

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

M. L. SMITH, JR., L.L.C.

AI # 153578

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

\* Settlement Tracking No.  
\* SA-MM-19-0011  
\*  
\* Enforcement Tracking No.  
\* MM-CN-17-01160  
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SETTLEMENT

The following Settlement is hereby agreed to between M. L. Smith, Jr., 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 metal fabrication and brick refractory service facility located in Lincoln Parish, Louisiana (“the Facility”).

II

On May 9, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-17-01160, attached as Exhibit 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 EIGHT THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$8,500.00), of which One Thousand Seven Hundred Thirty-Nine and 70/100 Dollars (\$1,739.70) 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)/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 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 Lincoln 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 B).

### 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.

M. L. Smith, Jr., L.L.C.

BY: [Signature]  
(Signature)

SCOTT L. MARTIN  
(Printed)

TITLE: MEMBER/PRESIDENT

THUS DONE AND SIGNED in duplicate original before me this 21<sup>st</sup> day of JUNE, 20 19, at Ruston, LA - Lincoln Parish

[Signature]  
NOTARY PUBLIC (ID # \_\_\_\_\_)

**SUSAN J. WILSON**  
NOTARY PUBLIC  
15462

\_\_\_\_\_  
(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 5<sup>th</sup> day of Sept, 20 19, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 19181)

[Signature]  
(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 9, 2018

CERTIFIED MAIL (7017 1070 0000 2657 7925)  
RETURN RECEIPT REQUESTED

M. L. SMITH, JR., L.L.C.  
c/o Stephanie S. Smith  
Agent for Service of Process  
2338 Highway 33  
Ruston, LA 71270

RE: **CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. MM-CN-17-01160  
AGENCY INTEREST NO. 153578**

Dear Madam:

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 M. L. SMITH, JR., 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 Cynthia Arrison at (225) 219-3796 or [Cynthia.Arrison@la.gov](mailto:Cynthia.Arrison@la.gov).

Sincerely,

Celesta J. Cage  
Administrator  
Enforcement Division

CJC/CLA/tma  
Alt ID No. LAR000100918; LA0126941  
Attachment



c: M. L. Smith Jr., LLC  
c/o Dayana Reanex-Nye, Human Resources Manager  
P.O. Box 1717  
Ruston, LA 71273

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

**IN THE MATTER OF**

**M. L. SMITH, JR., L.L.C.  
LINCOLN PARISH  
ALT ID NO. LAR000100918; LA0126941**

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

*	
*	
*	<b>ENFORCEMENT TRACKING NO.</b>
*	
*	<b>MM-CN-17-01160</b>
*	
*	<b>AGENCY INTEREST NO.</b>
*	
*	<b>153578</b>
*	

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **M. L. SMITH, JR., 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 M. L. Smith, Jr., L.L.C. – Tanks and Refractories, a metal fabrication and brick refractory service operation, located at 2338 Highway 33 in Ruston, Lincoln Parish, Louisiana. The facility notified as a Conditionally Exempt Small Quantity Generator (CESQG) of hazardous waste on January 23, 2018, and has been assigned EPA Identification No. LAR000100918. The Respondent was granted authorization under Louisiana Pollutant Discharge Elimination System (LPDES) permit LAG532465 effective on July 1, 2013, with an expiration date of November 30, 2017. On or about September 30, 2015, LPDES permit LAG532465 was terminated. Under the terms and conditions of LPDES permit LAG532465, the Respondent was permitted to discharge treated sanitary wastewater into local drainage, thence into Colvin Creek, thence into Cypress Creek (Subsegment 080606). The Respondent was issued LPDES permit LA0126941 on August 25, 2015, with an effective



date of October 1, 2015, and an expiration date of September 30, 2020. Under the terms and conditions of LPDES permit LA0126941, the Respondent is permitted to discharge treated sanitary wastewater, stormwater from the media blasting and lay-down area, and stormwater from the warehouse, unloading bay, and office/parking areas into local drainage, thence into Colvin Creek, thence into Cypress Creek (Subsegment 080606).

## II.

On or about October 4, 2017, and February 5, 2018, the Department conducted an inspection and file review at the above referenced facility to determine the degree of compliance with the Act and the Hazardous Waste Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection and file review:

- A. The Respondent failed to perform hazardous waste determinations for waste materials at the facility, in violation of LAC 33:V.1103.B. Specifically, the Respondent failed to determine whether the solid waste generated during the painting process is hazardous. A response submitted to the Department dated January 23, 2018, stated that the Respondent reviewed the SDSs (Safety Data Sheets) for the paint and solvents onsite and determined the paint and solvents are hazardous. The Respondent registered as a CESQG on January 23, 2018.
- B. The Respondent failed to submit a Notification of Hazardous Waste Activity (HW-1) Form to the Department, in violation of LAC 33:V.105.A.1. Specifically, at the time of the inspection, a HW-1 Form had not been submitted. The Respondent submitted an HW-1 Form to the Department dated January 23, 2018.
- C. The Respondent offered hazardous waste to treatment, storage, or disposal facilities that have not received an active EPA identification number and the required permits, in violation of LAC 33:V.1105.C. Specifically, the Respondent offered hazardous waste for disposal to the Household Hazardous Waste Days in Ruston and Shreveport, Louisiana. Household Hazardous Waste Days are limited to the collection of hazardous waste from households and are prohibited from accepting hazardous waste from non-households. At the time of the inspection, the Respondent did not meet the exemption requirements to be classified as a CESQG; however, the Respondent registered as a CESQG on January 23, 2018.

## III.

On or about September 11, 2017, and February 15, 2018, the Department conducted an inspection and file review at the above referenced facility to determine the degree of compliance with

the Act and the Water Quality Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection and file review:

- A. The Respondent failed to install mesh/plastic/tarpaulin-like curtain or net around the blasting area, in violation of LPDES permit LA0126941 (Other Conditions, Section H.2.a and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Specifically, blasting was ongoing at the time of inspection, and no mesh/plastic/tarpaulin-like curtain or net was installed around the blasting area to minimize the discharge of airborne fugitive dust and/or paint to the water. The inspector observed spent blasting media particulates airborne and blowing in a southeasterly direction. During an inspection follow-up meeting on October 27, 2017, and in a written response dated January 23, 2018, the Respondent stated they moved as much of the media blasting as possible into the existing paint shop and are exploring the possibility of building a shed to enclose the blasting area.
- B. ~~The Respondent caused and/or allowed the unauthorized discharge of pollutants from a~~ location not authorized by the permit, in violation of La. R.S. 30:2076(A)(1)(a), LAC 33:IX.501.A, and LAC 33:IX.501.D. Specifically, the inspector observed evidence of blasting media runoff on the eastern perimeter of the property at an unpermitted location (see picture 5 of 12 in the inspection report). During an inspection follow-up meeting on October 27, 2017, and in a written response dated January 23, 2018, the Respondent stated straw bales were placed around the eastern perimeter of the blasting area in an effort to prevent runoff at the location and a shed will be built to enclose the blasting area.
- C. The Respondent failed to prepare and/or implement an adequate Stormwater Pollution Prevention Plan (SWP3), in violation of LPDES permit LA0126941 (Narrative Requirement N-8, Page 8 of 9 and Standard Conditions, Sections A.2 and D.10.b), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Specifically, at the time of inspection, the SWP3 did not include a signed certification page, inspection records, annual inspection reports, or employee training records. A response submitted to the Department dated January 23, 2018, stated the SWP3 is now signed, inspection records have been started as of September 2017, the 2017 annual inspection report was completed in December, and an employee training program has been implemented. The response included an employee SWP3 training record for January 24, 2018.

- D. The Respondent reported exceedances of permit effluent limitations at Outfall 001 for BOD<sub>5</sub> and fecal coliform. Each permit effluent limit exceedance that occurred prior to October 1, 2015, is in violation of LPDES permit LAG532465 (Part I, Page 3 of 16 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Each permit effluent limit exceedance that occurred on or after October 1, 2015, is in violation of LPDES permit LA0126941 (Effluent Limitations and Monitoring Requirements, Page 1 of 9 and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

MONITORING PERIOD	PARAMETER	PERMIT LIMIT	SAMPLE RESULT
January-December 2014	BOD <sub>5</sub>	45 mg/l (Daily Maximum)	195 mg/l
July-December 2015	BOD <sub>5</sub>	30 mg/l (Monthly Average)	45.4 mg/l
	BOD <sub>5</sub>	45 mg/l (Daily Maximum)	45.4 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	≥200 col/100 ml*

\*The Respondent did not report a specific sample result. The Respondent reported ≥200 col/100 ml on both the Discharge Monitoring Report (DMR) and accompanying Noncompliance Report (NCR).

- E. The Respondent failed to report flow estimates on DMRs, in violation of LPDES permit LA0126941 (Effluent Limitations and Monitoring Requirements, Pages 3 and 5 of 9 and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Specifically, the Respondent failed to report monthly average and daily maximum flow estimates for Outfalls 002 and 003 on the fourth quarter 2015 DMRs.
- F. The Respondent failed to submit quarterly DMRs, in violation of LPDES permit LA0126941 (Submittal/Action Requirement S-1, Pages 3 and 5 of 9 and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a. Specifically, the Respondent failed to submit quarterly DMRs for Outfalls 002 and 003 for the first quarter of 2016.
- G. The Respondent failed to submit DMRs in a timely manner, in violation of LPDES permit LA0126941 (Submittal/Action Requirement S-1, Pages 1, 3, and 5 of 9 and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4. Specifically, the Respondent is required to submit DMRs no later than the 28<sup>th</sup> day of the month following each quarterly and semiannual monitoring period. The Respondent submitted DMRs for the

third quarter of 2016 on or about November 1, 2016. The Respondent submitted DMRs for the first quarter of 2017 on November 8, 2017. The Respondent submitted DMRs for the second quarter of 2017 and first semiannual monitoring period of 2017 on or about July 31, 2017. The Respondent submitted DMRs for the fourth quarter of 2017 and second semiannual monitoring period of 2017 on or about February 12, 2018.

- H. The Respondent failed to sign and certify DMRs. Specifically, the Respondent failed to sign and certify the 2014 annual DMR for Outfall 001, the third quarter 2016 DMRs for Outfalls 002 and 003, the fourth quarter 2016 DMRs for Outfalls 002 and 003, the second semiannual 2016 DMR for Outfall 001, the second quarter 2017 DMRs for Outfalls 002 and 003, and the first semiannual 2017 DMR for Outfall 001. Each failure to sign and certify DMRs prior to October 1, 2015, is in violation of LPDES permit LAG532465 (Part II, Section N.8 and Part III, Sections A.2 and D.10.b), La R.S. 30:2076(A)(3), and LAC 33:IX.2701.K.1. Each failure to sign and certify DMRs on or after October 1, 2015, is in violation of LPDES permit LA0126941 (Narrative Requirement N-1, Pages 1, 3, and 5 of 9 and Standard Conditions, Sections A.2 and D.10.b), La R.S. 30:2076(A)(3), and LAC 33:IX.2701.K.1.

### 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 Hazardous Waste and Water Quality Regulations.

#### II.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, offering hazardous waste to treatment, storage, or disposal facilities that do not meet the requirements of LAC 33:V.108.G.3.

#### III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the complete and updated SWP3 including the signed certification page, inspection records, annual inspection reports, and employee training records.

IV.

To submit to the Permits Division at the address below, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a letter detailing the elimination of the discharge at Outfall 001 by installation of a sprinkler system and requesting LPDES permit LA0126941 be modified accordingly.

Office of Environmental Services  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
**Attn: Water Permits Division**

V.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed DMRs for the monitoring periods mentioned in Paragraphs III.F and III.H 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."

VI.

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: Cynthia Arrison**  
**Re: Enforcement Tracking No. MM-CN-17-01160**  
**Agency Interest No. 153578**

**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. MM-CN-17-01160**  
**Agency Interest No. 153578**

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 Cynthia Arrison at (225) 219-3796 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.

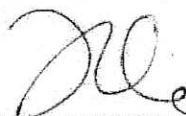
IV.

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 9<sup>th</sup> day of May, 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: Cynthia Arrison



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
 OFFICE OF ENVIRONMENTAL COMPLIANCE  
 ENFORCEMENT DIVISION                      CONSOLIDATED COMPLIANCE ORDER &  
 POST OFFICE BOX 4312                              NOTICE OF POTENTIAL PENALTY  
 BATON ROUGE, LOUISIANA 70821-4312                      REQUEST TO CLOSE



Enforcement Tracking No.	MM-CN-17-01160	Contact Name	Cynthia Arrison
Agency Interest (AI) No.	153578	Contact Phone No.	(225) 219-3796
Alternate ID No.	LA0126941; D-061-13550; LAR000100918		
Respondent:	M. L. SMITH, JR., L.L.C.	Facility Name:	M. L. Smith, Jr., L.L.C.
	c/o Stephanie S. Smith	Physical Location:	2338 Highway 33
	Agent for Service of Process		
	2338 Highway 33	City, State, Zip:	Ruston, LA 71270
	Ruston, LA 71270	Parish:	Lincoln

**STATEMENT OF COMPLIANCE**

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph VI 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 III, IV, and V 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:I.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (MM-CN-17-01160), 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 (MM-CN-17-01160), 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"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• <b>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.</b></li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (MM-CN-17-01160) 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: Cynthia Arrison