

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

STOLTHAVEN NEW ORLEANS, L.L.C.

AI # 87738

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

\* Settlement Tracking No.  
\* SA-MM-16-0017

\* Enforcement Tracking No.  
\* WE-PP-12-01045  
\* WE-PP-12-01045A

\* MM-P-12-01010  
\* WE-L-11-00206  
\* WE-L-12-00329  
\* WE-L-12-01333  
\* WE-L-13-00057  
\* WE-L-14-01184  
\* WE-L-15-00640

\* Docket No. 2013-3801-EQ

SETTLEMENT

The following Settlement is hereby agreed to between Stolthaven New Orleans, 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 petro/chemical bulk liquid storage and transfer facility located in Plaquemines Parish, Louisiana (“the Facility”).

II

On September 27, 2012, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. **WE-PP-12-01045**, attached as Exhibit A.

On October 5, 2012, the Department issued to Respondent an Amended Notice of Potential Penalty, Enforcement No. **WE-PP-12-01045A**, attached as Exhibit B.

On September 18, 2012, the Department issued to Respondent a Penalty Assessment, Enforcement No. **MM-P-12-01010**, attached as Exhibit C.

On January 31, 2011, the Department issued to Respondent a Warning Letter, Enforcement No. **WE-L-11-00206**, attached as Exhibit D.

On March 28, 2012, the Department issued to Respondent a Warning Letter, Enforcement No. **WE-L-12-00329**, attached as Exhibit E.

On November 27, 2012, the Department issued to Respondent a Warning Letter, Enforcement No. **WE-L-12-01333**, attached as Exhibit F.

On January 24, 2013, the Department issued to Respondent a Warning Letter, Enforcement No. **WE-L-13-00057**, attached as Exhibit G.

On December 17, 2014, the Department issued to Respondent a Warning Letter, Enforcement No. **WE-L-14-01184**, attached as Exhibit H.

On June 19, 2015, the Department issued to Respondent a Warning Letter, Enforcement No. **WE-L-15-00640**, attached as Exhibit I.

### III

In response to the Penalty Assessment, Enforcement No. MM-P-12-01010, Respondent made a timely request for a hearing.

### IV

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

### V

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-FIVE THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$35,200.00), of which Two Thousand Fifty-Three and 65/100 Dollars (\$2,053.65) represents the Department's enforcement costs, in settlement of the claims and allegations made in the Penalty Assessment, the Notice of Potential Penalty, the Amended Notice of Potential Penalty, and the Warning Letters described in paragraph II, and underlying inspection reports, and as 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).

## VI

Respondent further agrees that the Department may consider the inspection report(s)/permit record(s), the Penalty Assessment, the Notice of Potential Penalty, the Amended Notice of Potential Penalty, the Warning Letters described in paragraph II, 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.

## VII

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.

VIII

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.

IX

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.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Plaquemines 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.

XI

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 J).

XII

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.

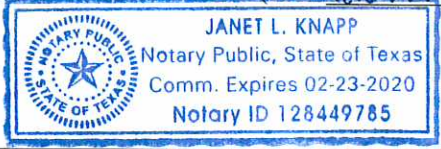
STOLTHAVEN NEW ORLEANS, L.L.C.

BY: [Signature]  
(Signature)

DANIEL CARR  
(Printed)

TITLE: OFFICER

THUS DONE AND SIGNED in duplicate original before me this 16<sup>th</sup> day of March, 20 18, at Houston, Texas.

[Signature]  
NOTARY PUBLIC (ID # 128449785)  


(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 13<sup>th</sup> day of April, 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

September 27, 2012

CERTIFIED MAIL (7004 2510 0006 3853 1618)  
RETURN RECEIPT REQUESTED

STOLTHAVEN NEW ORLEANS, L.L.C.  
c/o S. Ault Hootsell, III  
Agent for Service of Process  
365 Canal Street, Suite 2000  
New Orleans, LA 70130

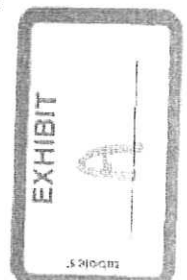
RE: NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. WE-PP-12-01045  
AGENCY INTEREST NO. 87738

Dear Sir:

On or about September 25, 2012, a file review of the Stolthaven New Orleans LLC - SHVNN Facility, owned and/or operated by STOLTHAVEN NEW ORLEANS, L.L.C. (RESPONDENT), was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Water and Air Quality Regulations. The facility is a bulk liquid storage and transfer facility and a centralized waste treatment facility which is located at 2444 English Turn Road, Braithwaite, Plaquemines Parish, Louisiana.

The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0114405 with an effective date of July 1, 2007, and an expiration date of June 30, 2012. The Respondent submitted a timely permit renewal application on or about December 11, 2011, and LPDES permit LA0114405 has been administratively continued. Under the terms and condition of LPDES permit LA0114405, the Respondent is authorized to discharge treated wastewater from Outfalls 001, 002, 003, and 005 directly to the Mississippi River and from Outfalls 005-012 to the Braithwaite Canal via local drainage, all waters of the state.

On August 27, 2012, the National Weather Service issued a public advisory to Southeast Louisiana to expect 6 to 12 feet of storm surge, and on the same day the Department contacted the Respondent to determine if pre-hurricane procedures had been implemented and whether any assistance from the Department was needed. The Respondent indicated that pre-hurricane procedures were implemented and that no assistance from the Department was needed.



Notice of Potential Penalty  
 STOLTHAVEN NEW ORLEANS, L.L.C.  
 Page 2

On or about August 27, 2012, the Declaration of Emergency and Administrative Order-Hurricane Isaac was issued, which allowed facilities located within the emergency areas to discharge certain types of wastewater that would normally require an LPDES permit from the Department, provided that certain terms and conditions of Declaration of Emergency and Administrative Order-Hurricane Isaac were met.

On or about September 1, 2012, the Respondent submitted an online notification to the Department regarding a spill incident which occurred as a result of Hurricane Isaac, which made landfall in Plaquemines Parish, Louisiana, on August 28, 2012. The Respondent stated that during Hurricane Isaac, the facility was inundated with flood waters from the storm surge resulting in tank H-30-6 being damaged allowing octene to be released at the facility. The Respondent initially reported worst-case estimates for release amounts.

On or about September 4, 2012, the Respondent verbally notified the DPS Hazardous Materials Hotline that unknown amounts of a lube oil (reported as Ultra-S4) and an oil additive (reported as Vivatech) were released from tank failures during the hurricane. The Respondent further reported that the octene release previously reported on September 1, 2012, had discharged offsite due to flooding at the facility. On or about September 5, 2012, and September 11, 2012, the Respondent submitted written reports to the Department for the octene and Ultra-S4/Vivatech releases, respectively.

On or about September 11, 2012, and September 13, 2012, the Respondent verbally notified the DPS Hazardous Materials Hotline regarding various potential tank releases due to damage from the hurricane's storm surge. On or about September 18, 2012, and September 19, 2012, the Respondent submitted amended written reports to update the previously reported estimated release quantities for octene, Ultra-S4, and Vivatech, as well as a comprehensive list of the materials stored onsite at the time of the hurricane along with their calculated quantities released during the incident.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violation(s) were noted during the course of the file review:

- A. According to the written reports dated September 5, 2012, and September 11, 2012, the Respondents stated that octene, Ultra S-4, and Vivatech were released as a result of tank failures caused by the storm surge of Hurricane Isaac on August 29, 2012, and that a portion of the released materials was discharged offsite with the facility's storm water. According to the written reports dated September 18, 2012, and September 19, 2012, the Respondent stated that the estimated quantities potentially released were as follows:

Material/Pollutant	Estimated Quantity Potentially Released (gallons)
Vivatec	58
Ultra S-4	2,584
Octene	2,883



Notice of Potential Penalty  
STOLTHAVEN NEW ORLEANS, L.L.C.  
Page 3

On or about September 5, 2012, the Respondent notified the Department that the discharges to waters arising from the abovementioned incident were a result of upset conditions in accordance with the Declaration of Emergency and Administrative Order-Hurricane Isaac, and reserved the right to claim an affirmative defense. However, the written reports submitted detailing this incident did not specify or give mention to any measures taken prior to hurricane landfall to minimize the volume and duration of the unauthorized discharges. Each unauthorized discharge to waters of the state is a violation of La. R.S. 30:2075. At the time of the written reports, contaminated storm water remaining onsite after the storm surge receded had been pumped into temporary holding tanks awaiting discharge to the water treatment plant or other appropriate disposal method.

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.

Prior to the issuance of any additional appropriate enforcement action, 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 Scott B. Pierce at (225) 219-3723 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY.

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 in order 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 violations 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 this statement.

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Cheryl Sonnier Nolan  
Assistant Secretary

CSN/SBP/sbp  
Alt ID No. LA0114405

BOBBY JINDAL  
GOVERNOR



PEGGY M. HATCH  
SECRETARY

State of Louisiana  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

EDMS  
Scott  
Dawn

October 5, 2012

CERTIFIED MAIL 7004 2510 0006 3853 7429  
RETURN RECEIPT REQUESTED

STOLTHAVEN NEW ORLEANS, L.L.C.  
c/o S. Ault Hootsell, III  
Agent for Service of Process  
365 Canal Street, Suite 2000  
New Orleans, LA 70130

RE: AMENDED NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. WE-PP-12-01045A  
AGENCY INTEREST NO. 87738

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached AMENDED NOTICE OF POTENTIAL PENALTY is hereby served on STOLTHAVEN NEW ORLEANS, L.L.C. (RESPONDENT) for the violations described therein.

Any questions concerning this action should be directed to Scott B. Pierce at (225) 219-3723.

Sincerely,

A handwritten signature in cursive script, appearing to read "Celena J. Cage".

Celena J. Cage  
Administrator  
Enforcement Division

CJC/SBP/sbp  
Alt ID No. LA0114405  
Attachment



STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

STOLTHAVEN NEW ORLEANS, L.L.C.  
PLAQUEMINES PARISH  
ALT ID NOS. LA0114405

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\*  
\* ENFORCEMENT TRACKING NO.  
\*  
\* WE-PP-12-01045A  
\*  
\* AGENCY INTEREST NO.  
\*  
\* 87738  
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PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT,  
La. R.S. 30:2001, ET SEQ.

AMENDED NOTICE OF POTENTIAL PENALTY

The Louisiana Department of Environmental Quality (the Department) hereby amends the NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-PP-12-01045 issued to STOLTHAVEN NEW ORLEANS, L.L.C. (RESPONDENT) on September 27, 2012, in the above-captioned matter as follows:

I.

The Department hereby amends the body of the Notice of Potential Penalty to read as follows:

"On or about October 4, 2012, a file review of the Stolthaven New Orleans LLC - SHVNN Facility, owned and/or operated by STOLTHAVEN NEW ORLEANS, L.L.C. (RESPONDENT), was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Water and Air Quality Regulations. The facility is a bulk liquid storage and transfer facility and a centralized waste treatment facility which is located at 2444 English Turn Road, Braithwaite, Plaquemines Parish, Louisiana.

The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0114405 with an effective date of July 1, 2007, and an expiration date of June 30, 2012. The Respondent submitted a timely permit renewal application on or about December 11, 2011, and LPDES permit LA0114405 has been administratively continued. Under the terms and condition of LPDES

permit LA0114405, the Respondent is authorized to discharge treated wastewater from Outfalls 001, 002, 003, and 005 directly to the Mississippi River and from Outfalls 005-012 to the Braithwaite Canal via local drainage, all waters of the state.

On August 27, 2012, the National Weather Service issued a public advisory to Southeast Louisiana to expect 6 to 12 feet of storm surge, and on the same day the Department contacted the Respondent to determine if pre-hurricane procedures had been implemented and whether any assistance from the Department was needed. The Respondent indicated that pre-hurricane procedures were implemented and that no assistance from the Department was needed.

On or about August 27, 2012, the Declaration of Emergency and Administrative Order-Hurricane Isaac was issued, which allowed facilities located within the emergency areas to discharge certain types of wastewater that would normally require an LPDES permit from the Department, provided that certain terms and conditions of Declaration of Emergency and Administrative Order-Hurricane Isaac were met.

On or about September 1, 2012, the Respondent submitted an online notification to the Department regarding a spill incident which occurred as a result of Hurricane Isaac, which made landfall in Plaquemines Parish, Louisiana, on August 28, 2012. The Respondent stated that during Hurricane Isaac, the facility was inundated with flood waters from the storm surge resulting in tank H-30-6 being damaged allowing octene to be released at the facility. The Respondent initially reported worst-case estimates for release amounts.

On or about September 4, 2012, the Respondent verbally notified the DPS Hazardous Materials Hotline that unknown amounts of lube oil (reported as Ultra-S4) and an oil additive (reported as Vivatech) were released from tank failures during the hurricane. The Respondent further reported that the octene release previously reported on September 1, 2012, had discharged offsite due to flooding at the facility. On or about September 5, 2012, and September 11, 2012, the Respondent submitted written reports to the Department for the octene and Ultra-S4/Vivatech releases, respectively.

On or about September 11, 2012, and September 13, 2012, the Respondent verbally notified the DPS Hazardous Materials Hotline regarding various potential tank releases due to damage from the hurricane's storm surge. On or about September 18, 2012, and September 19, 2012, the Respondent submitted amended written reports to update the previously reported estimated release quantities for octene, Ultra-S4, and Vivatech, as well as a comprehensive list of the materials stored onsite at the time of the hurricane along with their calculated quantities released during the incident.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violation(s) were noted during the course of the file review:

According to the written reports dated September 5, 2012; September 11, 2012; and October 4, 2012, the Respondents stated that octene, Ultra S-4, and Vivatech were released as a result of tank failures caused by the storm surge of Hurricane Isaac on August 29, 2012, and that a portion of the released materials was discharged offsite with the facility's storm water. According to the final written report dated October 4, 2012, the Respondent stated that the final estimated quantities released were as follows:

Material/Pollutant	Quantity Released
C12-C14 Fatty Alcohol (Lauryl Myristyl Alcohol)	283 gallons
Octene	80,467 gallons
Alcohols, C10-16 (Safol 23)	937 gallons
Soapstocks, Soybean	2,051 gallons
Ultra S-4	6,168 gallons
Diethanolamine	76,998 gallons
Vivatec	2,906 gallons

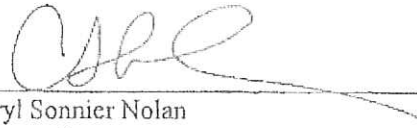
On or about September 5, 2012, the Respondent notified the Department that the discharges to waters arising from the abovementioned incident were a result of upset conditions in accordance with the Declaration of Emergency and Administrative Order-Hurricane Isaac, and reserved the right to claim an affirmative defense. However, the written reports submitted detailing this incident did not specify or give mention to any measures taken prior to hurricane landfall to minimize the volume and duration of the unauthorized discharges. Each unauthorized discharge to waters of the state is a violation of La. R.S. 30:2075. At the time of the written reports, contaminated storm water remaining onsite after the storm surge receded had been pumped into temporary holding tanks awaiting discharge to the water treatment plant or other appropriate disposal method."

The Department incorporates all of the remainder of the original NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-PP-12-01045 and AGENCY INTEREST NO. 87738 as if reiterated herein.

II.

This AMENDED NOTICE OF POTENTIAL PENALTY is effective upon receipt.

Baton Rouge, Louisiana, this 05 day of October, 2012.



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  
Post Office Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Scott B. Pierce

BOBBY JINDAL  
GOVERNOR



PEGGY M. HATCH  
SECRETARY

State of Louisiana  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

September 18, 2012

CERTIFIED MAIL (7004 2510 0006 3853 7412)  
RETURN RECEIPT REQUESTED

STOLTHAVEN NEW ORLEANS, L.L.C  
c/o S. Ault Hootsell, III  
Agent for Service of Process  
365 Canal Street, Suite 2000  
New Orleans, LA 70130

RE: PENALTY ASSESSMENT  
ENFORCEMENT TRACKING NO. MM-P-12-01010  
AGENCY INTEREST NO. 87738

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached PENALTY ASSESSMENT is hereby served on STOLTHAVEN NEW ORLEANS, L.L.C. (RESPONDENT) for the violation(s) described therein.

Any questions concerning this action should be directed to Wayne R. Slater at (225) 219-3729.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage  
Administrator  
Enforcement Division

CJC/CJC/wrs  
Alt ID No. LA0114405  
Attachment

c: Stolthaven New Orleans, L.L.C.  
2444 English Turn Road  
Braithwaite, LA 70040



STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
STOLTHAVEN NEW ORLEANS, L.L.C.	*	ENFORCEMENT TRACKING NO.
PLAQUEMINES PARISH	*	
ALT ID NO. LA0114405	*	MM-P-12-01010
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	87738
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, ET SEQ.	*	

PENALTY ASSESSMENT

The following PENALTY ASSESSMENT is issued to STOLTHAVEN NEW ORLEANS, 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(E) and 30:2050.3.

FINDINGS OF FACT

I.

The Respondent owns and/or operates Stolthaven New Orleans-Braithwaite Terminal (the site), a petro/chemical bulk liquid storage and transfer terminal, and centralize waste treatment facility, located at 2444 English Turn Road in Braithwaite, Plaquemines Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0114405 with an effective date of July 1, 2007, and an expiration date of June 30, 2012. The Respondent submitted a timely permit renewal application on or about December 11, 2011, and LPDES permit LA0114405 has been administratively continued. Under the terms and condition of LPDES permit LA0114405, the Respondent is authorized to discharge



treated wastewater from Outfalls 001, 002, 003, and 005 directly to the Mississippi River and from Outfalls 005-012 to the Braithwaite Canal via local drainage, all waters of the state.

II.

On or about September 4, 2012, a file review of the Stolthaven New Orleans LLC - SHVNN Facility, owned and/or operated by STOLTHAVEN NEW ORLEANS, L.L.C. (RESPONDENT), was performed by the Department to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Water Quality Regulations. While the investigation by the Department is not yet complete, the following violation was noted during the course of the file review:

The Respondent failed to timely notify the Department within one (1) hour of the unauthorized discharge of 1-Octene and Methyl acrylate that caused an emergency condition. Specifically, the Respondent became aware of the unauthorized discharge and/or emergency condition on or about August 30, 2012, but did not notify the Department until September 1, 2012. Each failure to immediately notify the Department of an unauthorized release that caused an emergency condition is a violation of La R.S. 30:2076(A)(3) and LAC 33:1.3915.A.1.

III.

On September 4, 2012, the Department issued a Notice of Potential Penalty (NOPP), Enforcement Tracking No. MM-PP-12-00985 to the Respondent for the violation contained in paragraph II above.

IV.

A civil penalty under Section 2025(E) and 2050.3 of the Act may be assessed for the violations described herein.

V.

Having considered the factors set forth in Section 2025(E)(3) of the Act, and in light of all facts and circumstances presently known, a civil penalty would be appropriate, equitable, and justified.

ASSESSMENT .

I.

A penalty in the amount of \$12,189.61 is hereby assessed together with legal interest as allowed by law and all costs of bringing and prosecuting this enforcement action accruing after the date of issuance.

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 PENALTY ASSESSMENT. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this PENALTY ASSESSMENT.

II.

The request for an adjudicatory hearing shall specify the provisions of the PENALTY ASSESSMENT 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-P-12-01010  
Agency Interest No. 87738

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 PENALTY ASSESSMENT 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 PENALTY ASSESSMENT prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This PENALTY ASSESSMENT shall become a final enforcement action unless the request for a 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 violations described herein and the assessed penalty.

V.

The Respondent must make full payment of the civil penalty assessed herein no later than fifteen (15) days after the assessment becomes final. Penalties are to be made payable to the Department of Environmental Quality, and mailed to:

Department of Environmental Quality  
Office of Management and Finance  
Post Office Box 4303  
Baton Rouge, Louisiana 70821-4303  
Attn: Lacey Vitteri, Accountant  
Re: Enforcement Tracking No. MM-P-12-01010  
Agency Interest No. 87738

Enclose with your payment the attached Penalty Payment form.

VI.

Upon the penalty assessed herein becoming final because of the Respondent's failure to timely file a request for a hearing, and upon the Respondent's failure to pay the civil penalty provided herein or failure to make arrangements satisfactory to the Department for such payment, this matter shall be referred to the Attorney General for collection of the penalty plus all costs associated with the collection.

VII.

For each violation described herein, the Department reserves the right to seek compliance with its rules and regulations in any manner allowed by law and nothing herein shall be construed to preclude the right to seek such compliance.

VIII.

This PENALTY ASSESSMENT is effective upon receipt.

Baton Rouge, Louisiana, this 18 day of September, 2012.



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: Wayne R. Slater

BOBBY JINDAL  
GOVERNOR



PEGGY M. HATCH  
SECRETARY

State of Louisiana  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

January 31, 2011

Stolthaven New Orleans, LLC  
c/o Daniel Cousins  
2444 English Turn Rd  
Braithwaite, LA 70040

RE: BRAITHWAITE TERMINAL  
WARNING LETTER  
ENFORCEMENT TRACKING NO. WE-L-11-00206  
Alt No. 87738

Dear Sir:

On or about May 14, 2010, an inspection of the above referenced facility was conducted to determine compliance with the Louisiana Environmental Quality Act and supporting regulations. The inspection report, noting areas of concern, has been forwarded to the Enforcement Division. All violations at your facility will be taken into consideration in determining what further actions this office will take.

We strongly encourage you to review the findings of our most recent inspection and immediately take any and all steps to ensure compliance with all environmental regulations at your facility.

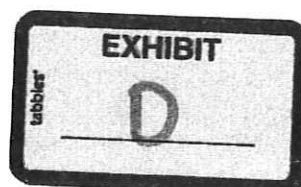
Please address any questions or comments regarding this potential civil enforcement matter to Wayne Slater at (225) 219-0782, or send written comments to the address below.

Sincerely,

A handwritten signature in cursive script that reads "Celena J. Cage".

Celena J. Cage  
Administrator  
Enforcement Division

CJC/WRS/vrs  
Alt. ID No. LA0114405





BOBBY JINDAL  
GOVERNOR

PEGGY M. HATCH  
SECRETARY

State of Louisiana  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

*EDMS*  
*Wayne*  
*Dawn*

March 28, 2012

Stolthaven New Orleans, LLC  
c/o Mr. Daniel Cousins  
2444 English Turn Rd  
Braithwaite, LA 70040

RE: BRAITHWAITE TERMINAL  
WARNING LETTER  
ENFORCEMENT TRACKING NO. WE-L-12-00329  
Alt No. 87738


Dear Sir:

On or about December 19, 2011, an inspection of the above referenced facility was conducted to determine compliance with the Louisiana Environmental Quality Act and supporting regulations. The inspection report, noting areas of concern, has been forwarded to the Enforcement Division. All violations at your facility will be taken into consideration in determining what further actions this office will take.

We strongly encourage you to review the findings of our most recent inspection and immediately take any and all steps to ensure compliance with all environmental regulations at your facility.

Please address any questions or comments regarding this potential civil enforcement matter to Wayne Slater at (225) 219-0782, or send written comments to the address below.

Sincerely,

  
Celeria J. Cage  
Administrator  
Enforcement Division

CJC/WRS/wrs  
Alt. ID No. LA0114405





BOBBY JINDAL  
GOVERNOR

PEGGY M. HAYCH  
SECRETARY

State of Louisiana  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

November 27, 2012

Stokhaven New Orleans, LLC  
c/o Captain Phillip Watt  
2444 English Turn Rd  
Braithwaite, LA 70040

RE: BRAITHEWAITE TERMINAL  
WARNING LETTER  
ENFORCEMENT TRACKING NO. WE-L-12-01333  
AI No. 87738

Dear Sir:

On or about March 30, 2012, an inspection of the above referenced facility was conducted to determine compliance with the Louisiana Environmental Quality Act and supporting regulations. The inspection report, noting areas of concern, has been forwarded to the Enforcement Division. All violations at your facility will be taken into consideration in determining what further actions this office will take.

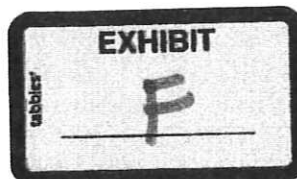
We strongly encourage you to review the findings of our most recent inspection and immediately take any and all steps to ensure compliance with all environmental regulations at your facility.

Please address any questions or comments regarding this potential civil enforcement matter to Scott Pierce at (225) 219-3723, or send written comments to the address below.

Sincerely,

Celena J. Cage  
Administrator  
Enforcement Division

CJC/SBP/sbp  
AI ID No. LA0114405



BOBBY JINDAL  
GOVERNOR



PEGGY M. HATCH  
SECRETARY

State of Louisiana  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

January 24, 2013

Stolthaven New Orleans, LLC  
c/o Captain Phillip Watt  
2444 English Turn Rd  
Braithwaite, LA 70040

RE: BRAITHWAITE TERMINAL  
WARNING LETTER  
ENFORCEMENT TRACKING NO. WE-L-13-00057  
AI No. 87738

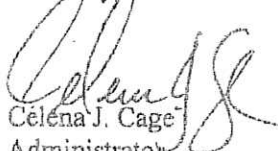
Dear Sir:

On or about September 27, 2012, an inspection of the above referenced facility was conducted to determine compliance with the Louisiana Environmental Quality Act and supporting regulations. The inspection report, noting areas of concern, has been forwarded to the Enforcement Division. All violations at your facility will be taken into consideration in determining what further actions this office will take.

We strongly encourage you to review the findings of our most recent inspection and immediately take any and all steps to ensure compliance with all environmental regulations at your facility.

Please address any questions or comments regarding this potential civil enforcement matter to Scott Pierce at (225) 219-3723; or send written comments to the address below.

Sincerely,

  
Céléna J. Cage  
Administrator  
Enforcement Division

CJC/SBP/sbp  
Alt. ID No. LA0114405







BOBBY JINDAL  
GOVERNOR

PEGGY M. HATCH  
SECRETARY

State of Louisiana  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 17, 2014

Mr. Philip Watt, Terminal Manager  
Stolthaven New Orleans LLC  
2444 English Turn Rd  
Braithwaite, LA 70040

RE: STOLTHAVEN NEW ORLEANS LLC - NEW ORLEANS TERMINAL  
WARNING LETTER  
ENFORCEMENT TRACKING NO. WE-L-14-01184  
Activity Tracking No. ENF20140001  
AI No. 87738

Dear Sir:

On or about September 22, 2014, an inspection of the above referenced facility was conducted to determine compliance with the Louisiana Environmental Quality Act and supporting regulations. The inspection report, noting areas of concern, has been forwarded to the Enforcement Division. All violations at your facility will be taken into consideration in determining what further actions this office will take.

We strongly encourage you to review the findings of our most recent inspection and immediately take any and all steps to ensure compliance with all environmental regulations at your facility.

Please address any questions or comments regarding this potential civil enforcement matter to Mr. Scott Pierce at (225) 219-3723, or send written comments to the address below.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage  
Administrator  
Enforcement Division

CJC/SP/sp  
Alt ID.:LA0114405



BOBBY JINDAL  
GOVERNOR



PEGGY M. HATCH  
SECRETARY

State of Louisiana  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 19, 2015

CERTIFIED MAIL (7003 2260 0001 2747 7082)  
RETURN RECEIPT REQUESTED

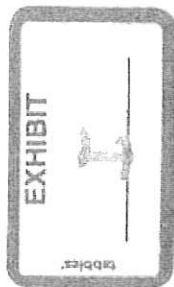
Stolthaven New Orleans, LLC  
c/o Mr. Philip Watt  
2444 English Turn Road  
Braithwaite, LA 70040

RE: NEW ORLEANS TERMINAL  
WARNING LETTER  
ENFORCEMENT TRACKING NO. WE-L-15-00640  
AI NO. 87738

Dear Sir:

During a file review conducted by the Louisiana Department of Environmental Quality on or about May 27, 2015, it was revealed that your facility reported the following effluent measurements which are above your authorized permit limits. For your information, the sample measurements and permit limits are listed in the following table.

MP End Date	Outfall	STORET	Parameter	Limit	DMR Value	Units
6/30/2011	008	00530	TSS -- DAILY MX	45	52	mg/L
		00400	PH -- INST MIN	6	5.67	SU
8/31/2011	001	01092	ZINC -- DAILY MX	0.497	0.966	mg/L
11/30/2011	001	00340	COD -- DAILY MX	400	421	mg/L
		01092	ZINC -- DAILY MX	0.497	0.783	mg/L
2/29/2012	001	74055	FECAL COLIFORM -- DAILY MX	400	1180	col/100ml
3/31/2012	001	71900	TOTAL MERCURY -- DAILY MX	0.0013	0.0058	mg/L
4/30/2012	001	74055	FECAL COLIFORM -- DAILY MX	400	4000	col/100ml
		77045	PYRIDINE -- DAILY MX	0.1	0.125	mg/L
6/30/2012	001	74055	FECAL COLIFORM -- DAILY MX	400	727	col/100ml
7/31/2012	001	74055	FECAL COLIFORM -- DAILY MX	400	510	col/100ml
8/31/2012	001	77045	PYRIDINE -- DAILY MX	0.1	0.104	mg/L
10/31/2012	001	74055	FECAL COLIFORM -- DAILY MX	400	1820	col/100ml
11/30/2012	001	74055	FECAL COLIFORM -- DAILY MX	400	2000	col/100ml
		01092	ZINC -- MONTHLY AVG	0.42	0.726	mg/L
			ZINC -- DAILY MX	0.497	2.76	mg/L



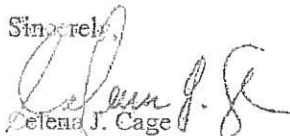
12/31/2012	001	01092	ZINC -- MONTHLY AVG	0.42	0.534	mg/L
		01092	ZINC -- DAILY MX	0.497	1.48	mg/L
2/28/2013	001	00530	TSS -- DAILY MX	58	61	mg/L
		74055	FECAL COLIFORM--DAILY MX	400	909	col/100ml
4/30/2013	001	77045	PYRIDINE -- DAILY MX	0.1	0.127	mg/L
5/31/2013	001	00340	COD -- DAILY MX	400	505	mg/L
		74055	FECAL COLIFORM--DAILY MX	400	455	col/100ml
		77045	PYRIDINE -- DAILY MX	0.1	0.120	mg/L
6/30/2013	001	77045	PYRIDINE -- DAILY MX	0.1	0.132	mg/L
	007	00310	BOD5 -- DAILY MX	45	90	mg/L
		74055	FECAL COLIFORM--DAILY MX	400	636	col/100ml
7/31/2013	001	39101	BIS(2-ETHYLHEXYL)PHTHALATE- - MO. AVG	0.101	0.112	mg/L
		77045	PYRIDINE -- DAILY MX	0.1	0.125	mg/L
	002	01092	ZINC, DAILY MX	1000	3450	ug/L
	003	01092	ZINC, DAILY MX	1000	2690	ug/L
8/31/2013	001	77045	PYRIDINE -- DAILY MX	0.1	0.111	mg/L
		74055	FECAL COLIFORM--DAILY MX	400	2900	col/100ml
		39100	BIS(2-ETHYLHEXYL)PHTHALATE- - MO AVG	0.101	0.108	mg/L
9/30/2013	001	74055	FECAL COLIFORM--DAILY MX	100	11000	col/100ml
		71900	TOTAL MERCURY --DAILY MX	0.0013	0.0035	mg/L
		77045	PYRIDINE -- DAILY MX	0.1	0.125	mg/L
10/31/2013	001	39100	BIS(2-ETHYLHEXYL)PHTHALATE- - MO AVG	0.101	0.107	mg/L
		77045	PYRIDINE--DAILY MX	0.1	0.109	mg/L
11/30/2013	001	39100	BIS(2-ETHYLHEXYL)PHTHALATE- - MO AVG	0.101	0.105	mg/L
		77045	PYRIDINE -- MO AVG	0.1	0.114	mg/L
12/31/2013	001	74055	FECAL COLIFORM-- DAILY MX	400	2400	col/100ml
		77045	PYRIDINE -- DAILY MX	0.1	0.115	mg/L
1/31/2014	001	77045	PYRIDINE -- DAILY MX	0.1	0.118	mg/L
2/28/2014	001	77045	PYRIDINE -- DAILY MX	0.1	0.119	mg/L
4/30/2014	003	01092	ZINC -- DAILY MX	1000	1190	ug/L
6/30/2014	001	34215	ACRYLONITRILE --- DAILY MX	100	2000	ug/L
10/31/2014	001	01002	ARSENIC --- DAILY MX	.1	.161	mg/L
11/30/2014	001	01002	ARSENIC --- DAILY MX	.1	.307	mg/L

12/31/2014	001	71900	MERCURY --- DAILY MX	.0013	.02	mg/L
1/31/2015	001	71900	MERCURY --- DAILY MX	.0013	.0045	mg/L

We strongly encourage you to review the information identified above and to immediately submit any required reports. In addition, you should take any and all steps to ensure compliance with your Louisiana Pollutant Discharge Elimination System (LPDES) permit and all environmental regulations at your facility. This letter will be placed in your file and will be taken into consideration in determining what further actions this office will take.

Please address any questions or comments regarding this potential enforcement matter to Jinghua Wei at (225) 219-3073 or send written comments to the address below.

Sincerely,



Delana J. Cage  
Administrator  
Enforcement Division

CJC/kwh/jhw  
Att ID No. LA0114405