

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

VERSABAR, INC.

AI # 25088

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

* Settlement Tracking No.
* SA-WE-17-0036
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* Enforcement Tracking No.
* WE-CN-15-00385
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SETTLEMENT

The following Settlement is hereby agreed to between Versabar, 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 Plaquemines Parish, Louisiana (“the Facility”).

II

On November 24, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice Potential Penalty, Enforcement No. WE-CN-15-00385, which was based upon the following findings of fact:

“The Respondent owns and/or operates a lift equipment rental, cable testing, and fabrication facility located at 1111 Engineers Road, Belle Chasse, Plaquemines Parish, Louisiana. Under the terms and conditions of LPDES Permit LAG480513, the Respondent is permitted to discharge treated sanitary wastewater and equipment washwater into unnamed ditch thence into Barataria

Bayou, all waters of the state.”

On or about October 28, 2015, a file review was conducted by the Department. The file review revealed the following violation(s):

“The Respondent failed to comply with LPDES permit LAG480513. Specifically, the Respondent failed to submit semiannual Discharge Monitoring Reports (DMRs) for Outfalls 01A and 01B for all monitoring periods of 2011 and 2013 and quarterly DMRs for Outfall 002 for all monitoring periods for 2010, 2011, 2012, 2013, and 2014. (LAG480513 (Section C, Monitoring and Reporting Requirements), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.d)

The Respondent failed to comply with LPDES permit LAG480513. Specifically, between the 2nd quarter of 2012 until the 2nd quarter of 2014, the Respondent reported exceedences of permit effluent limitations for fecal coliform, and TSS. (LAG480513 (Section B. Effluent Limitations, Outfall 001 & Outfall 002), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)

The Respondent caused and/or allowed unauthorized discharges from the facility into waters of the state. Specifically, approximately 200 gallons of an oily substance (Versa Cable) was discharged due from a faulty valve on an above ground storage tank (AST). The unauthorized discharge is a violation of La. R.S. 30:2075 and LAC 33:IX.501.C.

The Respondent failed to implement an adequate Spill Prevention and Control (SPC) plan. Specifically, the SPC plan was inadequate to retain the release of approximately 200 gallons of Versa Cable which was allowed to flow into the drainage ditch. The failure to prepare and implement an adequate SPC plan is in violation of La. R.S. 30:2076(A)(3) and LAC 33:IX.907.F.”

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 SIX THOUSAND NINE HUNDRED SEVENTY AND 81/100 DOLLARS (\$6,970.81), of which Four Hundred Seventy and 81/100 Dollars (\$470.81) 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 Consolidated Compliance Order & Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VII

This settlement is being made in the interest of settling the state's claims and avoiding for

both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

IX

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

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.

VERSABAR, INC.

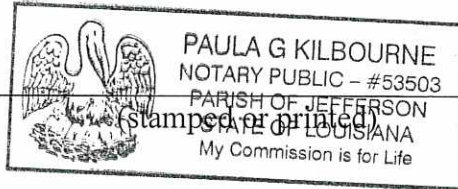
BY: Robert Briscoe III
(Signature)

Robert Briscoe III
(Printed)

TITLE: General Manager

THUS DONE AND SIGNED in duplicate original before me this 16th day of February, 20 18, at Marvay, La. 70072

Paula Kilbourne
NOTARY PUBLIC (ID # 53503)



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 18th day of May, 20 18, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary

Versabar, Inc.

Table 1

Date	Outfall	Parameter	Permit Limit	Sample Value
July 1-Dec. 31 2012	001 (01A)	Fecal Coliform	200 col/100 ml monthly average	545 col/100 ml
		Fecal Coliform	400 col/100 ml daily max	545 col/100 ml
	104 (01B)	Fecal Coliform	200 col/100 ml monthly average	11,000 col/100 ml
		Fecal Coliform	400 col/100 ml daily max	11,000 col/100 ml
Jan. 1-June 30 2014	001 (01A)	TSS	30 mg/L monthly average	48 mg/L
		TSS	45 mg/L daily max	48 mg/L
	104 (01B)	TSS	30 mg/L monthly average	47 mg/L
		TSS	45 mg/L daily max	47 mg/L
July 31-Dec. 31 2014	001 (01A)	Fecal Coliform	200 col/100 ml monthly average	3,800 col/100 ml
		Fecal Coliform	400 col/100 ml daily max	3,800 col/100 ml
	104 (01B)	Fecal Coliform	200 col/100 ml monthly average	6,000 col/100 ml
		Fecal Coliform	400 col/100 ml daily max	6,000 col/100 ml