

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CUSTOM PROCESS EQUIPMENT, L.L.C.

AI # 33893

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

* Settlement Tracking No.
* SA-AE-17-0003
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* Enforcement Tracking No.
* AE-CN-14-00465
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SETTLEMENT

The following Settlement is hereby agreed to between Custom Process Equipment, 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 an abrasive blasting and surface coating facility located in Lafayette Parish, Louisiana (“the Facility”).

II

On July 27, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-14-00465, which was based upon the following findings of fact:

“The Respondent owns and/or operates the Carencro Facility (the facility), an abrasive blasting and surface coating facility located at 4727 NW Evangeline Throughway in Carencro, Lafayette Parish, Louisiana. The facility currently operates under Air Permit No. 1520-00095-01, issued on May 30, 2014.

On April 16, 2012, a citizen complaint was received by the Department regarding sandblasting without containment and overspray at the facility. An inspection on April 23, 2012, discovered sand leaving the containment area but no overspray travelling off-site. Sand was escaping through tears in the curtains over one (1) foot in length. At a site re-visit conducted on June 19, 2012, the inspector noted that the curtains had been replaced and the containment area was now fully enclosed.

On October 24, 2013, a citizen complaint was received by the Department alleging paint overspray leaving the facility. An inspection was conducted on the same day. During the inspection, holes in the blasting shed walls and tears in the blasting screen were noted. At the time of the inspection, the facility did not have an active air permit and failed to demonstrate that a permit was not needed.

On or about April 23, 2012, June 19, 2012, and October 24, 2013, inspections were conducted at the facility. During the course of the inspections and a subsequent file review of the facility conducted on March 12, 2015, the following violations were noted:

- A. During the April 23, 2012 inspection, tears greater than one (1) foot were noted in the blasting screens. The screens had been replaced by the time of the June 19, 2012 site visit. During the October 24, 2013 inspection, holes were also noted in the blasting shed walls and again tears were noted in the screens. The failure to properly maintain control equipment, failure to fully enclose the item or surround the structure to be blasted, and the failure to repair a tarp prior to use if a single tear greater than one (1) foot or multiple tears greater than six (6) inches are present are violations of LAC 33.III.1329.H, LAC 33:III.1329.A.1, LAC 33:III.1329.C.3, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- B. During the October 24, 2013 inspection, the filtration system in the paint booth was noted to have missing filter sections. The failure to diligently maintain control equipment in proper working order is a violation of LAC 33.III.1329.H, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- C. During the October 24, 2013 inspection, the inspector noted that the facility blasts vessels that are too large to be fully enclosed or contained within the blasting shed. The Respondent was performing this activity without a Best Management Practices (BMP) Plan. Unenclosed blasting without following a BMP Plan is a violation of LAC 33:III.1329.A.2, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). On July 14, 2014, the Respondent sent their active BMP Plan to the Department.
- D. At the time of the October 24, 2013 inspection, the facility did not have an active air emissions permit and failed to demonstrate that a permit was not needed. The Respondent submitted a minor source permit application on April 28, 2014, and Air Permit No. 1520-00095-01 was issued on May 30, 2014. The failure to timely submit a permit application and obtain a permit prior to the construction, modification, or operation of a facility is a violation of LAC 33:III.501.C.1, LAC 33:III.501 .C.2, and La. R.S. 30:2057(A)(1) and 30:2057(A)(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 TEN THOUSAND THREE HUNDRED THIRTY-EIGHT AND 97/100 DOLLARS (\$10,338.97) of

which Eight Hundred Twenty-Six and 97/100 Dollars (\$826.97) 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 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 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.

Custom Process Equipment, L.L.C.

BY: 
(Signature)

SCOTT THOMAS
(Printed)

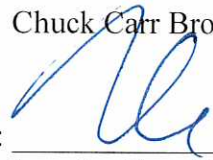
TITLE: General Manager

THUS DONE AND SIGNED in duplicate original before me this 4th day of January, 2018, at Lafayette, LA.

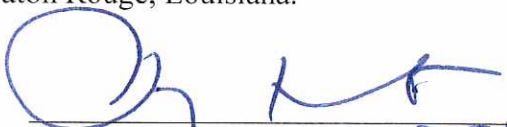

NOTARY PUBLIC (ID # 13469)

(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary

BY: 
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 13th day of April, 2018, at Baton Rouge, Louisiana.


NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: 
Lourdes Iturralde, Assistant Secretary