

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CABOT CORPORATION

AI # 19901

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

* Settlement Tracking No.
* SA-AE-19-0085
*
* Enforcement Tracking No.
* AE-CN-12-00680
*
*
* Docket No. 2014-5460-EQ
*

SETTLEMENT

The following Settlement is hereby agreed to between Cabot Corporation (“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 carbon black manufacturing facility located in Centerville, St. Mary Parish, Louisiana (“the Facility”).

II

On March 6, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-12-00680 (Exhibit 1).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing.

IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures

and/or penalties.

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TWENTY-THREE THOUSAND FIVE HUNDRED THIRTY AND 05/100 DOLLARS (\$23,530.05), of which Three Thousand Nine Hundred Thirty and 05/100 Dollars (\$3,930.05) 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).

VI

Respondent further agrees that the Department may consider the 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.

VII

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.

VIII

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.

IX

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.

X

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

XI

Payment is to be made within thirty (30) 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).

XII

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

XIII

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.

CABOT CORPORATION

BY: Wayne Bordelon
(Signature)

Wayne Bordelon
(Printed)

TITLE: Facility General Manager

THUS DONE AND SIGNED in duplicate original before me this 26th day of February, 20 20, at Centerville, LA.

Cindy B. Pusateri
NOTARY PUBLIC (ID # 062883)

Cindy B. Pusateri
(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 20th day of May, 20 20, 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

March 6, 2013

CERTIFIED MAIL (7004 2510 0005 5768 7083)
RETURN RECEIPT REQUESTED

CABOT CORPORATION
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Boulevard, Suite 400B
Baton Rouge, LA 70808

RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-12-00680
AGENCY INTEREST NO. 19901

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 **CABOT CORPORATION (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 Trisha Barbay at (225) 219-3169.

Sincerely,

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

Celena J. Cage
Administrator
Enforcement Division

CJC/TAB/tab
Alt ID No. 2660-00004
Attachment



c: Cabot Corporation
c/o Leland D. Hansen, General Manager
P.O. Box 598
Franklin, LA 70538

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

<p>IN THE MATTER OF</p> <p>CABOT CORPORATION ST. MARY PARISH ALT ID NO. 2660-00004</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>ENFORCEMENT TRACKING NO.</p> <p style="text-align: center;">AE-CN-12-00680</p> <p>AGENCY INTEREST NO.</p> <p style="text-align: center;">19901</p>
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CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **CABOT CORPORATION (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 Cabot Canal Plant (the Facility), a carbon black manufacturing facility, located at 272 Cabot Canal Plant Lane in Centerville, Saint Mary Parish, Louisiana. The Facility operates or has operated under the authority of the following Air Permits:

PERMIT	ISSUE DATE	EXPIRATION DATE
2660-00004-V1	March 8, 2007	May 5, 2011
2660-00004-V2	June 2, 2009	May 5, 2011 *Permit application for renewal was received on November 5, 2010.
2660-00004-V3	December 3, 2012	December 3, 2017
PSD-LA-591 (M-1)	May 5, 2006	
PSD-LA-591 (M-2)	June 2, 2009	
PSD-LA-591 (M-3)	December 3, 2012	

II.

On or about February 7, 2013, the Department conducted a file review to determine the Respondent's degree of compliance with the Act, the Air Quality Regulations, and all applicable permits from January 1, 2007 through April 30, 2012. While the review is not complete, the Department noted the violations found in paragraphs III-XII of the Findings of Fact portion of this enforcement action.

III.

The Respondent reported the following violations from permitted operating parameters:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE	OPERATING PARAMETER	POLLUTANTS INVOLVED	DEVIATION	REGULATORY or PERMIT REQUIREMENTS
A	2007 Title V Annual Compliance Certification (3/31/2008)	2660-00004-V1	Main Unit Heat Load Vent (EQT012)	10/29/2007 (15 minutes)	Opacity <=20%	-	Opacity exceedance.	Specific Requirement 7 LAC 33:III.1311.C
B	2009 Title V Semiannual Monitoring Report (3/31/2010)	2660-00004-V2	999 Combusted Tail Gas Stack (EQT0096)	9/8/2009 (4 minutes)	Ensure that each closed-vent system is designed and operated to collect the regulated material vapors from the emission point, and to route the collected vapors to a control device.	HAP	Operating procedure allowing for the escape of uncombusted tail gas from the process.	Specific Requirement 164 40 CFR 63.983(a)(1) LAC 33:III.905
C	2009 Title V Semiannual Monitoring Report (3/31/2010)	2660-00004-V2	999 Combusted Tail Gas Stack (EQT0096)	11/11/2009 (10 minutes)	Ensure that each closed-vent system is designed and operated to collect the regulated material vapors from the emission point, and to route the collected vapors to a control device.	HAP	Operating procedure allowing for the escape of uncombusted tail gas from the process.	Specific Requirement 164 40 CFR 63.983(a)(1) LAC 33:III.905
D	2012 Unauthorized Discharge Notification (10/10/2012)	2660-00004-V2	CS-1/CS-2 Process Filter Vent (EQT0018)	10/3/2012 (10 minutes)	Opacity <=20%	-	Opacity was estimated to be 28.6% during the incident.	Specific Requirement 30 LAC 33:III.1311.C

Each violation from permitted operating parameters is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

IV.

According to the Prevention of Signification Deterioration (PSD) Permit, PSD-LA-591, issued on October 26, 1995, the Respondent proposed to install an incinerator to control toxic air pollutants (TAPs), carbon monoxide (CO), and volatile organic compounds (VOC) in the tail gas. The incinerator will operate at approximately 1900 ± 100°F to obtain an air toxic destruction efficiency of 99.7 percent. The following violations from the incinerator temperature were reported by the Respondent:

	REPORT (date)	PERMIT NUMBER	REPORTING PERIOD	NO. OF DAYS INCINERATOR TEMPERATURE FELL BELOW 1800°F
A	MACT Periodic Report (5/18/2007)	PSD-LA-591 (M-1)	10/1/2007 - 3/31/2007	1

	REPORT (date)	PERMIT NUMBER	REPORTING PERIOD	NO. OF DAYS INCINERATOR TEMPERATURE FELL BELOW 1800°F
B	MACT Periodic Report (11/26/2007)	PSD-LA-591 (M-1)	4/1/2007- 9/30/2007	1
C	MACT Periodic Report (5/21/2008)	PSD-LA-591 (M-1)	10/1/2007-3/31/2008	12
D	MACT Periodic Report (11/24/2008)	PSD-LA-591 (M-1)	4/1/2008-9/30/2008	27
E	MACT Periodic Report (5/20/2009)	PSD-LA-591 (M-1)	10/1/2008-3/31/2009	53
F	MACT Periodic Report (11/23/2009)	PSD-LA-591 (M-1) & PSD-LA-591 (M-2)	4/1/2009-9/30/2009	93
G	MACT Periodic Report (5/21/2010)	PSD-LA-591 (M-2)	10/1/2009 – 3/31/2010	11
H	MACT Periodic Report (11/29/2011)	PSD-LA-591 (M-2)	4/1/2011-9/30/2011	42
I	MACT Periodic Report (5/30/2012)	PSD-LA-591 (M-2)	10/1/2011-3/31/2012	23

Each day the incinerator operated below 1800°F is a violation of the PSD Permit No. PSD-LA-591, La R.S. 30:2057(A)(1) and 30:2057(A)(2).

V.

The Respondent reported the following releases through equipment leaks:

	REPORT (date)	DURATION	DEVIATION
A	2009 Title V Annual Compliance Certification (3/31/2010)	1/16/09 - 1/27/09	Corrosion of equipment components resulted in leak of tail gas containing HAP/TAP before combustion at the incinerator.
B	2009 Title V Annual Compliance Certification (3/31/2010)	1/16/09 - 1/27/09	
C	2009 Title V Annual Compliance Certification (3/31/2010)	1/16/09 - 1/27/09	
D	2009 Title V Annual Compliance Certification (3/31/2010)	1/16/09 - 2/27/09	
E	2009 Title V Annual Compliance Certification (3/31/2010)	2/5/09- 3/24/09	
F	2009 Title V Annual Compliance Certification (3/31/2010)	2/14/09 - 2/23/09	Leak on pressure relief valve resulted in leak of tail gas containing HAP/TAP before combustion at the incinerator.
G	2009 Title V Annual Compliance Certification (3/31/2010)	2/16/09 - 4/2/09	Corrosion of equipment components resulted in leak of tail gas containing HAP/TAP before combustion at the incinerator.
H	2009 Title V Annual Compliance Certification (3/31/2010)	3/31/09 -4/21/09	
I	2009 Title V Annual Compliance Certification (3/31/2010)	4/7/09 - 12/31/09	
J	2009 Title V Annual Compliance Certification (3/31/2010)	4/7/09 - 12/31/09	
K	2009 Title V Annual Compliance Certification (3/31/2010)	5/08/09 - 5/21/09	Piping Leak, corrosion of equipment components resulted in leak of tail gas containing HAP/TAP before combustion at the incinerator.

	REPORT (date)	DURATION	DEVIATION	
L	2009 Title V Annual Compliance Certification (3/31/2010)	5/29/09 - 8/05/09	Corrosion of equipment components resulted in leak of tail gas containing HAP/TAP before combustion at the incinerator.	
M	2009 Title V Annual Compliance Certification (3/31/2010)	3/29/09 - 7/22/09		
N	2009 Title V Annual Compliance Certification (3/31/2010)	3/31/09 - 4/21/09		
O	2009 Title V Annual Compliance Certification (3/31/2010)	4/07/09 - 12/31/09	Corrosion of equipment components resulted in leak of tail gas containing HAP/TAP before combustion at the incinerator.	
P	2009 Title V Annual Compliance Certification (3/31/2010)	4/7/09 - 12/31/09		
Q	2009 Title V Annual Compliance Certification (3/31/2010)	5/08/09 - 5/21/09	Piping Leak, corrosion of equipment components resulted in leak of tail gas containing HAP/TAP before combustion at the incinerator.	
R	2009 Title V Annual Compliance Certification (3/31/2010)	5/29/09 - 8/5/09	Corrosion of equipment components resulted in leak of tail gas containing HAP/TAP before combustion at the incinerator.	
S	2009 Title V Annual Compliance Certification (3/31/2010)	7/2/09 - 12/31/09		
T	2009 Title V Annual Compliance Certification (3/31/2010)	7/2/09 - 7/20/09		
U	2009 Title V Annual Compliance Certification (3/31/2010)	8/4/09 - 8/13/09		
V	2009 Title V Annual Compliance Certification (3/31/2010)	8/11/09 - 12/31/09		
W	2009 Title V Annual Compliance Certification (3/31/2010)	8/11/09 - 10/22/09		
X	2009 Title V Annual Compliance Certification (3/31/2010)	8/24/09 - 10/21/09		
Y	2009 Title V Annual Compliance Certification (3/31/2010)	8/27/09		
Z	2009 Title V Annual Compliance Certification (3/31/2010)	8/27/09 - 12/31/09		
AA	2009 Title V Annual Compliance Certification (3/31/2010)	9/8/09 - 10/21/09		
BB	2009 Title V Annual Compliance Certification (3/31/2010)	9/9/09 - 12/31/09		
CC	2009 Title V Annual Compliance Certification (3/31/2010)	9/9/09 - 9/30/09		
DD	2009 Title V Annual Compliance Certification (3/31/2010)	9/13/09		Failure of piping resulted in leak of tail gas containing HAP/TAP before combustion at the incinerator.
EE	2009 Title V Annual Compliance Certification (3/31/2010)	9/17/09 - 11/4/09		Corrosion of equipment components resulted in leak of tail gas containing HAP/TAP before combustion at the incinerator.
FF	2009 Title V Annual Compliance Certification (3/31/2010)	10/1/09 - 12/31/09		
GG	2009 Title V Annual Compliance Certification (3/31/2010)	10/5/09 - 10/21/09		
HH	2009 Title V Annual Compliance Certification (3/31/2010)	10/10/09 - 10/20/09		
II	2009 Title V Annual Compliance Certification (3/31/2010)	10/8/09 - 11/5/09		
JJ	2009 Title V Annual Compliance Certification (3/31/2010)	10/17/09 - 10/18/09		
KK	2009 Title V Annual Compliance Certification (3/31/2010)	10/28/09 - 12/09/09		
LL	2009 Title V Annual Compliance Certification (3/31/2010)	10/28/09 - 12/31/09		
MM	2009 Title V Annual Compliance Certification (3/31/2010)	11/18/09 - 12/31/09		
NN	2009 Title V Annual Compliance Certification (3/31/2010)	11/23/09 - 12/1/09		
OO	2009 Title V Annual Compliance Certification (3/31/2010)	12/10/09 - 12/31/09		

	REPORT (date)	DURATION	DEVIATION
PP	2009 Title V Annual Compliance Certification (3/31/2010)	12/10/09 - 12/31/09	Corrosion of equipment components resulted in leak of tail gas containing HAP/TAP before combustion at the incinerator.
QQ	2009 Title V Annual Compliance Certification (3/31/2010)	12/13/09 - 12/31/09	
RR	2009 Title V Annual Compliance Certification (3/31/2010)	12/25/09 - 12/31/09	
SS	2010 First Semiannual Monitoring Report (9/30/2010)	4/7/10 - 6/30/10	Incidental leaks of tail gas before combustion at the incinerator due to equipment failures (such as cracks, splits, holes, etc.) and malfunctions leading to emissions of organic compounds.
TT	2010 First Semiannual Monitoring Report (9/30/2010)	6/28/10 - 6/30/10	
UU	2010 Title V Annual Compliance Certification (3/31/2011)	7/08/10 - 12/14/10	Corrosion of equipment components resulted in leak of tail gas containing HAP/TAP before combustion at the incinerator.
VV	2010 Title V Annual Compliance Certification (3/31/2011)	7/28/10 - 8/12/10	
WW	2010 Title V Annual Compliance Certification (3/31/2011)	8/26/10 - 10/1/10	
XX	2010 Title V Annual Compliance Certification (3/31/2011)	8/26/10 - 10/14/10	
YY	2010 Title V Annual Compliance Certification (3/31/2011)	9/1/10 - 9/9/10	
ZZ	2010 Title V Annual Compliance Certification (3/31/2011)	9/15/10 - 9/24/10	
AAA	2010 Title V Annual Compliance Certification (3/31/2011)	10/5/10 - 12/31/10	
BBB	2010 Title V Annual Compliance Certification (3/31/2011)	10/15/10 - 12/31/10	
CCC	2010 Title V Annual Compliance Certification (3/31/2011)	10/21/10 - 10/22/10	
DDD	2010 Title V Annual Compliance Certification (3/31/2011)	12/10/10 - 2/9/11	
EEE	2010 Title V Annual Compliance Certification (3/31/2011)	12/20/10 - 3/4/11	
FFF	2010 Title V Annual Compliance Certification (3/31/2011)	12/27/10	
GGG	2011 First Semiannual Monitoring Report (9/30/2011)	1/4/11 - 2/25/11	
HHH	2011 First Semiannual Monitoring Report (9/30/2011)	1/5/11 - 2/25/11	
III	2011 First Semiannual Monitoring Report (9/30/2011)	1/5/11 - 1/6/11	
JJJ	2011 First Semiannual Monitoring Report (9/30/2011)	1/11/11 - 1/12/11	
KKK	2011 First Semiannual Monitoring Report (9/30/2011)	1/27/11 - 2/9/11	
LLL	2011 First Semiannual Monitoring Report (9/30/2011)	2/10/11 - 3/9/11	
MMM	2011 First Semiannual Monitoring Report (9/30/2011)	2/10/11 - 3/9/11	
NNN	2011 First Semiannual Monitoring Report (9/30/2011)	3/7/11 - 3/9/11	
OOO	2011 First Semiannual Monitoring Report (9/30/2011)	3/10/11 - 3/10/11	
PPP	2011 First Semiannual Monitoring Report (9/30/2011)	3/14/11 - 3/23/11	
QQQ	2011 First Semiannual Monitoring Report (9/30/2011)	3/14/11 - 3/23/11	
RRR	2011 First Semiannual Monitoring Report (9/30/2011)	3/14/11 - 3/23/11	
SSS	2011 First Semiannual Monitoring Report (9/30/2011)	3/14/11 - 3/23/11	
TTT	2011 First Semiannual Monitoring Report (9/30/2011)	4/13/11 - 5/5/11	

	REPORT (date)	DURATION	DEVIATION
UUU	2011 First Semiannual Monitoring Report (9/30/2011)	5/10/11 - 5/21/11	Corrosion of equipment components resulted in leak of tail gas containing HAP/TAP before combustion at the incinerator.
VVV	2011 First Semiannual Monitoring Report (9/30/2011)	5/10/11 - 6/16/11	
WWW	2011 First Semiannual Monitoring Report (9/30/2011)	5/17/11 - 5/17/11	
XXX	2011 First Semiannual Monitoring Report (9/30/2011)	5/18/11 - 7/25/11	
YYY	2011 First Semiannual Monitoring Report (9/30/2011)	5/20/11 - 6/16/11	
ZZZ	2011 First Semiannual Monitoring Report (9/30/2011)	6/20/11	
AAAA	2011 Second Semiannual Monitoring Report (3/29/2012)	8/2/2011	
BBBB	2011 Second Semiannual Monitoring Report (3/29/2012)	8/8/2011 - 8/11/2011	
CCCC	2011 Second Semiannual Monitoring Report (3/29/2012)	8/23/2011 - 9/12/2011	
DDDD	2011 Second Semiannual Monitoring Report (3/29/2012)	9/7/2011 - 12/9/2011	
EEEE	2011 Second Semiannual Monitoring Report (3/29/2012)	9/19/2011 - 10/7/2011	
FFFF	2011 Second Semiannual Monitoring Report (3/29/2012)	9/19/2011 - 10/7/2011	
GGGG	2011 Second Semiannual Monitoring Report (3/29/2012)	9/19/2011 - 10/7/2011	
HHHH	2011 Second Semiannual Monitoring Report (3/29/2012)	9/21/2011 - 9/22/2011	
IIII	2011 Second Semiannual Monitoring Report (3/29/2012)	9/28/2011 - 10/7/2011	
JJJJ	2011 Second Semiannual Monitoring Report (3/29/2012)	9/28/2011 - 12/8/2011	
KKKK	2011 Second Semiannual Monitoring Report (3/29/2012)	9/29/2011 - 11/16/2011	
LLLL	2011 Second Semiannual Monitoring Report (3/29/2012)	10/2/2011 - 10/17/2011	
MMMM	2011 Second Semiannual Monitoring Report (3/29/2012)	10/2/2011 - 10/21/2011	
NNNN	2011 Second Semiannual Monitoring Report (3/29/2012)	10/2/2011 - 10/7/2011	
OOOO	2011 Second Semiannual Monitoring Report (3/29/2012)	10/12/2011 - 11/4/2011	
PPPP	2011 Second Semiannual Monitoring Report (3/29/2012)	10/12/2011 - 10/13/2011	
QQQQ	2011 Second Semiannual Monitoring Report (3/29/2012)	10/22/2011 - 12/14/2011	
RRRR	2011 Second Semiannual Monitoring Report (3/29/2012)	10/23/2011 - 11/4/2011	
SSSS	2011 Second Semiannual Monitoring Report (3/29/2012)	10/24/2011 - 12/14/2011	
TTTT	2011 Second Semiannual Monitoring Report (3/29/2012)	10/24/2011 - 12/13/2011	
UUUU	2011 Second Semiannual Monitoring Report (3/29/2012)	11/5/2011 - 11/23/2011	
VVVV	2011 Second Semiannual Monitoring Report (3/29/2012)	11/5/2011 - 12/8/2011	
WWWW	2011 Second Semiannual Monitoring Report (3/29/2012)	11/9/2011 - 1/26/2012	
XXXX	2011 Second Semiannual Monitoring Report (3/29/2012)	11/14/2011 - 11/24/2011	
YYYY	2011 Second Semiannual Monitoring Report (3/29/2012)	11/14/2011 - 11/24/2011	

	REPORT (date)	DURATION	DEVIATION
ZZZZ	2011 Second Semiannual Monitoring Report (3/29/2012)	11/30/2011 – 12/5/2011	Corrosion of equipment components resulted in leak of tail gas containing HAP/TAP before combustion at the incinerator.
AAAAA	2011 Second Semiannual Monitoring Report (3/29/2012)	11/30/2011	
BBBBB	2011 Second Semiannual Monitoring Report (3/29/2012)	12/1/2011 – 12/21/2011	
CCCCC	2011 Second Semiannual Monitoring Report (3/29/2012)	12/11/2011	
DDDDD	2011 Second Semiannual Monitoring Report (3/29/2012)	12/11/2011	
EEEEE	2012 First Semiannual Monitoring Report (9/28/2012)	6/28/2012 – 8/31/2012	
FFFFF	2012 First Semiannual Monitoring Report (9/28/2012)	6/21/2012 – 8/21/2012	
GGGGG	2012 First Semiannual Monitoring Report (9/28/2012)	6/21/2012 – 8/21/2012	
HHHHH	2012 First Semiannual Monitoring Report (9/28/2012)	6/21/2012 – 7/18/2012	
IIIII	2012 First Semiannual Monitoring Report (9/28/2012)	6/20/2012 – 7/18/2012	
JJJJJ	2012 First Semiannual Monitoring Report (9/28/2012)	6/17/2012 – 8/21/2012	
KKKKK	2012 First Semiannual Monitoring Report (9/28/2012)	6/17/2012 – 8/21/2012	
LLLLL	2012 First Semiannual Monitoring Report (9/28/2012)	6/17/2012 – 8/21/2012	
MMMMM	2012 First Semiannual Monitoring Report (9/28/2012)	6/17/2012 – 8/21/2012	
NNNNN	2012 First Semiannual Monitoring Report (9/28/2012)	6/17/2012 – 8/22/2012	
OOOOO	2012 First Semiannual Monitoring Report (9/28/2012)	6/16/2012 – 8/22/2012	
PPPPP	2012 First Semiannual Monitoring Report (9/28/2012)	6/16/2012 – 8/22/2012	
QQQQQ	2012 First Semiannual Monitoring Report (9/28/2012)	6/13/2012 – 8/21/2012	
RRRRR	2012 First Semiannual Monitoring Report (9/28/2012)	4/23/2012 – 8/30/2012	
SSSSS	2012 First Semiannual Monitoring Report (9/28/2012)	5/30/2012 – 8/31/2012	
TTTTT	2012 First Semiannual Monitoring Report (9/28/2012)	4/23/2012 – 5/15/2012	
UUUUU	2012 First Semiannual Monitoring Report (9/28/2012)	3/31/2012 – 5/23/2012	
VVVVV	2012 First Semiannual Monitoring Report (9/28/2012)	3/31/2012 – 5/23/2012	
WWWWW	2012 First Semiannual Monitoring Report (9/28/2012)	3/31/2012 – 5/23/2012	
XXXXX	2012 First Semiannual Monitoring Report (9/28/2012)	3/31/2012 – 5/31/2012	
YYYYY	2012 First Semiannual Monitoring Report (9/28/2012)	3/31/2012 – 5/31/2012	
ZZZZZ	2012 First Semiannual Monitoring Report (9/28/2012)	3/30/2012 – 7/18/2012	
AAAAAA	2012 First Semiannual Monitoring Report (9/28/2012)	3/30/2012 – 7/18/2012	
BBBBBB	2012 First Semiannual Monitoring Report (9/28/2012)	3/9/2012 – 5/23/2012	
CCCCCC	2012 First Semiannual Monitoring Report (9/28/2012)	2/10/2012 – 2/23/2012	
DDDDDD	2012 First Semiannual Monitoring Report (9/28/2012)	1/27/2012 – 1/30/2012	

	REPORT (date)	DURATION	DEVIATION
EEEEEE	2012 First Semiannual Monitoring Report (9/28/2012)	1/27/2012 – 2/24/2012	Corrosion of equipment components resulted in leak of tail gas containing HAP/TAP before combustion at the incinerator.
FFFFFF	2012 First Semiannual Monitoring Report (9/28/2012)	1/27/2012 – 3/8/2012	

Each failure to reduce emission of total HAP by 98 weight-percent or to a concentration of 20 parts per million (ppm) by volume by not sending the tail gas through a closed vent system to the incinerator is a violation of 40 CFR 63.982(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5311, Title V Permit Nos. 2660-00004-V1, 2660-00004-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent is required to institute the leak repair provisions of 40 CFR 63.983(d) upon detection of a leak. Each incident of a leak not addressed under the provisions of 40 CFR 63 Subpart SS for the closed vent system is a violation of 40 CFR 63.983(d), which language has been adopted as a Louisiana regulation in LAC 33:III.5311, Title V Permit Nos. 2660-00004-V1, 2660-00004-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

VI.

According to the Respondent's 2009, 2010, 2011 Title V Annual Compliance Certifications, and Annual Emissions Inventory for 2010, 2011, and 2012, multiple emission points had maximum hourly emissions of Ammonia (NH₃) greater than the permitted value. The following emission points in the table provided below are permitted at <0.001 tons per year (tpy) under GRP0002 CAP in Title V Permit No. 2660-00004-V2. The excess emissions of the permitted emission points were reported as follows since January 1, 2009:

	REPORTS (submitted)	EMISSION POINT	REPORTED EMISSIONS (pounds)	TOTAL EMISSIONS
A	2009 Annual Emissions Inventory (3/31/2010)	EQT0014/006 CO3A Process Filter	30,000	
		EQT0015/007 CO3B Process Filter		
		EQT0016/008 CO5 Process Filter		
		EQT0017/009 CO-6 Process Filter		
		EQT0018/010 CS-1/CS-2 Process Filter		
		EQT0029/083 CS-2 Purge Gas Filter		
		EQT0030/084 CO3A Purge Gas Filter		
		EQT0031/086 CO3B Purge Gas Filter		
		EQT0042/152 CO-6 East Purge Gas Filter		
		EQT0043/153 CO-6 West Purge Gas Filter		
		EQT0084/72A CO-5 East Purge Gas Filter		
		EQT0085/72B CO-5 West Purge Gas Filter		
		EQT0096/999 Combusted Tail Gas Stack		
		FUG0001/400 Plantwide Fugitives		
	TOTAL FOR 2009 CALENDAR YEAR	30,000	15 tons/year	

	REPORTS (submitted)	EMISSION POINT	REPORTED EMISSIONS (pounds)	TOTAL EMISSIONS
B	2010 Annual Emissions Inventory (5/2/2011)	EQT0014/006 CO3A Process Filter	84	
		EQT0015/007 CO3B Process Filter	76	
		EQT0016/008 CO5 Process Filter	146	
		EQT0017/009 CO-6 Process Filter	188	
		EQT0018/010 CS-1/CS-2 Process Filter	120	
		EQT0029/083 CS-2 Purge Gas Filter	88	
		EQT0030/084 CO3A Purge Gas Filter	248	
		EQT0031/086 CO3B Purge Gas Filter	224	
		EQT0042/152 CO-6 East Purge Gas Filter	404	
		EQT0043/153 CO-6 West Purge Gas Filter	404	
		EQT0084/72A CO-5 East Purge Gas Filter	218	
		EQT0085/72B CO-5 West Purge Gas Filter	218	
		EQT0096/999 Combusted Tail Gas Stack	356	
		FUG0001/400 Plantwide Fugitives	8	
	TOTAL FOR 2010 CALENDAR YEAR	2782	1.39 tons/year	
C	2011 Annual Emissions Inventory (4/30/2012)	EQT0014/006 CO3A Process Filter	83.73	
		EQT0015/007 CO3B Process Filter	72.29	
		EQT0016/008 CO5 Process Filter	146.39	
		EQT0017/009 CO-6 Process Filter	187.61	
		EQT0018/010 CS-1/CS-2 Process Filter	120.29	
		EQT0029/083 CS-2 Purge Gas Filter	87.37	
		EQT0030/084 CO3A Purge Gas Filter	248.47	
		EQT0031/086 CO3B Purge Gas Filter	223.41	
		EQT0042/152 CO-6 East Purge Gas Filter	403.36	
		EQT0043/153 CO-6 West Purge Gas Filter	403.36	
		EQT0084/72A CO-5 East Purge Gas Filter	217.34	
		EQT0085/72B CO-5 West Purge Gas Filter	217.34	
		EQT0096/999 Combusted Tail Gas Stack	355.26	
		FUG0001/400 Plantwide Fugitives	7.56	
	TOTAL FOR 2011 CALENDAR YEAR	2773.81	1.39 tons/year	

Each emission exceedance of the GRP0002 CAP is a violation Title V Permit No. 2660-00004-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

VII.

According to the Respondent's 2009, 2010, and 2011 Title V Annual Compliance Certifications, Annual Emissions Inventory for 2010, 2011, and 2012, multiple emission points had annual emissions of volatile organic compounds (VOC) greater than the permitted value. The excess emissions of the permitted emission points were reported as follows since January 1, 2009:

	REPORTS (date)	EMISSION POINT	PERMIT LIMIT (tons/yr)	REPORTED EMISSIONS (tons/yr)
A	2009 Annual Emissions Inventory (3/31/2010)	EQT050/201 No. 1 Oil Tank	0.19	5.92
B		EQT051/202 No. 2 Oil Tank	0.19	3.01
C		EQT052/203 No. 3 Oil Tank	0.19	4.73
D		EQT053/204 No. 4 Oil Tank	0.19	1.99
E		EQT054/205 No. 5 Oil Tank	0.25	3.06
F		EQT055/210 No. 1 Day Run Tank	0.03	1.02
G		EQT056/211 No. 2 Day Run Tank	0.03	0.13
H		EQT057/212 No. 3 Day Run Tank	0.05	0.06

	REPORTS (date)	EMISSION POINT	PERMIT LIMIT (tons/yr)	REPORTED EMISSIONS (tons/yr)
I	2010 Annual Emissions Inventory (5/2/2011)	EQT050/201 No. 1 Oil Tank	0.19	1.46
J		EQT051/202 No. 2 Oil Tank	0.19	3.92
K		EQT052/203 No. 3 Oil Tank	0.19	4.73
L		EQT053/204 No. 4 Oil Tank	0.19	2.44
M		EQT054/205 No. 5 Oil Tank	0.25	2.30
N		EQT055/210 No. 1 Day Run Tank	0.03	0.97
O		EQT056/211 No. 2 Day Run Tank	0.03	0.28
P		EQT057/212 No. 3 Day Run Tank	0.05	0.10
Q		2011 Annual Emissions Inventory (4/30/2012)	EQT050/201 No. 1 Oil Tank	0.19
R	EQT051/202 No. 2 Oil Tank		0.19	3.48
S	EQT052/203 No. 3 Oil Tank		0.19	3.74
T	EQT053/204 No. 4 Oil Tank		0.19	1.37
U	EQT054/205 No. 5 Oil Tank		0.25	2.29
V	EQT057/212 No. 3 Day Run Tank		0.05	0.13

Each emission exceedance for each emission source listed in the above referenced table is a violation Title V Permit No. 2660-00004-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

VIII.

The Prevention of Signification Deterioration Permit (PSD) Modification dated June 2, 2009, removed the requirement to install and operate a NO_x Continuous Emissions Monitoring System (CEMS) on the combustion stack, Emission Point 999, and replaced this requirement with a NO_x Predictive Emissions Monitoring System (PEMS). The PEMS requires the facility to monitor feedstock nitrogen content and natural gas consumption rate continuously at all times that they are being consumed. The feedstock nitrogen content is determined by sampling feedstock from each shipment of feedstock. Specific Requirement 199 of Title V Permit No. 2660-00004-V2 requires the Respondent to conduct an annual performance/emissions test to demonstrate compliance with the NO_x emission limits as well as the validity of the NO_x Predictive Emissions Monitoring System. The parameters at which each stack test is conducted establish operating parameters for the facility and thus feedstock nitrogen content, natural gas consumption rate and feedstock feed rate is required to be reported to the Department annually as per Specific Requirement 205 of Title V Air Permit No. 2660-00004-V2. The following deviations of the stack test parameters were reported as follows:

	STACK TEST DATE	TIME PERIOD FOR PEMS COMPLIANCE WITH ASSOCIATED STACK TEST #	STACK TEST PARAMETERS	DEVIATIONS	REPORT CONTAINING DEVIATIONS
A	Stack Test #1 11/13/2009	6/2/2009 – 12/31/2009	Feedstock Nitrogen Content: .204 wt%	Exceeded limit for a total of 70 days.	2009 Specific Condition Report (3/31/2010)
			Natural Gas Consumption Rate: 304,283 SCFH	-	
			Feedstock Feed Rate: 73,578 lb/hr	Exceeded Rate for an average of 62 days.	
B	Stack Test #1 11/13/2009	1/1/2010 – 12/1/2010	Feedstock Nitrogen Content: .204 wt%	Exceeded limit for a total of 221 days.	2010 Specific Condition Report (3/31/2011)
			Natural Gas Consumption Rate: 304,283 SCFH	-	
			Feedstock Feed Rate: 73,578 lb/hr	-	

	STACK TEST DATE	TIME PERIOD FOR PEMS COMPLIANCE WITH ASSOCIATED STACK TEST #	STACK TEST PARAMETERS	DEVIATIONS	REPORT CONTAINING DEVIATIONS
C	Stack Test #2 12/2/2010	12/2/2010 – 12/31/2010	Feedstock Nitrogen Content: .236 wt %	Exceeded for a total of 18 days.	2010 Specific Condition Report (3/31/2011)
			Natural Gas Consumption Rate: 217,023 SCFH	Exceeded Rate for an average of 30 days.	
			Feedstock Feed Rate: 70,919 lb/hr	-	
D	Stack Test #2 12/2/2010	1/1/2011 – 11/28/2011	Feedstock Nitrogen Content: .236 wt %	Exceeded limit for a total of 162 days.	2011 Specific Condition Report (3/29/2012)
			Natural Gas Consumption Rate: 217,023 SCFH	Exceeded Rate for an average of 239 days.	
			Feedstock Feed Rate: 70,919 lb/hr	-	
E	Stack Test #3 11/29/2011	11/29/2011-12/31/2012	Feedstock Nitrogen Content: .210 wt%	Exceeded limit for a total of 14 days.	2011 Specific Condition Report (3/29/2012)
			Natural Gas Consumption Rate: 318,941 SCFH	-	
			Feedstock Feed Rate: 72,640 lb/hr	-	

Each day the Respondent failed to operate within the established limit of each parameter set by the stack test is a violation of PSD-LA-591(M-2), Title V Permit No. 2660-00004-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

IX.

The Respondent failed to meet the following reporting requirements:

	REPORT (date)	PERMIT NUMBER	REPORTING REQUIREMENT	DEVIATION	REGULATORY or PERMIT REQUIREMENTS
A	2007 and 2008 Specific Requirement Reports	2660-00004-V1 & 2660-00004-V2	Certify compliance with the production rate for the preceding calendar year.	The 2007 and 2008 Annual Specific Requirement Reports were not submitted.	Specific Requirement 424
B	2009 Title V Annual Compliance Certification (3/31/2010)	2660-00004-V2	The permittee shall submit a semiannual monitoring report on March 31 and September 30, including all instances of deviations from the permit requirements.	All deviations for the 2009 first semi-annual reporting period were not reported in the Respondent's 2009 1 st Semiannual Monitoring Report as required.	General Condition K

Each violation from reporting requirements is a violation of applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

X.

According to the Respondent's Title V Annual Compliance Certification dated March 31, 2010, from December 25, 2009, through December 31, 2009, the Respondent failed to monitor a fugitive emissions component within 15 days after repair for Emission Point No. EQT 0096, 999 Combusted Tail Gas Stack. The failure to monitor fugitive emission component within 15 days after repair is a violation of Specific Requirement No. 173 of Title V Permit No. 2660-00004-V2, LAC 33:III.501.C.4, and La. R.S. 30:2054(A)(1) and 30:2057(A)(2).

XI.

According to the Respondent's Title V Annual Compliance Certification dated March 31, 2011, the Respondent stated that there were bypasses that were not due to startup, shutdown, or malfunction. In correspondence from the Respondent dated March 9, 2012, the Respondent stated that the bypasses occurred during troubleshooting events to determine if filter leaks were causing visible emissions. The following occasions are the bypass events:

	INCIDENT DATE	UNIT LOCATION
A	9/8/2009	CO6 and CO5
B	9/8/2009	CO6
C	11/11/2009	CO5
D	1/14/2010	CS2
E	3/2/2010	CO-3A
F	3/3/2010	Various Units
G	4/6/2010	CO6
H	4/22/2010	CO6
I	6/24/2010	CO6
J	9/27/2010	CO-3B

Each failure to comply with emission limitations and bypassing a control device is a violation of Specific Requirement No. 236 of Title V Permit No. 2660-00004-V2, LAC 33.III.501.C.4 and La. R.S. 30:2057(A)(2).

XII.

According to the Respondent's Title V Annual Compliance Certification dated March 31, 2011, the Respondent reported a recordkeeping error resulted in eight non-CVS equipment leaks not being reported as deviations in the March 31, 2010, semiannual deviation report. In correspondence from the Respondent dated March 9, 2010, the Respondent reported the following leaks that were not previously reported:

	DATE DISCOVERED	UNIT	DESCRIPTION
A	10/2/2009	CO3A	CO3A MUF weld splits on the bag house.
B	10/20/2009	CS2	Weld splits on smoke head venturis.
C	11/16/2009	CO6	Exhaust piping on the purge filter.
D	11/19/2009	CO6	Blow pipes on the E side.
E	11/23/2009	CO3B	Expansion joint on smoke header.
F	12/4/2009	CO3A	3B Unit MUF leaks.
G	12/18/2009	CO3A	2 splits on venturi.
H	12/18/2009	CO3B	Piping elbow below the fan.

Failure to report leaks in the 2009 Annual Compliance Certification and Second Semiannual Monitoring report is a violation of Title V Permit No. 2660-00004-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

XIII.

According to the Respondent's Title V Annual Compliance Certification dated March 31, 2011, the Respondent reported a recordkeeping error resulted in eight non-CVS equipment leaks not being reported as deviations in the March 31, 2010, semiannual deviation report. In correspondence from the Respondent dated March 9, 2010, the Respondent reported the following leaks that were not previously reported:

	DATE DISCOVERED	UNIT	DESCRIPTION
A	10/2/2009	CO3A	CO3A MUF weld splits on the bag house.
B	10/20/2009	CS2	Weld splits on smoke head venturis.
C	11/16/2009	CO6	Exhaust piping on the purge filter.
D	11/19/2009	CO6	Blow pipes on the E side.
E	11/23/2009	CO3B	Expansion joint on smoke header.
F	12/4/2009	CO3A	3B Unit MUF leaks.
G	12/18/2009	CO3A	2 splits on venturi.
H	12/18/2009	CO3B	Piping elbow below the fan.

Each failure to reduce emission of total HAP by 98 weight-percent or to a concentration of 20 parts per million (ppm) by volume by not sending the tail gas through a closed vent system to the incinerator is a violation of 40 CFR 63.982(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5311, Title V Permit Nos. 2660-00004-V1, 2660-00004-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

XIV.

According to the 2012 First Semiannual Monitoring Report dated September 28, 2012, the Respondent reported that fugitive emissions from components in heavy liquid service were inadvertently excluded from the fugitive emission equipment count for Source ID FE, FUG0001 Plantwide Fugitives. The unauthorized fugitive emissions from components in heavy liquid service is a violation of LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

XV.

According to the 2012 First Semiannual Monitoring Report dated September 28, 2012, the Respondent reported that the established total suspended particulate (TSP) emission limits of 4.46 tons per year (tpy) and 1.02 pound per hour (lb/hr) for GRP 002 - Process Emissions CAP, noted in Specific Requirements 221 and 222 of Title V Air Permit No. 2660-00004-V2, are incorrectly permitted. Specifically, the TSP limits are based on an incorrect calculation of the process weight curve. A permit modification was submitted to the Department to remove the emission limit. Upon issuance of Title V Permit No. 2660-00004-V3, the Respondent is required to maintain the TSP within the amount listed in LAC 33:III.1321, Table 3 for process weight rate allocated to this source.

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 Air Quality Regulations, including but not limited to, Title V Air Permit No. 2660-00004-V3, and PSD-LA-519(M-3).

II.

To submit to the Enforcement Division within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a report for the September 8, 2009, and November 11, 2009, incidents reported in the Paragraph III of Findings of Fact, providing additional information, including but not limited to, the amount of each pollutant released with the calculations.

III.

To submit to the Enforcement Division within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a report for time periods April 10, 2010, through March 11, 2011, specifying the dates when the daily average incinerator temperature dropped below 1800°F.

IV.

To submit to the Enforcement Division within sixty (60) days after receipt of this **COMPLIANCE ORDER**, a detailed plan which will institute compliance with all requirements of 40 CFR 63 Subpart SS, including but not limited to, the types of leaks reported in Paragraph V of Findings of Fact.

V.

To immediately upon receipt of this **COMPLIANCE ORDER**, operate within the PEMS parameters which were established in the stack tests, including but not limited to, feedstock nitrogen content, natural gas consumption rate, and feedstock feed rate.

VI.

To submit to the Enforcement Division within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the 2007 and 2008 Specific Requirement Reports referenced in Paragraph IX.A of Findings of Fact.

VII.

To submit to the Enforcement Division within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a report which specifies the number of components and amount of associated emissions for the unpermitted fugitive emission components as noted in Paragraph XIV of Findings of Fact.

VIII.

To submit to the Enforcement Division within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a report providing clarification of the deviation reported in the 2012 Semiannual Monitoring Report as noted in Paragraph XV of Findings of Fact. Specifically, state if the TSP permitted limit established in 2660-00004-V2 for GRP002 was exceeded.

IX.

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: **Trisha Barbay**
Re: **Enforcement Tracking No. AE-CN-12-00680**
Agency Interest No. 19901

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-12-00680
Agency Interest No. 19901

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 Trisha Barbay at (225) 219-3169 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 06 day of March, 2013.



Cheryl Sonnier Nolan
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: Trisha Barbay