

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

RSD INVESTMENTS, INC.

AI # 140403

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT

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

* Settlement Tracking No.
* SA-MM-20-0081
*
* Enforcement Tracking No.
* MM-CN-13-00455
*
*
*
*
*

SETTLEMENT

The following Settlement is hereby agreed to between RSD Investments, Inc. (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a corporation that owns and/or operates a site located in Shreveport, Caddo Parish, Louisiana (“the Site”).

II

On October 23, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-13-00455 (Exhibit 1).

III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

IV

Nonetheless, Respondent, without making any admission of liability under state or federal

statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of SEVEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$7,500.00), of which Six Hundred Sixty-Nine and 79/100 Dollars (\$669.79) 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), 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.

XIII

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 Caddo Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XI

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

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

RSD INVESTMENTS, INC.

BY: [Signature]
(Signature)

Scott Davis
(Printed)

TITLE: Owner

THIS DONE AND SIGNED in duplicate original before me this 12th day of January, 20 23, at Shreveport, La.

[Signature]
NOTARY PUBLIC (ID # 79749)

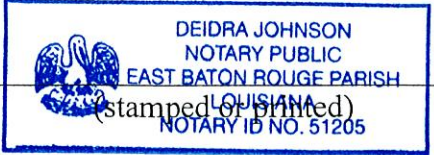


LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary

BY: [Signature]
Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

THIS DONE AND SIGNED in duplicate original before me this 6th day of March, 20 23, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 51205)



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 23, 2013

CERTIFIED MAIL (7004 2510 0006 3852 8557)
RETURN RECEIPT REQUESTED

RSD INVESTMENTS, INC.
c/o R. Scott Davis
Agent for Service of Process
702 Bester Street
Shreveport, Louisiana 71107

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-13-00455
AGENCY INTEREST NO. 140403**

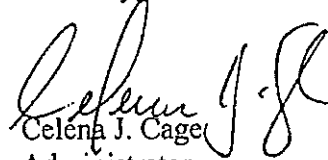
Dear Sir:

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 **RSD INVESTMENTS, INC. (RESPONDENT)** for the violations described therein.

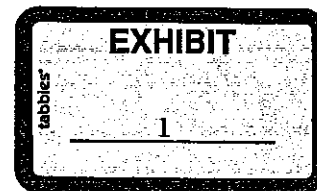
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Scott B. Pierce at (225) 219-3273.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/SBP/arc
Alt ID Nos. LAU006936, H-302, TD-017-13345
Attachment



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
RSD INVESTMENTS, INC.	*	ENFORCEMENT TRACKING NO.
CADDO PARISH	*	
ALT ID NOS. LAU006936, H-302 &	*	MM-CN-13-00455
TD-017-13345	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	140403
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **RSD INVESTMENTS, INC. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates Enviro-Vac (the Site) located at 702 Bester Street in Shreveport, Caddo Parish, Louisiana. The Respondent has notified the Department as a transporter and collection facility of solid waste and has been assigned facility identification number TD-017-13345. The Respondent has notified the Department as a sewage sludge transporter and has been assigned facility identification number H-302. The Respondent does not have a Louisiana Pollutant Discharge Elimination System (LPDES) permit or any other authorization to discharge waste or any other substances to waters of the state.

II.

On or about June 23, 2011, July 26, 2011, March 8, 2013, and March 13, 2013, inspections were conducted by a representative of the Department which revealed the following violations:

- A. The Respondent failed to notify the Department as a collection facility of regulated solid waste, in violation of LAC 33:VII.509.A.4. Specifically, the Respondent was storing grease trap waste from off-site in three (3) large capacity above ground storage tanks and had not notified the Department as a collection facility. The Respondent submitted notification to the Department on September 19, 2011. This violation has been addressed.
- B. The Respondent caused and/or allowed the deposition of regulated solid waste without a permit and/or authority from the Department, in violation of La. R.S. 30:2155 and LAC 33:VII.315.C. Specifically, soil contaminated with cooking oil was observed at the Site. This violation was noted in the inspection conducted on June 23, 2011, March 8, 2013, and March 13, 2013. The most recent inspection conducted on March 13, 2013, revealed that spilled grease was on the ground in the truck parking area.
- C. The Respondent did cause or allow the unauthorized discharge of pollutants into waters of the state. Specifically, at the time of the inspection conducted on or about June 23, 2011, the Department noted that wastewater from a basin for the purpose of collecting wash down wastewater from vehicles utilized for the hauling of sewage sludge had overflowed to the ground, thence into a drainage ditch draining directly into Twelve Mile Bayou, waters of the state. During the inspection conducted on March 13, 2013, the Respondent stated that the wash rack is no longer used to clean out the tanks on trucks. However, a sump pump was noted on the edge of the wash rack and a hose was noted from the wash rack to the fence. The Respondent stated that the pit is pumped down periodically and allowed to flow off site. The water from the pit when pumped out flows to local drainage, thence to Twelve Mile Bayou. The unauthorized discharge of wastewater into waters of the state is in violation of La. R.S. 30:2075. The inspection conducted on July 26, 2011, indicated that visible spillage was no longer evident; however, the inspection conducted on March 13, 2013, noted very turbid water and some grease standing in the wash pit.
- D. The Respondent is operating without a Louisiana Pollutant Discharge Elimination System (LPDES) permit and/or authority from the Department to discharge wastewater to waters of the state and has failed to submit an application for an LPDES Permit or other application to the Department for the discharge of wastewater

from the basin that has been utilized for the catching of wash down wastewater. The Respondent's failure to submit an application for an LPDES Permit to the Department is in violation of La. R.S. 30:2076 (A) (3) and LAC 33:IX.501.A.

- E. The Respondent is operating a Land Transportation and Warehousing operation without an appropriate LPDES permit. The Respondent's operations at its facility are classified under Standard Industrial Classification (SIC) code number 4212. The operations at the facility are an industrial activity subject to permitting, and the Respondent was required to make application for and obtain permit coverage for storm water discharges associated with industrial activities. The Respondent's failure to apply for and obtain permit coverage for storm water discharges associated with industrial activity is in violation of La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2511.C.1.
- F. The Respondent failed to properly contain and treat vehicle wash down wastewater. Specifically, at the time of the inspection conducted on June 23, 2011, the Department noted that the basin used to collect wash down wastewater from vehicles utilized for the hauling of sewage sludge was at ground level and that a recent discharge had occurred from the basin at the northwest corner of the yard. The Respondent's failure to properly contain and treat vehicle wash down wastewater or haul offsite for proper treatment and/or disposal is in violation of La. R.S. 30:2076 (A) (3) and LAC 33:IX.7301.F.2.c.v. The inspections of July 26, 2011, and March 13, 2013, indicated that the Respondent had constructed cement berms on three (3) sides of the catch basin.
- G. According to LAC 33:IX.7301.F.2.c.iv, the vehicle wash down area located at the facility shall be designed, constructed, and operated to prevent groundwater contamination and storm water run-on and runoff. Based upon information provided with the inspections and upon subsequent information provided by the Department's inspector, the vehicle wash down area does not appear to be adequately designed and/or constructed to meet the requirements of LAC 33:IX.7301.F.2.c.iv. Specifically, the wash down area and the bottom of the catch basin appear to be constructed with unprotected earthen soils that will not prevent the migration of pollutants from entering the groundwater.

H. The Respondent failed to prepare and/or implement a Spill Prevention and Control (SPC) plan addressing storage tanks onsite at the facility, in accordance with sound engineering practices. Specifically, at the time of the inspections, the Respondent did not have proper containment and failed to prepare and implement an SPC Plan for the two (2) 10,000 gallon and one (1) 12,000 gallon storage tanks onsite containing grease trap waste composed of fats, oils, or greases from food service facilities, as well as the frac tank with a capacity greater than 660 gallons located on the southeast corner of the facility, which is used for storage of grease and sewage awaiting disposal. The Respondent's failure to prepare and/or implement an adequate Spill Prevention and Control (SPC) plan is a violation of La. R.S. 30:2076 (A) (3) and LAC.33:IX.905.B.

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 Water Quality and Solid Waste Regulations.

II.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, all unauthorized discharges into waters of the state.

III.

To protect water quality, the Respondent is required to comply with the following:

A. If the Respondent chooses to discharge to waters of the state, a completed LPDES notice of intent (NOI) or appropriate LPDES permit application must be submitted to the Office of Environmental Services within thirty (30) days after receipt of this **COMPLIANCE ORDER**. The completed LPDES notice of intent (NOI) or permit application must address all outfalls at the facility and must follow all procedures and guidelines set forth in LAC 33:IX.Chapter 25 (please reference MM-CN-13-00455, AI# 140403, and LAU006936). The three copies (the original and two copies) of the completed application or NOI should be submitted to:

Department of Environmental Quality
 Office of Environmental Services
 Post Office Box 4313
 Baton Rouge, Louisiana 70821-4313
 Attention: Water Permits Division

A copy of the completed application or notice of intent (NOI) must also be sent to the Enforcement Division. For help or questions concerning the application or notice of intent (NOI), you may contact LDEQ Small Business Assistance at 1-800-259-2890.

If a completed LPDES notice of intent (NOI) or permit application is not submitted within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the following interim discharge limitations and monitoring requirements will be terminated and the Department may take additional enforcement action.

If the Respondent chooses to discharge to waters of the state, the following interim limitations and monitoring requirements shall apply:

The points of discharge are hereby designated as Outfalls 001, 002 and 003. The discharge from this facility's operation shall be monitored at the points of discharge prior to entering waters of the state of Louisiana. The Respondent shall monitor and report all discharges from its facility under the following interim effluent limitations and monitoring requirements until a final LPDES permit is issued by the Department or until the Respondent is otherwise notified in writing by the Department.

**INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS
 OUTFALL 001**

Vehicle wash-down wastewater

EFFLUENT PARAMETER	MONTHLY AVERAGE	DAILY MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow (GPD)	Report	Report	Quarterly	Estimate
TSS	--	45 mg/L	Quarterly	Grab
COD	200 mg/L	300 mg/L	Quarterly	Grab
Oil and Grease	--	15 mg/L	Quarterly	Grab
pH	6 (Minimum)	9 (Maximum)	Quarterly	Grab
Visible Sheen ^{1/}	--	No Presence	Daily	Observation
Soaps and Detergents ²	Report	--	Quarterly	Inventory Calculation

^{1/} Conduct Daily Visual Observations to determine if a visible sheen is present at the outfall. The permittee shall keep a manual log recording the results of the visual observations; no DMR reporting is required for Visual Sheen [LAC 33:IX.2701.A].

^{2/} Keep inventory records of the quantity and type of each soap and/or detergent used and a Material Safety Data Sheet (MSDS) for each material used. Retain the inventory records and the MSDS at the facility for three years after the date of entry. No DMR reporting is required.

**INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS
OUTFALL 002
Stormwater from Grease Waste Storage Area**

EFFLUENT PARAMETER	MONTHLY AVERAGE	WEEKLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
TOC	--	50 mg/L	Quarterly	Grab
Oil and Grease	--	15 mg/L	Quarterly	Grab

**INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS
OUTFALL 003
Stormwater from Vehicle/Equipment Maintenance Area**

EFFLUENT PARAMETER	MONTHLY AVERAGE	WEEKLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
TOC	--	50 mg/L	Quarterly	Grab
Oil and Grease	--	15 mg/L	Quarterly	Grab

The Respondent shall comply with the General Criteria for water quality standards listed in LAC 33:IX.1113.B.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge point(s) prior to mixing with other waters.

Laboratory procedures and analyses shall be conducted by a commercial laboratory that has been certified by the Department in accordance with the requirements set forth under LAC 33:I. Subpart 3, Chapters 49-55. A list of laboratories that have received accreditation is available on the Department's website located at:

<http://www.deq.louisiana.gov/portal/DIVISIONS/PublicParticipationandPermitSupport/LouisianaLaboratoryAccreditationProgram/AccreditedLaboratories.aspx>.

Questions concerning the program may be directed to (225) 219-3247.

Samples and measurements shall be representative of the volume and nature of the discharge and collected and analyzed according to the requirements of LAC 33:IX.2701.J. Monitoring results from all sample analyses shall be reported on Discharge Monitoring Reports (DMRs) (EPA Form 3320-1) and forwarded to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Permit Compliance Unit

DMRs shall be submitted no later than the twenty-eighth (28) day of the month following the monitoring period specified in this **COMPLIANCE ORDER**. The monitoring period shall begin on the first day of the month following receipt of **COMPLIANCE ORDER MM-CN-13-00455**. The Respondent shall continue the submission of DMRs by the twenty-eighth (28) day of the month following each monitoring period until the Respondent is authorized under a LPDES permit or until otherwise notified in writing by this Department. **COMPLIANCE ORDER MM-CN-13-00455**, AI# 140403, and LAU006936 should be referenced on all DMRs submitted in accordance with this **COMPLIANCE ORDER**. Instructions for the proper completion of DMRs and examples of properly completed DMRs may be found on the Department's website at <http://www.deq.louisiana.gov/portal/DIVISIONS/Enforcement/WaterEnforcement.aspx>. Blank DMR forms may also be downloaded from this website.

The Respondent shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of these interim limitations and monitoring requirements. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up auxiliary facilities or similar systems, which are installed by a facility only when the operation is necessary to achieve compliance with the conditions of these interim limitations and monitoring requirements.

These interim limitations and monitoring requirements do not convey any property rights of any sort.

If the Weekly Average limitation on any parameter is exceeded, the Respondent shall report said exceedance(s) in writing to the Office of Environmental Compliance, within five (5) working days after becoming aware of the violations. **COMPLIANCE ORDER MM-CN-13-00455**, AI# 140403, and LAU006936 should be referenced on all such reports submitted in accordance with this **COMPLIANCE ORDER**. The report should include the date, time, and duration of the noncompliance; the details of the circumstances and events leading to the noncompliance; the corrective actions taken or to be taken to correct the noncompliance and if not corrected, the anticipated time the noncompliance is expected to continue; the procedures or measures taken or to be taken to prevent recurrence of the noncompliance; and a determination of whether or not the noncompliance was preventable.

For sanitary treatment plants, the plans and specifications must be approved by the Louisiana Department of Health and Hospitals, Office of Public Health, P.O. Box 629, Baton Rouge, Louisiana 70821, (225) 342-9500. Additionally, any discharge to a highway ditch, cross ditch, or right-of-way requires approval from the Louisiana Department of Transportation and Development, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245, (225)379-1301.

- B. If the Respondent does not choose to discharge to waters of the state, the Respondent shall, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, provide written documentation to the Department that no activities exist at the Respondent's facility resulting in any unauthorized discharges to waters of the state.

IV.

To notify the Enforcement Division within fifteen (15) days of receipt of a final LPDES permit issued by the Department.

V.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, documentation that indicates that the vehicle wash down area is properly designed, constructed, and operated so as to insure against possible groundwater contamination in accordance with LAC 33:IX.7301.F.2.c.iv and that details how the Respondent shall comply with the requirements at LAC 33:IX.7301.F.2.c.v for the management of wastewaters and leachate generated from washdown activities.

VI.

To prepare, implement, and submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the required Spill Prevention and Control (SPC) plan addressing the storage tanks indicated in Part II.F of the "Findings of Fact" of this **COMPLIANCE ORDER**. Guidance and requirements for the preparation and implementation of the SPC can be obtained at LAC 33:IX.905 and LAC 33:IX.907 of the Water Quality Regulations.

VII.

To prepare, implement, and submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a Storm Water Pollution Prevention Plan in accordance with Sector P of the LPDES MSGP.

VIII.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, depositing or allowing the deposit of regulated solid waste of any kind at this site or any other site not permitted to receive such waste.

IX.

To excavate, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, all areas of visibly contaminated soil and materials. The Respondent shall properly characterize and dispose of all contaminated soil in accordance with the Solid Waste and Hazardous Waste Regulations. Additionally, the Respondent shall obtain and submit to the Office of Environmental Compliance, Enforcement Division, documents verifying proper disposal of all regulated solid wastes addressed under this **COMPLIANCE ORDER**. The Respondent shall notify the LDEQ office located in Shreveport at least seven (7) days prior to excavating the visibly contaminated soils in order that the Department can observe excavation activities to ensure satisfactory cleanup of the contaminated area.

X.

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: **Scott B. Pierce**
Re: **Enforcement Tracking No. MM-CN-13-00455**
Agency Interest No. 140403

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-13-00455
Agency Interest No. 140403

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 Scott B. Pierce at (225) 219-3273 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

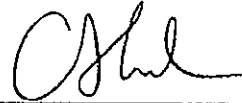
III.

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 23 day of October, 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: Scott B. Pierce