

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ROSEBURG FOREST PRODUCTS
SOUTH LIMITED PARTNERSHIP

AI # 43959

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

* Settlement Tracking No.
* SA-AE-18-0060
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* Enforcement Tracking No.
* AE-CN-14-00541
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SETTLEMENT

The following Settlement is hereby agreed to between Roseburg Forest Products South Limited Partnership (“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 partnership that owns and/or operates a particleboard facility located in Lincoln Parish, Louisiana (“the Facility”).

II

On October 5, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-14-00541, 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 SIXTEEN THOUSAND AND NO/100 DOLLARS (\$16,000.00), of which One Thousand Five Hundred Seventy and 36/100 Dollars (\$1,570.36) 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 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).

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.

Roseburg Forest Products South Limited Partnership

BY: Stuart W. Gray
(Signature)

Stuart W. Gray
(Printed)

TITLE: SVP, General Counsel

THUS DONE AND SIGNED in duplicate original before me this 29th day of April, 20 19, at 3:24 pm.

Cybelles Paul White
NOTARY PUBLIC (ID # 952971)



Cybelles Laurel White
(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 2nd day of Aug., 20 19, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

October 5, 2015

CERTIFIED MAIL (7004 2510 0006 3853 0864)
RETURN RECEIPT REQUESTED

ROSEBURG FOREST PRODUCTS SOUTH LIMITED PARTNERSHIP
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Blvd., Ste. 400B
Baton Rouge, LA 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-14-00541
AGENCY INTEREST NO. 43959**

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 **ROSEBURG FOREST PRODUCTS SOUTH LIMITED PARTNERSHIP (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 Mark E. Brown at (225) 219-3782.

Sincerely,

Celenia J. Cage
Administrator
Enforcement Division

CJC/MEB/meb
Alt ID No. 1720-00004
Attachment



c: Roseburg Forest Products South Limited Partnership
Ellen Porter
P. O. Box 1088
Roseburg, OR 97470

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

<p>IN THE MATTER OF</p> <p>ROSEBURG FOREST PRODUCTS SOUTH LIMITED PARTNERSHIP LINCOLN PARISH ALT ID NO. 1720-00004</p> <p>PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>ENFORCEMENT TRACKING NO.</p> <p style="text-align: center;">AE-CN-14-00541</p> <p>AGENCY INTEREST NO.</p> <p style="text-align: center;">43959</p>
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CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **ROSEBURG FOREST PRODUCTS SOUTH LIMITED PARTNERSHIP (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 Louisiana Particleboard Plant (the facility), a particleboard plant, located at 486 Duraflake Road in Simmsboro, Lincoln Parish, Louisiana. The facility operates, or has operated under Title V Air Permits as shown in Table A:

TABLE A

Permit No.	Permit Issue Date	Permit Expiration Date
1720-00004-V5	November 2, 2009	September 27, 2010
1720-00004-V6	April 26, 2011	April 26, 2016
1720-00004-V7	May 9, 2012	April 26, 2016
1720-00004-V8	May 19, 2014	April 26, 2016
1720-00004-V8AA	December 29, 2014	April 26, 2016

II.

On or about May 6, 2014, and on or about June 29, 2015, file reviews were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the file reviews:

- A. In correspondence dated March 30, 2012, the Respondent submitted the facility's 2011 Second Semiannual Monitoring Report for the period encompassing July 1, 2011 through December 31, 2011. The report disclosed that the Respondent did not timely submit written pretest notification to the Environmental Protection Agency Region VI Office within 60 days of the projected October 13, 2011 source testing of Regenerative Catalytic Oxidizer (RCO) No. 1 (EQT0014), and RCO No. 2 (EQT0023). The failure to timely submit the notification is a violation of Specific Requirement 198 of Title V Permit No. 1720-00004-V6, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- B. In correspondence dated April 28, 2014, the Respondent notified the Department of inaccuracies listed in the facility's 2012 and 2013 Plywood Composite Wood Products/Maximum Achievable Control Technology (PCWP/MACT) semiannual reports. In correspondence dated June 5, 2014, the Respondent submitted revised 2012 and 2013 PCWP/MACT semiannual reports to incorporate the corrected data. The dates of the original submissions are shown in Table B:

TABLE B

Semiannual	Date
First 2012	July 26, 2012
Second 2012	January 30, 2013
First 2013	July 17, 2013
Second 2013	January 31, 2014

The correspondence reported events that were consistent with the facility's Startup/Shutdown/Malfunction (SSM) plan, but were not recorded by the facility operators in the facility's operating logs. The Respondent reported in the correspondence that the events would

likely involve the opening of the Press Dryer abort vents. The events concern the facility's RCO No. 1 (EQT014) and RCO No. 2 (EQT023). The events are shown in Table C:

TABLE C

Date	Event	Duration, minutes
2012		
March 6, 2012	RCO No. 1 #4 Poppet failure	30
March 20, 2012	RCO No. 1 #1 Flame failure	27
March 20, 2012	Power failure	19
March 30, 2012	RCO No. 1 #4 Poppet failure	30
April 3, 2012	RCO No. 1 #3 Poppet failure	19
April 4, 2012		14
April 20, 2012	RCO No. 1 #1 Flame failure	19
April 25, 2012	RCO No. 2 shutdown high temp.	19
May 31, 2012	RCO No. 1 #1 Flame failure	10
June 5, 2012	RCO No. 1 Flame failure	23
June 14, 2012	RCO No. 1 #4 Flame failure	28
	RCO No. 1 #1 Flame failure	21
		15
June 14, 2012	RCO No. 1 #1 Flame failure	15
		15
July 27, 2012	RCO upset startup	16
August 8, 2012	Power Outage	30
August 14, 2012	RCO No. 2 #2 Flame failure	26
August 18, 2012	Power Outage	30
August 24, 2012	RCO No. 2 #2 Flame failure	29
August 24, 2012	Power Outage	30
		30
August 25, 2012	RCO No. 1 #3 Flame failure	30
August 25, 2012		21
August 25, 2012		26
August 30, 2012		30
September 3, 2012	RCO No. 1 #2 Flame failure	29
September 6, 2012		15
September 24, 2012		30
September 29, 2012	RCO No. 2 #2 Flame failure	30
September 30, 2012	RCO No. 1 #4 Flame failure	30
September 30, 2012		15
October 14, 2012		30
October 15, 2012		20
October 18, 2012		30
October 18, 2012		30
October 18, 2012	RCO No. 1 #4 Flame failure	16
October 28, 2012		16

TABLE C

Date	Event	Duration, minutes
November 11, 2012	RCO No. 1 #4 Flame failure	23
November 15, 2012		21
November 24, 2012		30
November 24, 2012		30
November 30, 2012		30
December 11, 2012		25
December 14, 2012		24
December 15, 2012	RCO No. 1 #4 Poppet Shear Pin	30
December 15, 2012	Neither RCO in control	30
December 21, 2012	RCO No. 1 #4 Flame failure	30
December 27, 2012		28
2013		
January 1, 2013	Core Dryer System Fire	30
January 8, 2013	RCO No. 1 #4 Flame failure	30
		30
March 23, 2013	VOC Abort Gate failure	15
April 8, 2013	RCO fire	30
		30
April 25, 2013	RCO No. 1 #3 Poppet failure	30
May 10, 2013		30
May 20, 2013	RCO No. 1 not ready	14
May 27, 2013	Power failure	30
May 28, 2013	RCO No. 1 Abort Gate failure	9
		30
		30
	RCO No. 1 failed	17
June 21, 2013	RCO No. 2 fire	30
July 8, 2013	Fire	30
July 25, 2013	RCO failed	30
July 25, 2013	RCO No. 2 #1 Poppet failure	30
July 26, 2013	RCO No. 2 failure	20
		28
July 30, 2013	RCO No. 1 failure	26
July 31, 2013	RCO No. 1 #2 Poppet failure	30
August 6, 2013	RCO No. 1 Abort Gate failure	30
August 7, 2013	RCO No. 1 Combustible Airflow switch failure	21
August 12, 2013	RCO No. 1 Low Temperature	7
	Abort Gate open	10
August 15, 2013	Fire in RCO	30
		30
September 16, 2013	RCO No. 2 #3 Flame failure	15
		11

TABLE C

Date	Event	Duration, minutes
September 17, 2013	RCO No. 2 #3 Flame failure	30
		16
September 22, 2013		17
September 25, 2013		17
October 8, 2013	RCO No. 2 #3 Burner failure	14
October 12, 2013	RCO No. 2 Burner failure	15
October 29, 2013	RCO No. 1 Electrical failure	7
November 17, 2013	RCO No. 1 #3 Poppet failure	30
November 21, 2013	RCO No. 1 #1 Poppet Seal failure	30
November 22, 2013	RCO No. 2 #3 Burner failure	25
December 7, 2013	RCO No. 1 failure	30
	RCO No. 1 Flame failure	30
December 8, 2013	RCO No. 1 failure	25
	RCO No. 1 #4 Flame failure	30
		16
December 10, 2013	RCO No. 2 Electrical fault	30
	RCO No. 2 Flame failure	30
	RCO No. 2 failed	23
December 14, 2013	RCO No. 1 Electrical fault	30
		30
December 19, 2013	Power Outage	30

Each failure to report each event in the appropriate reports to the Department, is a violation of Specific Requirement 213 of Title V Permit No. 1720-00004-V6, Specific Requirement 214 of Title V Permit No. 1720-00004-V7, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(2) and 40 CFR 63.2281.(e).

- C. In correspondence dated April 28, 2014, the Respondent notified the Department that the duration of some deviations had not been listed in the facility's 2012 and 2013 PCWP/MACT semiannual reports. In correspondence dated June 5, 2014, the Respondent submitted revised 2012 and 2013 PCWP/MACT semiannual reports to complete the data. The deviation durations are shown in Table D:

TABLE D

Date	Event	Duration, minutes
January 8, 2012	RCO No. 1 #3 Flame failure	16
		17
January 17, 2012	RCO No. 1 #3 Fire Eye bad	30
March 6, 2012	RCO No. 1 #1 can Flame failure	12
March 9, 2012		20
March 21, 2012	Power outage	30

TABLE D

Date	Event	Duration, minutes
March 30, 2012	RCO No. 1 #4 Poppet failure	30
May 22, 2012	RCO No. 2 #3 Poppet failure.	24
		17
	RCO No. 1/RCO No. 2 fires	30
July 31, 2012	RCO No. 1 #4 Poppet failure	30
September 10, 2012	RCO No. 1 #2 failure	10
October 17, 2012	Power Outage	30

Each failure to accurately record each event is a violation of Specific Requirement 213 of Title V Permit No. 1720-00004-V6, Specific Requirement 214 of Title V Permit No. 1720-00004-V7, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(2), and 40 CFR 63.2281(e).

- D. In correspondence dated April 28, 2014, the Respondent notified the Department that the Respondent failed to report all instances during which abort gates opened. There were occasions when the fire prevention (spark arrest) system caused the abort gates to open, resulting in uncontrolled process emissions potentially venting to the atmosphere. The Respondent reported the following events and their duration, but was unable to calculate the volume of emissions as shown in Table E:

TABLE E

Date	Event	Duration, minutes
October 12, 2013	Green Dryer	3.7 (estimated)
October 14, 2013	Core Dryer	
October 18, 2013	Core Dryer	
October 23, 2013	Face Dryer	
November 10, 2013	Core Dryer	3.0
November 11, 2013		3.0
November 11, 2013	Core Dryer	1.0
		3.0
		2.0
November 26, 2013		1.0
December 3, 2013	Face Dryer	8.0
December 8, 2013	Green Dryer	1.0
December 12, 2013		1.0
December 19, 2013	Green Dryer	15.0
December 23, 2013	Face Dryer	4.0

Each failure to report the emissions for each event is a violation of Specific Requirement 214 of Title V Permit No. 1720-00004-V7, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- E. In correspondence dated April 28, 2014, the Respondent notified the Department that in 2012 and in 2013, the Press sparks arrest system was not programmed properly. The correspondence stated that during Press related fires, it is possible that operators would have manually opened the Press abort gate to prevent dangerous situations. Those situations would result in uncontrolled process emissions potentially venting to the atmosphere. The Respondent identified four press fires as listed in Table F:

TABLE F

Date	Event	Duration, minutes
January 7, 2012	Fire on the Press	30
March 12, 2013	Press Fire Frames 7 & 8 East	30
February 21, 2013		30
February 22, 2013		30

Each failure to prevent uncontrolled emissions of pollutants to the atmosphere is a violation of Title V Permit No. 1720-00004-V6, Title V Permit No. 1720-00004-V7, LAC 33:III.905.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- F. In correspondence dated April 28, 2014, the Respondent notified the Department that a re-evaluation of the RCO 3-hour block average temperatures, in degrees Fahrenheit (°F) showed the deviations listed in Table G:

TABLE G

Date	RCO	RCO Compliance Temperature, °F	RCO Actual Temperature, °F	Duration, minutes
July 11, 2013	North	1104.6	1060	45
	South	1098.6	1095	
September 17, 2013	South	898	868	15
October 2, 2013	North	902	821	45
	South	898	816	

Each failure to maintain each RCO to the compliance temperature as determined by a 3-hour block average is a violation of Specific Requirement 27 and of Specific Requirement 73 of Title V Permit No. 1720-00004-V7, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2), and 40 CFR 63.2240.

- G. The Respondent failed to complete the Deviation Summary Report portion of the Semiannual Monitoring Reports listed in Table H:

TABLE H

Semiannual	Submittal Date	Permit	SR
2012 First	September 27, 2012	1720-00004-V6/V7	225/224
2012 Second	March 28, 2013	1720-00004-V7	224

TABLE H

Semiannual	Submittal Date	Permit	SR
2013 First	September 13, 2013	1720-00004-V7	224
2013 Second	March 31, 2014		
2014 First	September 19, 2014	1720-00004-V7/V8	224/225
2014 Second	March 19, 2015	1720-00004-V8/V8AA	225/216

References to the submission of the facility's concurrent PCWP/MACT reports on the Deviation Summary Report pages of the Semiannual Monitoring Reports do not satisfy the reporting requirements of the Deviation Summary Report. Each failure to submit a complete and accurate Semiannual Monitoring Report is a violation of the Title V Permit and Specific Requirement (SR) shown in Table H, LAC 33:III.507.H.5, LAC 33:501.C.4, 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 Title V Permit No. 1720-00004-V8 and comply with the Air Quality Regulations and the Act.

II.

To submit to the Air Enforcement Division, within 30 days after receipt of this **COMPLIANCE ORDER**, amended revisions of the Semiannual Monitoring Reports listed in Table H of the Findings of Fact portion of this enforcement action to include the completed Deviation Summary Reports. To submit fully complete Semiannual Monitoring Reports from the effective date of this **COMPLIANCE ORDER**.

III.

To submit to the Air 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: Mark E. Brown
Re: Enforcement Tracking No. AE-CN-14-00541
Agency Interest No. 43959

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-14-00541
Agency Interest No. 43959

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 violations 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 violations, 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 violations 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 violations described herein. Written comments may be filed regarding the violations 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 violations. If you would

like to have such a meeting, please contact Mark E. Brown at (225) 219-3782 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

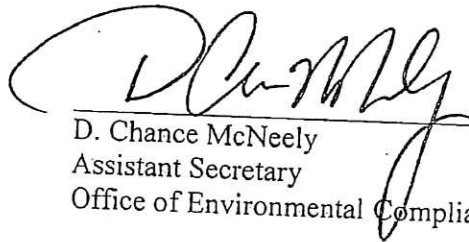
III.

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 violations 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 5 day of October, 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: Mark E. Brown at (225) 219-3782