

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

LOUISIANA STATE UNIVERSITY SYSTEM

AI # 5540

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT

LA. R.S. 30:2001, ET SEQ.

* Settlement Tracking No.
* SA-AE-19-0049
*
* Enforcement Tracking No.
* AE-CN-18-00110
*
*
*
*
*

SETTLEMENT

The following Settlement is hereby agreed to between Louisiana State University System, properly known as, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College (“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 an entity that owns and/or operates Louisiana State University located in Baton Rouge, East Baton Rouge Parish, Louisiana (“the Facility”).

II

On June 22, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-18-00110 (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 THIRTEEN THOUSAND AND NO/100 DOLLARS (\$13,000.00), of which One Thousand Two Hundred Forty-One and 02/100 Dollars (\$1,241.02) 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 East Baton Rouge 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.

LOUISIANA STATE UNIVERSITY SYSTEM,
PROPERLY KNOWN AS, THE BOARD OF
SUPERVISORS OF LOUISIANA STATE
UNIVERSITY AND AGRICULTURAL AND
MECHANICAL COLLEGE

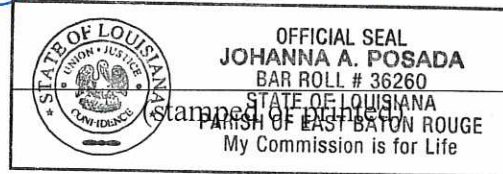
BY: F. King Alexander
(Signature)

F. King Alexander
(Printed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 22nd day of
November, 20 19, at Baton Rouge, LA.

Johanna A. Posada
NOTARY PUBLIC (ID # 30240)



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 5th day of
August, 20 20, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 92503)

Amber Bremillion Litchfield
(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

June 22, 2018

CERTIFIED MAIL (7012 2210 0001 1915 9548)
RETURN RECEIPT REQUESTED

LOUISIANA STATE UNIVERSITY
c/o Mr. J. Stephen Perry, Chairman
Louisiana State University Board of Supervisors
Agent for Service of Process
104B University Administration Building
3810 W. Lakeshore Drive
Baton Rouge, Louisiana 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-18-00110
AGENCY INTEREST NO. 5540**

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 **LOUISIANA STATE UNIVERSITY (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 Alissa Cockerham at (225) 219-3785.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/ARC/arc
Alt ID No.0840-00128
Attachment



c: LSU Facility Services
c/o David H. Maharrey, Jr., Executive Director
115 Facility Services Building
Baton Rouge, LA 70803

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

IN THE MATTER OF	*	
	*	
LOUISIANA STATE UNIVERSITY SYSTEM	*	ENFORCEMENT TRACKING NO.
EAST BATON ROUGE PARISH	*	
ALT ID NO. 0840-00128	*	AE-CN-18-00110
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	5540
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 **LOUISIANA STATE UNIVERSITY SYSTEM (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 Louisiana State University (the Facility) located in Baton Rouge, East Baton Rouge Parish, Louisiana. The Facility operated under Title V Permit No. 0840-00128-V2, issued on July 7, 2009, which expired on July 7, 2014. The Respondent submitted a Title V Air Permit Renewal Application to the Department on January 3, 2018.

II.

On or about December 7-8, 2016, the Department performed an inspection of the Respondent's facility to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the inspection and subsequent file review conducted on March 26, 2018:

- A. The Respondent failed to submit a permit renewal application at least six (6) months before the expiration of Title V Permit No. 0840-00128-V2. The Respondent's permit expired on July 7, 2014. A renewal application was received by the Department on January 3, 2018. The failure to submit a permit application to renew an existing permit at least six (6) months prior to the date of permit expiration is a violation of Specific Requirement No. 143 of Title V Permit No. 0840-00128-V2, LAC 33:III.501.C.4, LAC 33:III.507.E.4, and La. R.S. 30:2057(A)(2).
- B. The Respondent continued operations after Title V Permit No. 0840-00128-V2 expired on July 7, 2014. The renewal application was received by the Department on January 3, 2018. The operation of the Facility without 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. The Respondent failed to record the water to fuel ratio for the 1-02 Combined Heat & Power Turbine (EQT 0040). The Facility monitors, but does not record the water to fuel ration. There were no records of this ratio since the time of the previous inspection on March 24, 2015. The failure to record the daily average hourly water to fuel ratio is a violation of 40 CFR 60.334(a), which language has been adopted as a Louisiana regulation in LAC 33:III.3003.A, LAC 33:III.2201.H.3.a.i, and La. R.S. 30:2057(A)(2).
- D. The Respondent failed to develop a Parameter Monitoring Plan for the 1-02 Combined Heat & Power Turbine System (EQT 0040). The failure to develop and keep on-site a parameter monitoring plan which explains the procedures used to document proper operation of the nitrous oxide (NOx) emission controls is a violation of 40 CFR 60.334(g), which language has been adopted as a Louisiana regulation in LAC 33:III.3003.A, and La. R.S. 30:2057(A)(2).
- E. The Respondent operated the 3-08 Incinerator-Vet Med (EQT 0066) at approximately 1,400 degrees Fahrenheit or less instead of the minimum temperature of 1,600 degrees Fahrenheit. The round paper recording charts and burn logs revealed the temperature was below the minimum of 1,600

degrees Fahrenheit approximately 39 times between October 5, 2015 and December 6, 2016. Operating the incinerator at a temperature less than 1600 degrees Fahrenheit is a violation of LAC 33:III.2531.H.1 and La. R.S. 30:2057(A)(2).

- F. The Respondent failed to record the temperature for the 3-08 Incinerator-Vet Med (EQT 0066). The temperature monitoring records for the 3-08 Incinerator-Vet Med (EQT 0066) were not recorded at times. The records reviewed indicated that the pen which marks the reading does not mark the reading consistently. This occurred on dates including, but not limited to, December 1, 2016, December 3, 2016, and December 5, 2016. The failure to maintain continuous monitors to record temperature is a violation of LAC 33:III.2531.G.1 and La. R.S. 30:2057(A)(2).

III.

The inspection conducted on December 7-8, 2016, revealed emission sources not included in the previously issued Title V Permit (0840-00128-V2) Inventories List or Insignificant Activities List. The Title V Air Permit Renewal Application submitted to the Department on January 3, 2018 listed additional emission points which were not previously included in Title V Permit 0840-00128-V2.

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 begin, immediately upon receipt of this **COMPLIANCE ORDER**, recording the water to fuel ratio for the 1-02 Combined Heat & Power Turbine (EQT 0040) in accordance with LAC 33:III.2201.H.3.a.i. The records shall be maintained for a period of at least five (5) years and made available upon request by the Department.

III.

To prepare, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a Parameter Monitoring Plan for the 1-02 Combined Heat & Power Turbine (EQT 0040).

IV.

To immediately, upon receipt of this **COMPLIANCE ORDER**, take any and all steps necessary to ensure the 3-08 Incinerator-Vet Med (EQT 0066) is operated at a temperature equal to or greater than 1600 degrees Fahrenheit.

V.

To immediately, upon receipt of this **COMPLIANCE ORDER**, take any and all steps necessary to ensure the temperature for the 3-08 Incinerator-Vet Med (EQT 0066) is recorded at all times, in accordance with LAC 33:III.2531.G.1.

VI.

To submit to the Enforcement Division, within thirty (30) days upon receipt of this **COMPLIANCE ORDER**, a written report stating the Facility has complied with Orders II, III, IV, and V of the Order portion of this **COMPLIANCE ORDER**. The Respondent shall also include a copy of the Parameter Monitoring Plan for the 1-02 Combined Heat & Power Turbine System (EQT 0040).

VII.

To submit to the Enforcement Division, within thirty (30) days upon receipt of this **COMPLIANCE ORDER**, a written report which details any emission points not previously included in Title V Permit No. 0840-00128-V2 and the dates each emission point was installed and began operation.

VIII.

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: Alissa Cockerham
Re: Enforcement Tracking No. AE-CN-18-00110
Agency Interest No. 5540

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-18-00110
Agency Interest No. 5540

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 Division of Administrative Law (DAL) Procedural Rules. 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 Alissa Cockerham at (225) 219-3785 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. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

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

Baton Rouge, Louisiana, this 20th day of June, 2018.



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: Alissa Cockerham

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

CONSOLIDATED COMPLIANCE ORDER &
 NOTICE OF POTENTIAL PENALTY
 REQUEST TO CLOSE



Enforcement Tracking No.	AE-CN-18-00110	Contact Name	Alissa Cockerham
Agency Interest (AI) No.	5540	Contact Phone No.	(225) 219-3785
Alternate ID No.	0840-00128-V2		
Respondent:	Louisiana State University System	Facility Name:	Louisiana State University
	c/o LSU Board of Supervisors	Physical Location:	Baton Rouge
	Agent for Service of Process		
	3810 W. Lakeshore Drive	City, State, Zip:	Baton Rouge, LA 70808
	Baton Rouge, LA 70808	Parish:	East Baton Rouge Parish

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph VIII of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs VI and VII of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00110), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00110), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional)= \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00110) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:		
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Alissa Cockerham		