

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

OMEGA PROTEIN, INC.

AI # 1496

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

\* Settlement Tracking No.  
\* SA-MM-17-0056  
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\* Enforcement Tracking No.  
\* MM-PP-16-00795  
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SETTLEMENT

The following Settlement is hereby agreed to between Omega Protein, Inc. (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a corporation that owns and/or operates a facility located in Abbeville, Vermilion Parish, Louisiana (“the Facility”).

II

On May 26, 2017, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. MM-PP-16-00795, which was based upon the following findings of fact:

“On or about August 8, 2016, and April 3, 2017, file reviews of **ABBEVILLE FISH MEAL PLANT**, a fish processing plant, owned and/or operated by **OMEGA PROTEIN, INC. (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air and Water Quality Regulations. The facility is located at 9730 Andrew Road in Abbeville, Vermilion Parish, Louisiana.

The facility operates or has operated under the authority of the following Minor Source Air

Permits:

UNIT	PERMIT	ISSUE DATE
Facility	2940-00051-04	01/25/2017
	2940-00051-03AA	08/18/2015
	2940-00051-03	06/11/2015
	2940-00051-02	07/17/1995

Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0004774 was re-issued to the Respondent on or about April 27, 2015, with an expiration date of April 26, 2020. Under the terms and conditions of LPDES permit LA0004774, the Respondent is authorized to discharge scrubber water, boiler blowdown, cooling tower blowdown, water softener backwash, washdown water, condensate water, bilge water, ammonia stripper water, dryer water, centrifuge water, evaporator water, condenser water, treated sanitary wastewater, and stormwater to the Vermilion River (Subsegment 060802), waters of the state.

The Respondent submitted a Minor Source Permit Modification Application dated June 27, 2016, to the Department's Air Permits Division to propose several updates and changes to the current minor source permit. A second Minor Source Permit Modification Application was submitted and dated November 1, 2016, which superseded the permit application dated June 27, 2016. Minor Source Air Permit No. 2940-00051-04 was issued on January 25, 2017, with several modifications including but not limited to, the following: 1) the addition of an Ammonia Stripper (EQT 0020), 2) the addition of a Fish Meal Cooler Bag House (EQT 0021), and 3) the addition of several existing storage tanks 46-16-SWT Stick Water Tank (EQT 0023), 47-16-BT Bail Water Tank (EQT 0024), 48-16-ST Solubles Tank (EQT 0025), 49-16-BOT Black Oil (Fish Oil) Tank (EQT 0026), and 50-16-BT Bail Water Tank (EQT 0027).

The Respondent submitted a letter dated January 25, 2016 notifying the Department of their intent to upgrade the wastewater treatment system at the facility by installing a second ammonia stripping tower and an additional biological treatment lagoon with cascade aerator. The Respondent submitted a Small Construction Activity Completion Report LAR200000 dated October 31, 2016. According to the report, construction of the wastewater treatment system upgrades was completed on October 17, 2016. An application dated March 9, 2017 to modify LPDES Permit LA0004774 was received by the Department on March 27, 2017. According to the application, the Respondent's facility will be increasing production rates and has modified the treatment at Outfall 001 as referenced above.

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 reviews:

- A. In correspondence, Discharge Monitoring Report (DMR), dated July 28, 2015, the Respondent reported a new ammonia stripper was constructed and commissioned in June of 2015. In correspondence dated January 25, 2016, the Respondent reported the wastewater treatment system would be expanded and additional equipment would be added including a second ammonia stripping tower. The Respondent's failure to submit a permit application to the permitting authority prior to construction of the ammonia stripper is a violation of LAC 33:III.501.C.1 and La. R.S. 30:2057(A)(2). The unauthorized operation of the ammonia stripper is a violation of LAC 33:III.501.C.2 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- B. In the Minor Source Air Permit Modification Application dated November 1, 2016, the Respondent provided information for emission sources and/or emissions. The emissions for the Fish Meal Cooler Baghouse were previously calculated as part of the Steam Tube Dryer (22-15-DRYER) but the emissions were emitted from a separate stack. Several existing storage tanks were on-site, but the emissions for the tanks were not permitted. The pollutants and proposed emission limits are listed in the table below.

EMISSION POINT NO. & DESCRIPTION	POLLUTANT	PROPOSED EMISSION LIMIT
44-15-BH Fish Meal Cooler Baghouse	PM <sub>10</sub>	4.24 lb/hr
	PM <sub>2.5</sub>	4.24 lb/hr
46-16-ST 110,250 Gallon Stickwater Tank	VOC	0.02 tpy
47-16-ST 110,250 Gallon Bail Water Tank	VOC	0.08 tpy
48-16-ST 88,128 Gallon Solubles Tank	VOC	<0.001 tpy
49-16-ST 110,250 Gallon Black Oil (Fish Oil) Tank	VOC	0.02 tpy
50-16-ST 338,435 Gallon Bail Water Tank	VOC	0.16 tpy

Failure to submit a permit application prior to construction, reconstruction, or modification is a violation of LAC 33:III.501.C.1 and La. R.S. 30:2057(A)(2). The unauthorized operation of each emission point prior to issuance of a permit is a violation of LAC 33:III.501.C.2 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- C. On DMRs for the period of January 1, 2013 through December 31, 2016, the Respondent reported the following exceedances of permitted effluent limitations:

EFFLUENT LIMIT VIOLATIONS				
DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
May 2015	001	Dissolved Oxygen	5 mg/l (Minimum)	2.4 mg/l
		TSS	651 lb/day (Daily Maximum)	936 lb/day
April-June 2015	003	TSS	45 mg/l (Daily Maximum)	48 mg/l
June 2015	001	Dissolved Oxygen	5 mg/l (Minimum)	1.5 mg/l
		TSS	434 lb/day (Monthly Average)	611 lb/day
		TSS	651 lb/day (Daily Maximum)	1506 lb/day
		Ammonia (N)	60 lb/day (Monthly Average)	117 lb/day
		Ammonia (N)	90 lb/day (Daily Maximum)	235 lb/day
		CBOD <sub>5</sub>	120 lb/day (Monthly Average)	200 lb/day
		CBOD <sub>5</sub>	180 lb/day (Daily Maximum)	360 lb/day
July 2015	001	Dissolved Oxygen	5 mg/l (Minimum)	0.5 mg/l
		TSS	434 lb/day (Monthly Average)	1253 lb/day
		TSS	651 lb/day (Daily Maximum)	2224 lb/day
		Ammonia (N)	60 lb/day (Monthly Average)	235.9 lb/day
		Ammonia (N)	90 lb/day (Daily Maximum)	382.8 lb/day
		CBOD <sub>5</sub>	120 lb/day (Monthly Average)	505 lb/day
		CBOD <sub>5</sub>	180 lb/day (Daily Maximum)	947 lb/day
August 2015	001	Dissolved Oxygen	5 mg/l (Minimum)	1.7 mg/l
		TSS	434 lb/day (Monthly Average)	999 lb/day
		TSS	651 lb/day (Daily Maximum)	1551 lb/day
		Ammonia (N)	60 lb/day (Monthly Average)	593.4 lb/day
		Ammonia (N)	90 lb/day (Daily Maximum)	735.6 lb/day

EFFLUENT LIMIT VIOLATIONS				
DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
		CBOD <sub>5</sub>	120 lb/day (Monthly Average)	3040 lb/day
		CBOD <sub>5</sub>	180 lb/day (Daily Maximum)	4837 lb/day
September 2015	001	Dissolved Oxygen	5 mg/l (Minimum)	2.0 mg/l
September 2015	001	TSS	434 lb/day (Monthly Average)	754 lb/day
		TSS	651 lb/day (Daily Maximum)	1756 lb/day
		Ammonia (N)	60 lb/day (Monthly Average)	102 lb/day
		Ammonia (N)	90 lb/day (Daily Maximum)	167 lb/day
		CBOD <sub>5</sub>	120 lb/day (Monthly Average)	1342 lb/day
		CBOD <sub>5</sub>	180 lb/day (Daily Maximum)	2819 lb/day
October 2015	001	Dissolved Oxygen	5 mg/l (Minimum)	1.4 mg/l
		TSS	434 lb/day (Monthly Average)	680 lb/day
		TSS	651 lb/day (Daily Maximum)	1168 lb/day
		Ammonia (N)	60 lb/day (Monthly Average)	282.8 lb/day
		Ammonia (N)	90 lb/day (Daily Maximum)	664.5 lb/day
		CBOD <sub>5</sub>	120 lb/day (Monthly Average)	1484 lb/day
		CBOD <sub>5</sub>	180 lb/day (Daily Maximum)	3736 lb/day
		October-December 2016	003	TSS
		TSS	45 mg/l (Daily Maximum)	46 mg/l
		Fecal Coliform	2000 #/100 ml (Daily Maximum)	6000 #/100 ml

The Respondent submitted Non-Compliance Reports for the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarter 2015 DMRs, including a list of completed corrective actions and projects that were being undertaken at the time to resolve the exceedances. Each exceedance of a permitted effluent limitation is a violation of LPDES Permit LA0004774 (Effluent Limitations and Monitoring Requirements and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.”

### 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 FORTY-FIVE THOUSAND ELEVEN AND 25/100 DOLLARS (\$45,011.25), of which One Thousand Four Hundred Eleven and 25/100 Dollars (\$1,411.25) 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 permit record(s), the 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 Vermilion 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.

OMEGA PROTEIN, INC.

BY: [Signature]  
(Signature)

John D. He Id  
(Printed)

TITLE: Vice President

THUS DONE AND SIGNED in duplicate original before me this 12<sup>TH</sup> day of JUNE, 20 18, at OMEGA PROTEIN.

[Signature]  
NOTARY PUBLIC (ID # 129501537)  
LAUREN E TERRY  
Notary ID #129501537  
My Commission Expires  
July 25, 2021

(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 29<sup>th</sup> day of Oct, 20 18, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 19181)

[Signature]  
(stamped or printed)

Approved: [Signature]  
Lourdes Iturralde, Assistant Secretary