

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CUDD PRESSURE CONTROL, INC.

AI # 157697

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

* Settlement Tracking No.
* SA-WE-18-0037
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* Enforcement Tracking No.
* WE-CN-15-00019
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SETTLEMENT

The following Settlement is hereby agreed to between Cudd Pressure Control, 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 Broussard, St. Martin Parish, Louisiana (“the Facility”).

II

On May 20, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-15-00019 (Exhibit 1).

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 SIXTEEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$16,500.00), of which One Thousand One Hundred Twenty-Seven and 06/100 Dollars (\$1,127.06) 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 inspection report(s), 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 St. Martin 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.

CUDD PRESSURE CONTROL, INC.

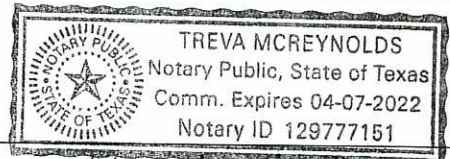
BY: *Charles E. McIntyre*
(Signature)

Charles E. McIntyre
(Printed)

TITLE: Director HSE & T

THUS DONE AND SIGNED in duplicate original before me this 2nd day of April, 2019, at 10:45 AM.

Treva McReynolds
NOTARY PUBLIC (ID #129777151)



(stamped or printed)

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

BY: *Lourdes Iturralde*
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 19th day of June, 2019, at Baton Rouge, Louisiana.

Perry Theriot
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: *Lourdes Iturralde*
Lourdes Iturralde, Assistant Secretary

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 20, 2015

CERTIFIED MAIL (7003 2260 0001 2747 6573)
RETURN RECEIPT REQUESTED

CUDD PRESSURE CONTROL, INC.
c/o The Prentice-Hall Corporation System, Inc.
Agent for Service of Process
320 Somerulos Street
Baton Rouge, LA 70802

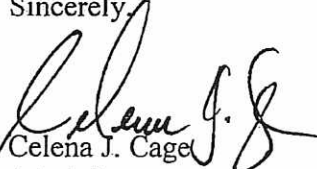
**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-15-00019
AGENCY INTEREST NO. 157697**

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 **CUDD PRESSURE CONTROL, INC. (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 Ober, Jr. at (225) 219-3135.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/RO/ro
Alt ID No. LA0124095
Attachment

ecc: Department of Health and Hospitals
Office of Public Health



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

CUDD PRESSURE CONTROL, INC.
ST. MARTIN PARISH
ALT ID NO. LA0124095

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ENFORCEMENT TRACKING NO.

WE-CN-15-00019

AGENCY INTEREST NO.

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

157697

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **CUDD PRESSURE CONTROL, INC. (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 an oilfield service company under the name of Cudd Energy Services located at 1005 RPC Energy Drive in Broussard, St. Martin Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0124095 with an effective date of December 1, 2008, and an expiration date of November 30, 2013. LPDES Permit LA0124095 was administratively continued until renewed coverage was granted on June 19, 2014, with an effective date of August 1, 2014, and an expiration date of July 31, 2019. Under the terms and conditions of LPDES Permit LA0124095, the Respondent is authorized to discharge internal and external equipment washwater, vehicle washwater, hydrostatic test wastewater, treated sanitary wastewater, and stormwater runoff to local drainage, thence to LaSalle Coulee, waters of the state.

II.

An inspection conducted by the Department on or about October 17, 2014, and a file review conducted by the Department on or about May 4, 2015, revealed the following exceedances of permitted discharge limitations as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
January 2010 – March 2010	001	BTEX (Benzene, Toluene, Ethylbenzene, Total Xylene) (Daily Max.)	250 µg/L	282.8 µg/L
		COD (Chemical Oxygen Demand) (Daily Max.)	300 mg/L	555 mg/L
		TOC (Total Organic Carbon) (Daily Max.)	50 mg/L	140 mg/L
		Lead (Daily Max.)	50 mg/L	266 mg/L
January 2010 – June 2010	002	BOD ₅ (Weekly Average)	45 mg/L	141 mg/L
		TSS (Total Suspended Solids) (Weekly Average)	45 mg/L	148 mg/L
		Fecal Coliform (Daily Max.)	400 colonies/100ml	49,000 colonies/100ml
July 2010 – September 2010	001	TSS (Daily Max.)	45 mg/L	60 mg/L
October 2010 – December 2010	001	TOC (Daily Max.)	50 mg/L	77.3 mg/L
January 2011 – March 2011	001	COD (Daily Max.)	300 mg/L	537 mg/L
		TSS (Daily Max.)	45 mg/L	340 mg/L
April 2011 – June 2011	001	COD (Daily Max.)	300 mg/L	313 mg/L
		TSS (Daily Max.)	45 mg/L	223 mg/L
January 2011 – June 2011	002	BOD ₅ (Biochemical Oxygen Demand) (Weekly Average)	45 mg/L	118 mg/L
		TSS (Weekly Average)	45 mg/L	224 mg/L
		Fecal Coliform (Daily Max.)	400 colonies/100ml	3,500 colonies/100ml
July 2011 – September 2011	001	Oil & Grease (Daily Max.)	15 mg/L	57.5 mg/L
		TSS (Weekly Average)	45 mg/L	201 mg/L
October 2011 –	001	BTEX (Daily Max.)	250 µg/L	338 µg/L

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
December 2011		COD (Daily Max.)	300 mg/L	939 mg/L
		TOC (Daily Max.)	50 mg/L	150 mg/L
January 2012 – March 2012	001	COD (Daily Max.)	300 mg/L	620 mg/L
		TOC (Daily Max.)	50 mg/L	163 mg/L
		Oil & Grease (Daily Max.)	15 mg/L	55.3 mg/L
		TSS (Weekly Average)	45 mg/L	115 mg/L
April 2012 – June 2012	001	COD (Daily Max.)	300 mg/L	370 mg/L
		TOC (Daily Max.)	50 mg/L	69.4 mg/L
		Oil & Grease (Daily Max.)	15 mg/L	29.5 mg/L
		TSS (Weekly Average)	45 mg/L	65 mg/L
January 2013 – March 2013	001	COD (Daily Max.)	300 mg/L	1790 mg/L
		TOC (Daily Max.)	50 mg/L	705 mg/L
January 2014 – March 2014	001	COD (Daily Max.)	300 mg/L	914 mg/L
		TOC (Daily Max.)	50 mg/L	233 mg/L
		Oil & Grease (Daily Max.)	15 mg/L	22.4 mg/L
January 2014 – June 2014	002	Fecal Coliform (Daily Max.)	400 colonies/100ml	500 colonies/100ml
		Fecal Coliform (Daily Max.)	400 colonies/100ml	1000 colonies/100 ml
		BOD ₅ (Weekly Average)	45 mg/L	57 mg/L
July 2014 – September 2014	001	COD (Daily Max.)	300 mg/L	686 mg/L
		TOC (Daily Max.)	50 mg/L	177 mg/L
		TSS ((Daily Max.)	45 mg/L	72 mg/L
January 2015 – March 2015	001	TSS (Daily Max.)	45 mg/L	50 mg/L
January 2015 – June 2015	002	TSS (Daily Max.)	45 mg/L	51 mg/L
		TSS (Monthly Average)	30 mg/L	51 mg/L

Each exceedance of a permitted discharge limitation is a violation of LPDES Permit LA0124095 (Facility Specific Requirements, pages 1 through 7 of 7, and Standard Conditions for LPDES Permits,

Section A.2 prior to August 1, 2014; and pages 1 and 3 of 7 and Standard Conditions for LPDES Permits, Section A.2 on and after August 1, 2014), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

III.

A file review conducted by the Department on or about May 4, 2015, revealed that the Respondent failed to submit a Discharge Monitoring Report (DMR) for Outfall 001 for the April 2010 through June 2010 monitoring period. Each failure to submit a DMR is a violation of LPDES Permit LA0124095 (Facility Specific Requirements, page 3 of 7, and Standard Conditions for LPDES Permits, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a.

IV.

A file review conducted by the Department on or about May 4, 2015, revealed that the Respondent failed to submit Discharge Monitoring Reports (DMRs) that were properly signed. Specifically, the Respondent included an electronic signature on DMRs for Outfall 001 for the following quarterly monitoring periods: January through March 2011, April through June 2011, January through March 2012, April through June 2012, July through September 2012, October through December 2012, January through March 2013, April through June 2013, July through September 2013, October through December 2013, January through March 2014, April through June 2014, and July through September 2014. For Outfall 002, the Respondent included an electronic signature on DMRs for the following semiannual periods: January through June 2011, January through June 2012, July through December 2012, January through June 2013, July through December 2013, January through June 2014, and July through December 2014. Each failure to submit a DMR to the Department that is properly signed is a violation of LPDES Permit LA0124095 (Standard Conditions for LPDES Permits, Sections A.2 and D.10 prior to August 1, 2014; and Standard Conditions for LPDES Permits, Sections A.2 and D.10 on and after August 1, 2014), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.K.1.

V.

A file review conducted by the Department on or about May 4, 2015, revealed that the Respondent failed to submit properly completed DMRs as required by the permit. Specifically, the Respondent failed to sign and/or certify DMRs as required for Outfall 001 for the July 2010 through September 2010 quarterly monitoring period. Each failure to submit a properly completed DMR by failing to sign and/or certify the DMR is a violation of LPDES Permit LA0124095 (Standard Conditions for LPDES Permits, Sections A.2, D.4, and D.10), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.K.1.

VI.

A file review conducted by the Department on or about May 4, 2015, revealed that the Respondent failed to sign DMRs with the signature of an authorized person as required by LPDES Permit LA0124095 and applicable Water Quality Regulations. Specifically, a facility representative signed the DMRs for the regional manager, but a written authorization from the principal executive officer designating the facility representative as duly authorized representatives for the facility was not received. The Respondent submitted DMRs without an authorized signature for Outfall 001 for the January 2010 through March 2010 quarterly monitoring period and for Outfall 002 for the January 2010 through June 2010 semiannual monitoring period. Each failure to submit DMRs signed in accordance with LPDES Permit LA0124095 and the Water Quality Regulations is a violation of LPDES Permit LA0124095 (Standard Conditions for LPDES Permits, Sections A.2, and D.10), La. R.S. 30:2076(A)(3), and LAC 33:IX.2503.B.

VII.

An inspection conducted on or about October 17, 2014, and a file review conducted on or about May 4, 2015, revealed that the Respondent failed to report, on DMRs for Outfall 001, the monthly average Chemical Oxygen Demand (COD) monitoring results for the January 2010 through March 2010 quarterly monitoring period and for the quarterly monitoring periods from July through September 2010 through the quarterly monitoring period of January through March 2015. Each failure to report the monthly average COD monitoring results on the DMR is a violation of LPDES Permit LA0124095 (Facility Specific Requirements, pages 1 and 3 of 7 and Standard Conditions for LPDES Permits, Sections A.2 and D.4 prior to August 1, 2014; and Permit Requirements pages 1 and 2 of 7 and Standard Conditions for LPDES Permits, Sections A.2 and D.4 on and after August 1, 2014), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.

VIII.

A file review conducted by the Department on or about May 4, 2015, revealed that the Respondent failed to report parameter monitoring results on its DMRs. Specifically, for the monitoring periods of July 2014 through December 2014 and January 2015 through June 2015, the Respondent failed to report flow measurements on its DMRs for Outfall 002. For the quarterly monitoring periods of October 2014 through December 2014 and January 2015 through March 2015, the Respondent failed to report on its DMRs for Outfall 002, the monthly average sample monitoring results for BOD₅, Fecal Coliform, and TSS. Each failure to report parameter monitoring results on the DMRs is a violation of

LPDES Permit LA0124095 (Permit Requirements page 3 of 7 and Standard Conditions for LPDES Permits, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.

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 Act, the Water Quality Regulations, and the permit limitations and conditions contained in LPDES Permit LA0124095, including but not limited to properly completing DMRs, reporting monitoring results for all parameters on DMRs, and complying with the effluent limitations.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed DMRs for the monitoring periods of the last three (3) years mentioned in Paragraphs IV, VII, and VIII of the "Findings of Fact" portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and certified. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."

III.

To submit a completed NetDMR Subscriber Agreement to the Department for approval to submit DMRs electronically using NetDMR, within thirty (30) days after receipt of this **COMPLIANCE ORDER**. The Subscriber Agreement shall be signed and dated with an original signature and submitted to the Enforcement Division. (NetDMR is accessed through: www.epa.gov/netdmr. For assistance establishing and maintaining a NetDMR account or for NetDMR training, see attached instructions or contact the Permit Compliance Unit at deqnetdmr@la.gov.)

IV.

To submit DMRs and associated reports electronically using NetDMR beginning with the first monitoring period after approval of the NetDMR Subscriber Agreement unless otherwise notified in writing by the Department.

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: Richard Ober, Jr.
Re: Enforcement Tracking No. WE-CN-15-00019
Agency Interest No. 157697

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. WE-CN-15-00019
Agency Interest No. 157697

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 Richard Ober, Jr. at (225) 219-3135 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

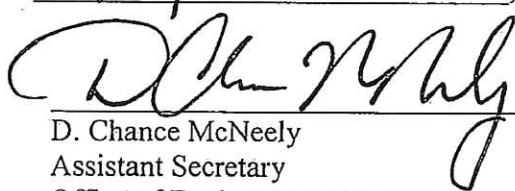
III.

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 20 day of May, 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: Richard Ober, Jr.