

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

WOOD MATERIALS, L.L.C.

AI # 43996

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

* Settlement Tracking No.
* SA-AE-18-0010
*
* Enforcement Tracking No.
* AE-CN-16-00445
* AE-CN-16-01049
*
* Docket No. 2017-6033-EQ
*

SETTLEMENT

The following Settlement is hereby agreed to between Wood Materials, 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 sand, aggregate and composting facility, inclusive of soil storage and sales operations, located in Harahan, Jefferson Parish, Louisiana (“the Facility”).

II

On May 19, 2016, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-16-00445, attached as Exhibit A.

On March 29, 2017, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-16-01049, attached as Exhibit B.

III

In response to the Consolidated Compliance Orders & Notice of Potential Penalty, Enforcement Nos. AE-CN-16-00445 and AE-CN-16-01049, Respondent made a timely requests 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 FOURTEEN THOUSAND TWENTY AND 07/100 DOLLARS (\$14,020.07), of which One Thousand Two Hundred Twenty and 07/100 Dollars (\$1,220.07) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The aforesaid cash payment to the Department shall be considered a civil penalty for tax purposes, as required by La. R.S. 30: 2050.7(E)(1).

VI

Respondent, in addition to the penalty amount specified in Paragraph V above and as part of this Settlement, agreed to expend an amount in excess of \$654,902.16 to implement and/or perform the following projects:

- A. Relocate its main haul road along the levee to a location closer to the Mississippi River.
- B. Construct and implement a wheel wash within its new main haul road.

The projects were completed on or about May 9, 2018. The total amount expended on the projects was approximately \$2,543,000.00.

VII

Respondent further agrees that the Department may consider the inspection report(s)/permit record(s), the 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.

VIII

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.

IX

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.

X

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.

XI

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

XII

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).

XIII

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

XIV

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.

Wood Materials, L.L.C.

BY: [Signature]
(Signature)

Pearce Wood
(Printed)

TITLE: Member

THUS DONE AND SIGNED in duplicate original before me this 13th day of December, 20 18, at New Orleans, Louisiana.

[Signature]
NOTARY PUBLIC (ID # _____)
REMY JAMES DONNELLY
NOTARY PUBLIC
State of Louisiana
My Commission Is Issued For Life
La. Bar Roll No. 33484
Notary ID No. 152510
(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 24th day of June, 20 20, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 19, 2016

CERTIFIED MAIL (7014 0510 0002 3595 4516)
RETURN RECEIPT REQUESTED

WOOD MATERIALS, L.L.C.
c/o Donald W. Wood, Jr.
Agent for Service of Process
5821 River Road
Avondale, LA 70094

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-16-00445
AGENCY INTEREST NO. 43996**

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 **WOOD MATERIALS, L.L.C. (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 Bridget Rogers at (225) 219-3748 or via email at bridget.rogers@la.gov.

Sincerely,

Celema J. Cage
Administrator
Enforcement Division

CJC/BDR/bdr
Alt ID No. N/A
Attachment



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

WOOD MATERIALS, L.L.C
JEFFERSON PARISH
ALT ID NO. N/A

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

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*	ENFORCEMENT TRACKING NO.
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*	AE-CN-16-00445
*	
*	AGENCY INTEREST NO.
*	
*	43996
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CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **WOOD MATERIALS, 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(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Eastbank Sand Pit (the facility), located at 6148 River Road in Harahan, Jefferson Parish, Louisiana. The facility does not operate under an air permit. On February 4, 2016, the Department issued a Notice of Deficiency (NOD) to the Respondent. The NOD cited LAC 33:III.1305.A.2 and LAC 33:III.1305.A.7 as areas of concern from inspections conducted November 18-30, 2015. The Respondent submitted a response dated February 25, 2016 to the Department's Southeast Regional Office, outlining their mitigating actions.

II.

On or about April 21 and April 22, 2016, inspections of the facility were performed in response to a citizen's complaint. On May 12, 2016, a file review was conducted. While the investigation by the

Department is not yet complete, the following violations were noted during the course of the inspections and subsequent file review:

- A. During the inspection conducted April 21-22, 2016, the inspector noted that the Respondent is not wetting the area near the facility's scale, causing dust to become airborne when trucks pull in to be weighed. The inspector observed that the facility's sprinkler system leaves a gap near the front office and the scale area. The failure to apply asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces to prevent airborne dusts is a violation of LAC 33:III.1305.A.2 and La. R.S. 30:2057(A)(2).
- B. During the inspection conducted April 21-22, 2016, the inspector noted that the Respondent is not ensuring that all trucks containing sand are covered while on the facility property. The inspector observed four (4) trucks on April 21 and three (3) trucks on April 22 that were loaded with dust-producing materials and were not covered. The failure to maintain that all open-bodied trucks transporting materials likely to give rise to airborne dust are covered at all times when in motion is a violation of LAC 33:III.1305.A.4 and La. R.S. 30:2057(A)(2).
- C. During the inspection conducted April 21-22, 2016, the inspector noted that the Respondent has failed to keep the entrance/exit ramp to the facility free of dust and sand. The inspector observed sand and debris collecting on the paved facility entrance ramp that crosses over the levee from River Road. A water truck was observed moving in circles throughout the facility, including wetting up and down the ramp. However, it was noted that the sand and dirt material dried on the ramp and caused airborne dust between passes of the water truck. The failure to promptly remove earth or other material from paved streets onto which said material has been transported by trucking or other equipment is a violation of LAC 33:III.1305.A.7 and La. R.S. 30:2057(A)(2).
- D. During the inspection conducted April 21-22, 2016, the inspector noted that the Respondent has failed to keep sand from building up on River Road. On April 21, the inspector observed the water truck wetting the sand and debris on River Road. On April 22, the inspector observed the street sweeper on River Road loosening the dirt built up in the gutter and pushing it into the street, where it is more likely to become airborne dust once it dries. The failure to promptly remove earth or other material from paved streets onto which said material has been transported by trucking or other equipment is a violation of LAC 33:III.1305.A.7 and La. R.S. 30:2057(A)(2).

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, including, but not limited to, the requirements of LAC 33:III.1305.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the facility's potential to emit calculations in order to demonstrate compliance with LAC 33:III.Chapter 5.

III.

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: Bridget Rogers
Re: Enforcement Tracking No. AE-CN-16-00445
Agency Interest No. 43996

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-16-00445
Agency Interest No. 43996

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(s) 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(s), 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(s) 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(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.

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(s). If you would like to have such a meeting, please contact Bridget Rogers at (225) 219-3748 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(s) 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 19th day of May, 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: Bridget Rogers



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

March 29, 2017

CERTIFIED MAIL (7016 0910 0000 2672 6678)
RETURN RECEIPT REQUESTED

WOOD MATERIALS, L.L.C.
c/o Donald W. Wood, Jr.
Agent for Service of Process
5821 River Road
Avondale, LA 70094

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-16-01049
AGENCY INTEREST NO. 43996**

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 **WOOD MATERIALS, L.L.C. (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 Richard LeBlanc at (225) 219-3165 or via email at richard.leblanc@la.gov.

Sincerely,

Cetera J. Cage
Administrator
Enforcement Division

CJC/RDL/rdl
Alt ID No. N/A
Attachment



**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**WOOD MATERIALS, L.L.C.
JEFFERSON PARISH
ALT ID NO. N/A**

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ENFORCEMENT TRACKING NO.

AE-CN-16-01049

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

AGENCY INTEREST NO.

43996

**CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **WOOD MATERIALS, 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(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Eastbank Sand Pit (the facility), a sand and soil storage and sales facility, located at 6148 River Road in Harahan, Jefferson Parish, Louisiana. The facility does not currently operate under an air permit. A separate Agency Interest No., 154603, is associated with the sand dredging activities conducted by the Respondent at the same address.

II.

On or about October 19 and 21, 2016, inspections of the facility were conducted in response to citizens' complaints. Within the facility, the inspector noted that the unpaved area just inside the entrance/exit ramp appeared dry and particulate matter became airborne as trucks entered and exited the facility. The inspector observed a water truck wetting the ground within the facility; however, the

watering was insufficient to prevent particulate matter from becoming airborne. Photographs were taken of a truck driving through the dry roads of the facility, causing particulate emissions. The failure to take all reasonable precautions to prevent particulate matter from becoming airborne, by applying water on roads and other surfaces that can give rise to airborne dusts, was noted as an area of concern under LAC 33:III.1305.A.7. On or about October 21, 2016, inspectors met with Ms. Stacey Trombley, Sales/Logistics Manager, at the Wood Materials, L.L.C. office in Avondale. Ms. Trombley informed the Department that the primary Wood Materials, L.L.C. water truck had broken during an incident on the afternoon of October 18, 2016, and a replacement truck could not be acquired until 2:00 PM on October 19, 2016. The Wood Materials, L.L.C. employee assigned to watering the facility continued to water with the smaller back-up water truck from the afternoon of October 18 through October 19, 2016.

III.

On or about November 17, 2016, the Department's inspector noted six (6) trucks not using tarps to cover sand being hauled. The failure to take all reasonable precautions to prevent particulate matter from becoming airborne, by covering at all times when in motion open-bodied trucks transporting materials likely to give rise to airborne dust, was noted as an area of concern under LAC 33:III.1305.A.4. Photographs were taken of open-bodied trucks containing sand in motion without tarps covering the sand.

IV.

On or about October 19, 2016, October 21, 2016 and November 17, 2016, the Department conducted inspections at the facility based on citizens' complaints to determine compliance with the Air Quality Regulations. Additionally, the Department conducted a file review for the facility on or about January 11, 2017.

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

- A. The Respondent failed to take all reasonable precautions to prevent particulate matter from becoming airborne. Specifically, during the inspections on October 19, 2016, and October 21, 2016, the Department noted that the Respondent did not sufficiently wet the area between the scales and the entrance/exit ramp over the levee, causing dust to become airborne when vehicles enter and exit the facility. The failure to take all reasonable precautions to prevent particulate matter from becoming airborne by applying water on roads and other surfaces which can give rise to airborne dusts is a violation of LAC 33:III.1305.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

B. The Respondent failed to take all reasonable precautions to prevent particulate matter from becoming airborne. Specifically, during the inspection on November 17, 2016, the Department noted that the Respondent did not cover open-bodied trucks hauling sand. The failure to take all reasonable precautions to prevent particulate matter from becoming airborne by covering at all times when in motion open-bodied trucks transporting materials likely to give rise to airborne dust is a violation of LAC 33:III.1305.A, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

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, including LAC 33:III.1305, which requires all reasonable precautions be taken to prevent particulate matter from becoming airborne.

II.

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: **Richard LeBlanc**
Re: **Enforcement Tracking No. AE-CN-16-01049**
Agency Interest No. 43996

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-16-01049
Agency Interest No. 43996

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(s) 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(s), 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(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more that 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.

VIII.

This **COMPLIANCE ORDER** is effective upon receipt.

Baton Rouge, Louisiana, this 29 day of March, 2017



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: Richard LeBlanc