

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

INTERNATIONAL-MATEX TANK
TERMINALS LLC
AI # 4885

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

* Settlement Tracking No.
* SA-AE-18-0011
*
* Enforcement Tracking No.
* AE-CN-15-00832
* AE-CN-16-00359
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SETTLEMENT

The following Settlement is hereby agreed to between International-Matex Tank Terminals LLC (“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 bulk liquid storage and transfer facility located in St. Charles Parish, Louisiana (“the Facility”).

II

On December 22, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-15-00832, attached as Exhibit A.

On April 29, 2016, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-16-0359, attached as Exhibit B.

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 ONE THOUSAND SIX HUNDRED SEVENTY-THREE AND 91/100 DOLLARS (\$1,673.91), which represents the Department's enforcement costs, in settlement of the claims set forth in this agreement.

V

Further, and in addition to the enforcement costs specified in Paragraph IV above, and as part of this Settlement, Respondent agrees to expend TWENTY-FOUR THOUSAND AND 00/100 DOLLARS (\$24,000.00) to implement and/or perform the following beneficial environmental project:

- A. This expenditure of funds will cover direct costs associated with operating a single air monitoring station located at 307 Adams Street within the St. Rose community. This \$24,000.00 funding amount will cover one year of air monitoring station expenses. LDEQ agrees this is a one-time payment. The LDEQ further agrees that upon payment by Respondent, the Respondent's beneficial environmental project obligation is fulfilled and that Respondent has no other obligations, duties, or other tasks associated with operating the monitoring station.
- B. The total amount of money expended by Respondent on cash payments to the Department and on the beneficial environmental project, 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), 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.

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 and the rules relating to beneficial environmental projects set forth in LAC 33:I.Chapter 25.

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 St. Charles 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 C).

XII

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

XIII

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.

International-Matex Tank Terminals LLC

BY: Traci Johnson
(Signature)

TRACI JOHNSON
(Printed)

TITLE: VP- EHSS

THUS DONE AND SIGNED in duplicate original before me this 20th day of September, 20 18, at 1:10 pm.

[Signature]
NOTARY PUBLIC (ID # 3509)

RICHARD B. JURISICH, JR.
Notary Public ID # 3509
Embossed hereon is my Orleans Parish,
State of L.A. Notary Public Seal.
(stamped or printed)
My commission is issued for life.

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

BY: [Signature]
Loures Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 29th day of Nov, 20 18, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Loures Iturralde, Assistant Secretary

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 22, 2015

CERTIFIED MAIL (7004 2510 0006 3854 3161)
RETURN RECEIPT REQUESTED

INTERNATIONAL-MATEX TANK TERMINALS
c/o Mr. Darryl Daigs
Agent for Service of Process
1145 Fourth Street
Harvey, LA 70058

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-15-00832
AGENCY INTEREST NO. 4885**

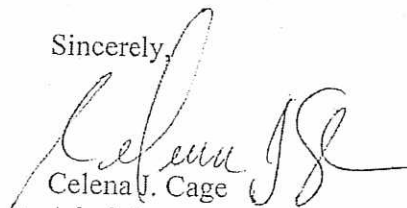
Dear Sir:

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 **INTERNATIONAL-MATEX TANK TERMINALS (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 Mark E. Brown at (225) 219-3782.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/MEB/meb
Alt ID No. 2520-00033
Attachment



c: International-Matex Tank Terminals
Mr. John Little, III
P. O. Box 159
St. Rose, LA 70087

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

INTERNATIONAL-MATEX
TANK TERMINALS
ST. CHARLES PARISH
ALT ID NO. 2520-00033

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

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ENFORCEMENT TRACKING NO.

AE-CN-15-00832

AGENCY INTEREST NO.

4885

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **INTERNATIONAL-MATEX TANK TERMINALS (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).

I.

FINDINGS OF FACT

The Respondent owns and/or operates the **ST. ROSE TERMINAL** (the facility) a bulk liquid storage and transfer facility, located at 11842 River Road in St. Rose, St. Charles Parish, Louisiana. The facility Title V Permit history is shown in Table A:

TABLE A

Permit Number	Permit issue date	Permit expiration date
2520-00033-V6	June 10, 2010	May 20, 2015
2520-00033-V7	August 10, 2010	May 20, 2015
2520-00033-V8	March 14, 2011	May 20, 2015
2520-00033-V9	May 2, 2011	May 2, 2016
2520-00033-V10	February 22, 2012	May 2, 2016
2520-00033-V11	January 22, 2014	May 2, 2016

II.

On or about August 28, 2015, a file review of the facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

While the investigation by the Department is not yet complete, the following violations were noted during the course of the file review:

- A. In correspondence dated October 18, 2013, the Respondent submitted an application to modify Title V Permit No. 2520-00033-V10 to include a previously unpermitted emergency diesel generator (EPN 4-13). The generator was incorporated in Title V Permit No. 2520-00033-V11, issued on or about January 22, 2014. In electronic correspondence dated June 1, 2015, the Respondent verified that the portable generator was permanently mounted on September 3, 2010. In electronic correspondence dated June 8, 2015, the Respondent provided 1) the annual run hours for the years 2010 – 2012 and then separated the run hours for the years 2013 and 2014 for generator EPN 4-13 as shown in Table B:

TABLE B

Year	Maintenance hours	Emergency run hours	Total run hours
2010	10	0.1	10.1
2011	27	13	40
2012	27	72	99
2013	27	3	30
2014 (prior to new permit)	1.5	0	1.5

The failure to receive approval prior to the installation of any emission source which will, or ultimately may, result in emission of air contaminants is a violation of LAC 33:III.501.C.1, and La. R.S. 30:2057(A)(2).

- B. The Respondent operated the emergency generator (EPN 4-13) as an unpermitted emission source for the periods listed in Table B. The operation of any emission source prior to approval is a violation of LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- C. In correspondence dated September 30, 2013, the Respondent submitted the facility's 2013 First Semiannual Monitoring Report, for the period encompassing January 1, 2013 through June 30, 2013. In electronic correspondence dated September 21, 2015, the Respondent provided the total operating days for the reporting period. The Semiannual Monitoring Report disclosed the deviations and Specific Requirement (SR) violations of Title V Permit No. 2520-00033-V10 as shown in Table C:

Table C

Emission Source	EQT No.	Deviation began	Deviation duration, days	Total operating days	Deviation	SR
Dock Thermal Oxidizer	0320	January 30, 2013	12	12	Oxidizer temperature not recorded during 12 days of loading events	512
RTO	0420	January 20, 2013	130	130	Operating temperature not recorded continuously	601
Tank 801	0045	June 7, 2013	6	n/a	Inadequate piping prevented proper degassing of the tank when the tank roof was landed	105
Diesel Engines A, C, D, E	0056, 0058, 0059, 0060	June 2013	-	n/a	Required emission testing was not completed for these engines	141

Each deviation listed is a violation of the Specific Requirement listed of Title V Permit No. 2520-00033-V10, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- D. In correspondence dated March 25, 2015, the Respondent submitted the facility's 2014 Second Semiannual Monitoring Report, for the period encompassing July 1, 2014 through December 31, 2014. The report disclosed the following violations of a Federal Regulation (CFR) or Specific Requirement (SR) of Title Permit No. 2520-00033-V11 as shown in Table D:

TABLE D

Emission Source	EQT No.	Deviation Description	CFR/SR
Engine A	0056	During the entire semiannual period, due to operational restrictions and physical limitations of the engines, the temperature of the engine exhaust to the inlet of the catalyst may not have consistently achieved and maintained 450 °F or more.	40 CFR 63 Subpart ZZZZ
Engine B	0057		
Engine C	0058		
Engine D	0059		
Engine E	0060		
Engine F	0061		
Engine G	0062		
Engine H	0063		
Engine I	0064		
Engine N	0069		

TABLE D

Emission Source	EQT No.	Deviation Description	CFR/SR
Engine A	0056	During the entire semiannual period, the equipment installed to collect and record the engine exhaust temperature and pressure data was faulty, and continuous recordkeeping was not met.	153
Engine B	0057		
Engine C	0058		
Engine D	0059		
Engine E	0060		
Engine F	0061		
Engine G	0062		
Engine H	0063		
Engine I	0064		
Engine N	0069		

Each deviation listed is a violation of the Specific Requirement listed of Title V Permit No. 2520-00033-V11, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- E. In correspondence dated July 9, 2015, the Respondent notified the Department that the facility operates twelve (12), greater than 500 horsepower (hp), diesel engines that power product transfer pumps. Due to the age of ten of the older engines, and the often short duration of a transfer event, those engines are often unable to meet the 450 degree Fahrenheit (°F) operating temperature required by 40 CFR 63 Subpart ZZZZ. The Respondent is submitting applications to modify Title V Permit No. 2520-00033-V11 to incorporate the replacement of the ten older engines. The current engine information and Specific Requirement of Title V Permit No. 2520-00033-V11 is shown in Table E:

TABLE E

EQT No.	Emission Source	SR
0056	Engine A (new)	151
0057	Engine B	
0058	Engine C	
0059	Engine D	
0060	Engine E	
0061	Engine F	
0062	Engine G	
0063	Engine H	
0064	Engine I	
0065	Engine J	
0069	Engine N	151
0433	Engine K (new)	No SR

Each failure by the facility to operate each engine at or above 450°F is a violation of the Specific Requirement listed of Title V Permit No. 2520-00033-V11; LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- F. In correspondence dated July 9, 2015, the Respondent reported that initial emission testing on Engine A (EQT0056), and on Engine K (EQT0433) in January 2015 had not been conducted at operating rates within 10% of 100% load as required by 40 CFR 63 Subpart ZZZZ. In electronic correspondence dated September 24, 2015, the Respondent disclosed that those two engines were subsequently properly tested in July 2015. Each failure to properly conduct the initial emission testing is a violation of 40 CFR 63 Subpart ZZZZ, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1).

III.

The Respondent submitted correspondence to the Department dated July 9, 2015 requesting modification of Title V Permit No. 2520-00033-V11 to operate ten (10) greater than 500 hp diesel engines at less than the 450°F operating temperature required by 40 CFR 63 Subpart ZZZZ. The correspondence requested interim authorization to operate the existing engines until each is replaced. In electronic correspondence dated August 28, 2015, the Respondent submitted the most recent projected replacement schedule shown in Table F:

TABLE F

	Projected Delivery Date	Projected Operational Date
Engine 1	August 3, 2015	August 31, 2015
Engine 2	September 28, 2015	October 26, 2015
Engine 3	October 12, 2015	November 9, 2015
Engine 4	November 23, 2015	December 21, 2015
Engine 5	January 4, 2016	February 1, 2016
Engine 6	February 15, 2016	March 14, 2016
Engine 7	March 28, 2016	April 25, 2016
Engine 8	May 9, 2016	June 6, 2016
Engine 9	June 20, 2016	July 18, 2016
Engine 10	August 1, 2016	August 29, 2016

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 Air Quality Regulations.

II.

To submit to the Air Permits Division, appropriate applications for Regulatory Permits to install and operate each engine prior to the installation of each engine in accordance with LAC 33:III Chapter 3, if such applications have not been submitted to date.

III.

To submit to the Air Permits Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, an appropriate application to modify the air permit to incorporate the emission sources listed, if such an application has not been submitted to date. In addition, the Respondent shall submit a copy of the application cover letter to the Air Enforcement Division.

IV.

To submit to the Air Permits Division, and the Enforcement Division, notification at least thirty days prior to the projected operational date, if the schedule provided in Paragraph III of the **FINDINGS OF FACT** portion of this **COMPLIANCE ORDER** will not be met, including the newer, projected operational date.

V.

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: Mark E. Brown
Re: Enforcement Tracking No. AE-CN-15-00832
Agency Interest No. 4885

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. AE-CN-15-00832
Agency Interest No. 4885

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 violations 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 violations, 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 violations 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 violations described herein. Written comments may be filed regarding the violations 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 Mark E. Brown at (225) 219-3782 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

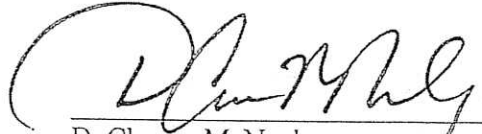
III.

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 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 that statement.

IV.

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

Baton Rouge, Louisiana, this 22 day of December, 2015.



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: Mark E. Brown



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

April 29, 2016

CERTIFIED MAIL (7004 2510 0005 5768 4945)
RETURN RECEIPT REQUESTED

INTERNATIONAL-MATEX TANK TERMINALS LLC
c/o Stephen Comardelle
Agent for Service of Process
321 St. Charles Avenue
New Orleans, LA 70130

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-16-00359
AGENCY INTEREST NO. 4885**

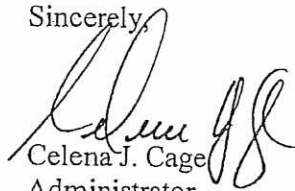
Dear Sir:

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 **INTERNATIONAL-MATEX TANK TERMINALS LLC (RESPONDENT)** for the violation described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation 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 Mark E. Brown at (225) 219-3782.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/MEB/meb
Alt ID No. 2520-00033
Attachment



c: International-Matex Tank Terminals, LLC
Mr. John Little, III
P. O. Box 159
St. Rose, LA 70087

STATE OF LOUISIANA
 DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
INTERNATIONAL-MATEX	*	
TANK TERMINALS LLC	*	ENFORCEMENT TRACKING NO.
ST. CHARLES PARISH	*	
ALT ID NO. 2520-00033	*	AE-CN-16-00359
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	4885
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **INTERNATIONAL-MATEX TANK TERMINALS LLC (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 the **ST. ROSE TERMINAL** (the facility), a bulk liquid storage and transfer facility, located at 11842 River Road in St. Rose, St. Charles Parish, Louisiana. The facility Title V Permit history is shown in Table A:

TABLE A

Permit Number	Permit issue date	Permit expiration date
2520-00033-V6	June 10, 2010	May 20, 2015
2520-00033-V7	August 10, 2010	May 20, 2015
2520-00033-V8	March 14, 2011	May 20, 2015
2520-00033-V9	May 2, 2011	May 2, 2016

TABLE A

Permit Number	Permit issue date	Permit expiration date
2520-00033-V10	February 22, 2012	May 2, 2016
2520-00033-V11	January 22, 2014	May 2, 2016

II.

On or about April 11, 2016, a file review of the facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

While the investigation by the Department is not yet complete, the following violation was noted during the course of the file review:

On December 17, 2015, the Respondent submitted an application to renew Title V Permit No. 2520-00033-V11, which has an expiration date of May 2, 2016. The Respondent's failure to submit the Title V permit renewal application at least six months prior to the date of expiration is a violation of Title V Permit No. 2520-00033-V11, LAC 33:III.507.E.4, and La. R.S. 30:2057(A)(2).

III.

The Respondent submitted correspondence to the Department dated April 5, 2016, requesting interim authorization to operate under the requirements of Title V Permit No. 2520-00033-V11 until Title V Permit No. 2520-00033-V12 is issued by the Department.

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 Air Quality Regulations.

II.

This **COMPLIANCE ORDER** shall become effective May 3, 2016 and shall remain in effect until Title V Permit No. 2520-00033-V12 is issued.

III.

The Respondent shall continue to operate in accordance with the requirements of Title V Permit No. 2520-00033-V11. All emission limitations, monitoring requirements, and permit conditions of Title V Permit No. 2520-00033-V11 shall remain in effect and shall remain enforceable.

This **COMPLIANCE ORDER** shall become effective on May 3, 2016, one day following the May 2, 21 16 expiration date of Title V Permit No. 2520-00033-V11.

IV.

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 violation 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: **Mark E. Brown**
Re: **Enforcement Tracking No. AE-CN-16-00359**
Agency Interest No. 4885

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. AE-CN-16-00359**
Agency Interest No. 4885

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 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, 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 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 described herein. Written comments may be filed regarding the violation 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. If you would like to have such a meeting, please contact Mark E. Brown at (225) 219-3782 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

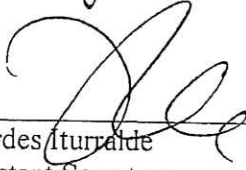
III.

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 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 29th day of April, 2016.



Lourdes Iturralde
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: Mark E. Brown