Waste, and Solid Waste Regulations.

## II.

On or about October 28, 2014, an inspection of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality regulations. While the Department's review is not complete, the following violations were discovered during the course of the inspection and subsequent file review performed on November 5, 2015:

- A. During the inspection of the facility's Paint Storage Area, an approximate five-gallon fuel container of diesel/solvent and an approximate one-gallon fuel container of diesel/solvent were found to be open, allowing the Volatile Organic Compounds (VOCs) within the containers to evaporate to the atmosphere. This is a violation of LAC 33:III.2113.A.2, which requires that containers of VOCs shall not be left open to allow the contents to evaporate to the atmosphere. This is also a violation of Specific Requirement 57 of Air Permit No. 1280-00014-03, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- B. The Respondent submitted the facility's 2014 Annual Criteria Pollutant Emissions Inventory certification statement with a postmark date of May 1, 2015. This certification statement was due to be submitted no later than April 30, 2015. The failure to submit this certification statement in a timely manner is a violation of LAC 33:III.919.F.1.d and La. R.S. 30:2057(A)(2).

## III.

On or about October 28, 2014; October 29, 2014; and November 6, 2014, the Department conducted a joint multimedia inspection of the facility with EPA in order to assess compliance with the Louisiana Hazardous Waste and Solid Waste Regulations. The joint inspection and the results of sampling and analysis conducted during the joint inspection revealed the following solid and hazardous waste violations:

- A. The Respondent failed to label or clearly mark containers and above ground tanks used to store used oil at the facility with the words "Used Oil," in violation of LAC 33:V.4013.D.1. Specifically, the following containers were identified as containing used oil during the inspections, yet they were not labeled with the words "Used Oil:"
1. two (2) open 55-gallon drums and one (1) closed 55-gallon drum in the Hazardous Waste Container Storage Area;
  2. two (2) vacuum boxes on the Access Barge; and
  3. one (1) 55-gallon drum in the Mechanic Shop.
- One (1) drum was labeled "Used Oil" and the two (2) vacuum boxes were labeled "Used Oil" during the inspection on October 28, 2014.
- B. The Respondent failed to close containers of used oil, except when it is necessary to add or remove waste, in violation of LAC 33:V.4013.B as specified in LAC 33:V.2107.A. Specifically, two (2) open 55-gallon drums in the Hazardous Waste Container Storage Area and two (2) vacuum boxes on the Access Barge were not closed. The two (2) vacuum boxes were closed during the inspection on October 28, 2014.
- C. The Respondent failed to perform hazardous waste determinations for waste materials at the Site, in violation of LAC 33:V.1103.B. Specifically, the Respondent failed to determine whether following were hazardous wastes:
1. the black substance spilled on the deck of the Chotin Barge and on a pH meter near a hatch on the barge; and
  2. the dried paint material in an open 55-gallon drum in the Hazardous Waste Container Storage Area.

In an e-mail sent to the Department on November 26, 2014, analysis showed that the black substance was a hazardous waste (D001) based upon the flash point of 80°F. The dried paint

material was determined to be nonhazardous during the inspection on October 28, 2014. These violations have been addressed.

- D. The Respondent failed to close a container of hazardous waste except when it is necessary to add or remove waste, in violation of LAC 33:V1109.E.1.a.i., as specified in LAC 33:V.2107.A. Specifically, at the time of the inspection, some of the hatches of the containers on the Chotin Barge were not closed. Although thought to be empty at the time of the inspection, the Chotin Barge was found to be storing hazardous waste (D001).
- E. The Respondent failed to mark a container of hazardous waste with an accumulation start date, in violation of LAC 33:V.1109.E.1.c. Specifically, the Chotin Barge was storing hazardous waste (D001) and was not marked with an accumulation date.
- F. The Respondent failed to label or clearly mark containers of hazardous waste with the words "Hazardous Waste," in violation of LAC 33:V.1109.E.1.d. Specifically, the Chotin Barge was used to store hazardous waste (D001) and was not labeled.
- G. The Respondent failed to include on the manifests the description of the wastes required by Hazardous Waste regulations of the Louisiana Department of Public Safety in LAC 33:V.Subpart 2.Chapter 101, in violation of LAC 33:V.1107.B.1.d. Specifically, the proper shipping name and hazardous waste codes were not included on manifest number 009537264 JJK, and waste code D028 for EDC hazardous waste was not included on manifest numbers 002071628 GBF and 000155272 GRR.
- H. The Respondent failed to include on the annual report the EPA hazardous waste code and the quantity of each hazardous waste shipped off-site for shipments to a treatment, storage, or disposal facility, in violation of LAC 33:V.1111.B.1.e. Specifically, EDC hazardous waste was included on the 2012 Hazardous Waste Annual Report, but the Report did not have the D028 hazardous waste code listed. In addition, the Respondent failed to include the correct quantity of each hazardous waste shipped off-site on the 2013 Hazardous Waste Annual Report.
- I. The Respondent failed to amend the contingency plan when the list of emergency coordinators changed as required by LAC 33:V.4345.A and LAC 33:V.4341.A as specified in LAC 33:V.1513.B.4, in violation of LAC 33:V.1109.E.1.e.
- J. The Respondent failed to describe arrangements with local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to

coordinate emergency services in the contingency plan as required by LAC 33:V.1513.B.3, in violation of LAC 33:V.1109.E.1.e.

- K. The Respondent failed to maintain training records on Site as required by LAC 33:V.1515.D.4 and LAC 33:V.1515.E, in violation of LAC 33:V.1109.E.1.e. Specifically, the Respondent stated internal hazardous waste training was conducted for two (2) employees, but no records documenting compliance were provided to the Department during or after the inspection.
- L. The Respondent failed to develop and retain a waste minimization plan on Site that was certified by a Louisiana registered professional engineer as required by LAC 33:V.2245.J and LAC 33:V.2245.K, in violation of LAC 33:V.1109.E.1.e. Specifically, the facility had no waste minimization plan at the time of the inspection. This violation was addressed as verified by an e-mail submitted to the Department on November 19, 2014.
- M. The Respondent has disposed by abandonment regulated solid waste at the Site without a permit or receiving interim status, in violation of LAC 33:VII.315.C. Specifically, the Department observed approximately five (5) 300-gallon totes and another slightly larger container of polymerized styrene in an overgrown area of vegetation near the product heel storage area. Some of the totes containing polymerized styrene were deteriorated and broken.

#### IV.

An inspection conducted by the Department on or about October 28, 2014, revealed that the Respondent failed to properly implement Best Management Practices (BMPs) as outlined in LPDES permit LA0059455. Specifically, piles of sand were observed on the two sandblasting barges. Some of the sand discharged into the Mississippi River, waters of the state. At the time of the inspection, there was no containment in place, and it appeared that the sand was not being collected frequently enough to prevent the accumulated blasting debris from entering the river. The Respondent's failure to properly implement BMPs is a violation of LPDES permit LA0059455 (Other Requirements, Sections V.3 and V.4; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

#### V.

A file review conducted by the Department on or about November 17, 2015, revealed that the Respondent exceeded effluent limitations. These effluent limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs), are summarized on the following pages:



Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
March 2011	001	BOD <sub>5</sub> (Monthly Avg.) – mg/L	22	31.5
		Oil and Grease (Daily Max.) – mg/L	15	29
		Total Cadmium (Daily Max.) – mg/L	0.020	<0.08
		Total Copper (Daily Max.) – mg/L	0.10	1.37
		Total Lead (Daily Max.) – mg/L	0.14	<0.16
1 <sup>st</sup> Half of 2011	009	BOD <sub>5</sub> (Monthly Avg.) – mg/L	30	231
		BOD <sub>5</sub> (Daily Max.) – mg/L	45	231
		Total Suspended Solids (Monthly Avg.) – mg/L	30	820
		Total Suspended Solids (Daily Max.) – mg/L	45	820
		Fecal Coliform (Monthly Avg.) – col/100mL	200	>2000
		Fecal Coliform (Daily Max.) – col/100mL	400	>2000
2 <sup>nd</sup> Qtr. of 2011	011	BOD <sub>5</sub> (Monthly Avg.) – mg/L	30	<60
		BOD <sub>5</sub> (Daily Max.) – mg/L	45	<60
		Total Suspended Solids (Monthly Avg.) – mg/L	30	48.6
		Total Suspended Solids (Daily Max.) – mg/L	45	48.6
2 <sup>nd</sup> Qtr. of 2011	011	Fecal Coliform (Monthly Avg.) – col/100mL	200	>2000
		Fecal Coliform (Daily Max.) – col/100mL	400	>2000
3 <sup>rd</sup> Qtr. of 2011	011	BOD <sub>5</sub> (Monthly Avg.) – mg/L	30	48
		BOD <sub>5</sub> (Daily Max.) – mg/L	45	48
		Fecal Coliform (Monthly Avg.) – col/100mL	200	380
October 2011	001	BOD <sub>5</sub> (Monthly Avg.) – mg/L	22	35
		Total Suspended Solids (Monthly Avg.) – mg/L	26	44
		Total Cadmium (Daily Max.) – mg/L	0.020	<2.56
		Total Copper (Daily Max.) – mg/L	0.10	<6.40
		Total Chromium (Daily Max.) – mg/L	0.42	<2.56
		Total Lead (Daily Max.) – mg/L	0.14	<5.12
		Total Mercury (Daily Max.) – mg/L	0.0013	<0.0020
		Total Nickel (Daily Max.) – mg/L	0.58	<2.56
4 <sup>th</sup> Qtr. of 2011	005	TOC (Daily Max.) – mg/L	50	145
	011	BOD <sub>5</sub> (Monthly Avg.) – mg/L	30	>94.8
		BOD <sub>5</sub> (Daily Max.) – mg/L	45	>94.8
		Total Suspended Solids (Monthly Avg.) – mg/L	30	58
		Total Suspended Solids (Daily Max.) – mg/L	45	58
		Fecal Coliform (Monthly Avg.) – col/100mL	200	>2000
		Fecal Coliform (Daily Max.) – col/100mL	400	>2000
2 <sup>nd</sup> Half of 2011	009	BOD <sub>5</sub> (Monthly Avg.) – mg/L	30	47
		BOD <sub>5</sub> (Daily Max.) – mg/L	45	47
		Fecal Coliform (Monthly Avg.) – col/100mL	200	>2000
		Fecal Coliform (Daily Max.) – col/100mL	400	>2000
1 <sup>st</sup> Qtr. of 2012	011	BOD <sub>5</sub> (Monthly Avg.) – mg/L	30	>101
		BOD <sub>5</sub> (Daily Max.) – mg/L	45	>101
		Total Suspended Solids (Monthly Avg.) – mg/L	30	92
		Total Suspended Solids (Daily Max.) – mg/L	45	92
		Fecal Coliform (Monthly Avg.) – col/100mL	200	>2500
		Fecal Coliform (Daily Max.) – col/100mL	400	>2500



Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
April 2012	001	Total Cadmium (Daily Max.) – mg/L	0.020	0.037
1 <sup>st</sup> Half of 2012	009	BOD <sub>5</sub> (Monthly Avg.) – mg/L	30	149
		BOD <sub>5</sub> (Daily Max.) – mg/L	45	97
		BOD <sub>5</sub> (Daily Max.) – mg/L	45	200
		Total Suspended Solids (Monthly Avg.) – mg/L	30	99
		Total Suspended Solids (Daily Max.) – mg/L	45	48
		Total Suspended Solids (Daily Max.) – mg/L	45	150
		Fecal Coliform (Monthly Avg.) – col/100mL	200	>2000
		Fecal Coliform (Daily Max.) – col/100mL	400	>2000
		Fecal Coliform (Daily Max.) – col/100mL	400	>2000
2 <sup>nd</sup> Qtr. of 2012	011	BOD <sub>5</sub> (Monthly Avg.) – mg/L	30	48
		BOD <sub>5</sub> (Daily Max.) – mg/L	45	48
		Total Suspended Solids (Monthly Avg.) – mg/L	30	43
		Fecal Coliform (Monthly Avg.) – col/100mL	200	>2000
		Fecal Coliform (Daily Max.) – col/100mL	400	>2000
3 <sup>rd</sup> Qtr. of 2012	011	BOD <sub>5</sub> (Monthly Avg.) – mg/L	30	63
		BOD <sub>5</sub> (Daily Max.) – mg/L	45	63
		Total Suspended Solids (Monthly Avg.) – mg/L	30	50
		Total Suspended Solids (Daily Max.) – mg/L	45	50
		Fecal Coliform (Monthly Avg.) – col/100mL	200	>2000
		Fecal Coliform (Daily Max.) – col/100mL	400	>2000
2 <sup>nd</sup> Half of 2012	009	BOD <sub>5</sub> (Monthly Avg.) – mg/L	30	54.2
		BOD <sub>5</sub> (Daily Max.) – mg/L	45	100
		Fecal Coliform (Monthly Avg.) – col/100mL	200	>2000
		Fecal Coliform (Daily Max.) – col/100mL	400	>2000
		Fecal Coliform (Daily Max.) – col/100mL	400	>2000
November 2012	001	Total Suspended Solids (Monthly Avg.) – mg/L	26	150
		Total Suspended Solids (Daily Max.) – mg/L	58	150
		Total Lead (Daily Max.) – mg/L	0.14	0.746
4 <sup>th</sup> Qtr. of 2012	011	BOD <sub>5</sub> (Monthly Avg.) – mg/L	30	44
		BOD <sub>5</sub> (Daily Max.) – mg/L	45	44
		Total Suspended Solids (Monthly Avg.) – mg/L	30	39
		Fecal Coliform (Monthly Avg.) – col/100mL	200	>2000
		Fecal Coliform (Daily Max.) – col/100mL	400	>2000
February 2013	001	Total Suspended Solids (Monthly Avg.) – mg/L	26	54.3
		Total Suspended Solids (Daily Max.) – mg/L	58	89.7
		Total Copper (Daily Max.) – mg/L	0.10	0.409
March 2013	001	BOD <sub>5</sub> (Monthly Avg.) – mg/L	22	54
		Total Suspended Solids (Monthly Avg.) – mg/L	26	279
		Total Suspended Solids (Daily Max.) – mg/L	58	279
April 2013	001*	BOD <sub>5</sub> (Monthly Avg.) – mg/L	22	42
		BOD <sub>5</sub> (Daily Max.) – mg/L	61	103
		Total Suspended Solids (Monthly Avg.) – mg/L	26	81
		Total Suspended Solids (Daily Max.) – mg/L	58	104
May 2013	001	BOD <sub>5</sub> (Monthly Avg.) – mg/L	22	53

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
		BOD <sub>5</sub> (Daily Max.) – mg/L	61	102
		Total Suspended Solids (Monthly Avg.) – mg/L	26	36
June 2013	001	Total Suspended Solids (Monthly Avg.) – mg/L	26	97.5
		Total Suspended Solids (Daily Max.) – mg/L	58	97.5
1 <sup>st</sup> Half of 2013	009	BOD <sub>5</sub> (Monthly Avg.) – mg/L	30	85
		BOD <sub>5</sub> (Daily Max.) – mg/L	45	74
		BOD <sub>5</sub> (Daily Max.) – mg/L	45	>95.4
		Total Suspended Solids (Monthly Avg.) – mg/L	30	34.4
		Total Suspended Solids (Daily Max.) – mg/L	45	46
		Fecal Coliform (Monthly Avg.) – col/100mL	200	>2000
		Fecal Coliform (Daily Max.) – col/100mL	400	>2000
		Fecal Coliform (Daily Max.) – col/100mL	400	>2000
August 2013	001	Total Suspended Solids (Monthly Avg.) – mg/L	26	32
		Total Cadmium (Daily Max.) – mg/L	0.020	0.029
3 <sup>rd</sup> Qtr. of 2013	006	pH Maximum – s. u.	9.0	11.3
2 <sup>nd</sup> Half of 2013	009	BOD <sub>5</sub> (Monthly Avg.) – mg/L	30	70.2
		BOD <sub>5</sub> (Daily Max.) – mg/L	45	70.2
		Total Suspended Solids (Monthly Avg.) – mg/L	30	65.0
		Total Suspended Solids (Daily Max.) – mg/L	45	65.0
1 <sup>st</sup> Half of 2014	009	BOD <sub>5</sub> (Monthly Avg.) – mg/L	30	85.3
		BOD <sub>5</sub> (Daily Max.) – mg/L	45	80.3
		BOD <sub>5</sub> (Daily Max.) – mg/L	45	90.3
		Total Suspended Solids (Monthly Avg.) – mg/L	30	100.3
		Total Suspended Solids (Daily Max.) – mg/L	45	71.5
		Total Suspended Solids (Daily Max.) – mg/L	45	129
		Fecal Coliform (Monthly Avg.) – col/100mL	200	>2000
		Fecal Coliform (Daily Max.) – col/100mL	400	>2000
		Fecal Coliform (Daily Max.) – col/100mL	400	>2000
July 2014	04A	pH Maximum – s. u.	9.0	9.53
2 <sup>nd</sup> Half of 2014	009	BOD <sub>5</sub> (Monthly Avg.) – mg/L	30	31.2

\* Indicates NCR was not submitted.

Each effluent exceedance is a violation of LPDES permit LA0059455 (Effluent Limitations and Monitoring Requirements, Pages 2, 3, 5, 6, 8, and 10 of 14; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

## VI.

A file review conducted by the Department on or about November 17, 2015, revealed that the Respondent failed to submit a Non-Compliance Report (NCR) for all of the TSS Daily Maximum effluent limitation exceedances that occurred during the monitoring period indicated by an asterisk (\*) in the aforementioned table. Failure to submit an NCR is a violation of LPDES permit LA0059455 (Standard Conditions for LPDES Permits, Sections A.2 and D.7), La. R.S. 30:2076(A)(3), and LAC

33:IX.2701.L.7.

## VII.

A file review conducted by the Department on or about November 17, 2015, revealed that the Respondent failed to sample in accordance with LPDES permit LA0059455 as follows:

Monitoring Period	Outfall	Parameter
January 2011	001	Total Cadmium
		Total Copper
		Total Chromium
		Total Lead
		Total Mercury
		Total Nickel
		Total Zinc
February 2011	001	Total Cadmium
		Total Copper
		Total Chromium
		Total Lead
		Total Mercury
		Total Nickel
		Total Zinc
1 <sup>st</sup> Qtr. of 2011	005*	pH
		Oil and Grease
		TOC
	011*	BOD <sub>5</sub>
		pH
		TSS
		Fecal Coliform
1 <sup>st</sup> Qtr. of 2014	005*	pH
		Oil and Grease
		TOC
3 <sup>rd</sup> Qtr. of 2014	005*	pH
		Oil and Grease
		TOC
	008	pH
October 2014	04A	pH
1 <sup>st</sup> Qtr. of 2015	005*	pH
		Oil and Grease
		TOC
June 2015	04A*	COD
		pH
		Oil and Grease
2 <sup>nd</sup> Qtr. of 2015	005*	pH

Monitoring Period	Outfall	Parameter
		Oil and Grease
		TOC
1 <sup>st</sup> Half of 2015	009*	BOD <sub>5</sub>
		pH
		TSS
		Fecal Coliform

\* Failed to report flow.

The Respondent stated on DMRs and/or Quarterly Summary Reports that the samples referenced in the aforementioned table were overlooked. Additionally, the Respondent failed to report flow for the outfalls indicated by an asterisk (\*) in the aforementioned table. Each failure to sample is a violation of LPDES permit LA0059455 (Effluent Limitations and Monitoring Requirements, Pages 2, 3, 5, 7, 8, and 10 of 14; and Standard Conditions for LPDES Permits, Sections A.2, and C.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A. Each failure to report flow is a violation of LPDES permit LA0059455 (Other Requirements, Section AA; and Standard Conditions for LPDES Permits, Section A.2), La R.S. 30:2076 (A)(3), and LAC 33:IX.2701.L.4.a.

### 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 Hazardous Waste and Air Quality Regulations.

#### II.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with LAC 33:III.2113.A.2.

#### III.

To label or mark clearly, within thirty (30) days upon receipt of this **COMPLIANCE ORDER**, all containers in which used oil is stored with the words "Used Oil," in accordance with LAC 33:V.4013.D.1.

#### IV.

To close, immediately upon receipt of this **COMPLIANCE ORDER**, all containers of used oil, including the drums in the Hazardous Waste Container Storage Area, except when it is necessary to add

or remove waste, and to institute procedures to ensure that containers storing used oil remain closed except when necessary to add or remove waste, in accordance with LAC 33.V.4013.B.

V.

To close, immediately upon receipt of this **COMPLIANCE ORDER**, all containers of hazardous waste, including the hatches of the containers on the Chotin Barge, except when it is necessary to add or remove waste, and to institute procedures to ensure that containers storing hazardous waste remain closed except when necessary to add or remove waste, in accordance with LAC 33:V1109.E.1.a.i.

VI.

To label or mark clearly, within thirty (30) days upon receipt of this **COMPLIANCE ORDER**, all containers in which hazardous waste is stored with the date the container began accumulating hazardous waste, in accordance with LAC 33:V.1109.E.1.c.

VII.

To label or mark clearly, within thirty (30) days upon receipt of this **COMPLIANCE ORDER**, all containers of hazardous waste with the words "Hazardous Waste," in accordance with LAC 33:V.1109.E.1.d.

VIII.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure the manifests include the description of the wastes required by Hazardous Waste regulations of the Louisiana Department of Public Safety in LAC 33:V.Subpart 2.Chapter 101, in accordance with LAC 33:V.1107.B.1.d.

IX.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure the EPA hazardous waste code and the correct quantity of each hazardous waste shipped off-site for shipments to a treatment, storage, or disposal facility are included on the annual report, in accordance with LAC 33:V.1111.B.1.e.

X.

To submit, within thirty (30) days upon receipt of this **COMPLIANCE ORDER**, a copy of the contingency plan, which shall include an up-to-date copy of list of emergency coordinators and a description of arrangements with local police departments, fire departments, hospitals, contractors, and

state and local emergency response teams to coordinate emergency services, to the Enforcement Division.

XI.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure the records of hazardous waste training for employees are maintained at the facility in accordance with LAC 33:V.1109.E.1.e.

XII.

To remove, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, all solid waste at the Site to a permitted or authorized solid waste disposal facility and submit documentation of proper disposal to the Enforcement Division.

XIII.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with the limitations and conditions contained in LPDES permit LA0059455 and the Water Quality Regulations including, but not limited to, complying with all effluent limitations, submitting NCRs, sampling, and reporting flow.

XIV.

To submit a completed NetDMR Subscriber Agreement to the Department for approval to submit DMRs electronically using NetDMR, within thirty (30) days after receipt of this **COMPLIANCE ORDER**. The Subscriber Agreement shall be signed and dated with an original signature and submitted to:

Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
**Attn: NetDMR**  
**Re: Enforcement Tracking No. MM-CN-15-01245**  
**Agency Interest No. 8056**

NetDMR is accessed through: [www.epa.gov/netdmr](http://www.epa.gov/netdmr). For assistance establishing and maintaining a NetDMR account or for NetDMR training, see attached instructions or contact the Permit Compliance Unit at [deqnetdmr@la.gov](mailto:deqnetdmr@la.gov).

XV.

To submit DMRs and associated reports electronically using NetDMR beginning with the first monitoring period after approval of the NetDMR Subscriber Agreement unless otherwise notified in writing by the Department.

XVI.

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: Cynthia Arrison**  
**Re: Enforcement Tracking No. MM-CN-15-01245**  
**Agency Interest No. 8056**

**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-15-01245**  
**Agency Interest No. 8056**

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 Cynthia Arrison at (225) 219-3796 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.

IV.

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

Baton Rouge, Louisiana, this 4 day of January, 2016

  
D. Chance McNeely  
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: Cynthia Arrison

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