

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

T.T. BARGE CLEANING MILE 183, INC.
AI# 17771

AND

T.T. BARGE SERVICES MILE 237 LLC
AI# 302

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

* Settlement Tracking No.
* SA-MM-20-0018

* Enforcement Tracking Nos.
* AE-CN-11-01435
* AE-CN-11-00957
* WE-CN-17-01071
* MM-CN-17-00932

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SETTLEMENT

The following Settlement is hereby agreed to between T.T. Barge Cleaning Mile 183, L.L.C. f/k/a T.T. Barge Cleaning Mile 183, Inc., T.T. Barge Services Mile 237 LLC (“Respondents”) 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

Respondents are limited liability companies that own and/or operate facilities located in Ascension Parish and West Baton Rouge Parish, Louisiana (“the Facilities”).

II

On May 15, 2012, the Department issued to T.T. Barge Cleaning Mile 183, LLC a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-11-01435 (Exhibit 1).

On May 22, 2012, the Department issued to T.T. Barge Services Mile 237 LLC a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-11-00957 (Exhibit 2).

On December 13, 2017, the Department issued to T.T. Barge Services Mile 237 LLC a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-17-01071 (Exhibit 3).

On March 26, 2019, the Department issued to T.T. Barge Cleaning Mile 183, LLC a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-17-00932 (Exhibit 4).

III

Both Respondents deny they committed any violations or that they are liable for any fines, forfeitures and/or penalties.

IV

Nonetheless, Respondents, without making any admission of liability under state or federal statute or regulation, agree to pay, and the Department agrees to accept, a payment in the amount of SIXTY-FIVE THOUSAND AND NO/100 DOLLARS (\$65,000.00), of which Five Thousand Seven Hundred Ninety-Seven and 39/100 Dollars (\$5,797.39) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondents 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

Respondents further agree that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Orders and Notices 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 Respondents, and in any such action Respondents shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondents' 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 Respondents hereby waive 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 Respondents have caused a public notice advertisement to be placed in the official journal of the parish governing authority in Ascension Parish and West Baton Rouge Parish,

Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondents have 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.

T.T. BARGE CLEANING MILE 183, L.L.C.
F/K/A T.T. BARGE CLEANING MILE 183
INC. AND T.T. BARGE SERVICES MILE
237 LLC

BY: [Signature]
(Signature)
Mark Tucker
(Printed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 25th day of June, 20 20, at Madisonville, La.

[Signature]
NOTARY PUBLIC (ID # _____)

~~SIDNEY A. MARCHAND III~~
(stamped or printed)
ATTORNEY/NOTARY PUBLIC
Louisiana
Life Commission
~~(No. 140150)~~
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 1st day of December, 20 20, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 92503)
AMBER G. MITCHELL
Notary Public
State of Louisiana
Notary ID # 92503
East Baton Rouge Parish
(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

May 15, 2012

CERTIFIED MAIL (7004 2510 0005 5753 4912)
RETURN RECEIPT REQUESTED

T. T. BARGE CLEANING MILE 183, INC.

c/o Raymond B. Greenwell
Agent for Service of Process
19368 Louisiana Highway 36
Covington, Louisiana 70433

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-11-01435
AGENCY INTEREST NO. 17771**

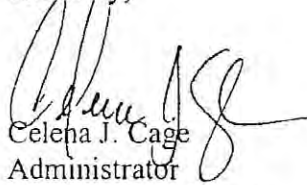
Dear Sir:

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 **T. T. BARGE CLEANING MILE 183, 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 Sarah Acosta at (225) 219-3779.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/SEA/sea
Alt ID No. 0180-00057
Attachment



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

T. T. BARGE CLEANING MILE 183, INC.
ASCENSION PARISH
ALT ID NO. 0180-00057

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

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ENFORCEMENT TRACKING NO.

AE-CN-11-01435

AGENCY INTEREST NO.

17771

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **T. T. BARGE CLEANING MILE 183, 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 a facility located at 7324 Louisiana Highway 405 in Modeste, Ascension Parish, Louisiana. The facility cleans and repairs barges and operates under Air Permit No. 0180-00057-02, issued December 12, 2006.

II.

On or about September 13, 2011, an inspection of the Respondent's facility was conducted to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the inspection and subsequent file reviews conducted on December 14, 2011, and May 3, 2012.

- A. During the course of the inspection, the inspector noted the emissions from EPN ARE002 have not been included in the Emissions Inventory

(EI) Reports for the 2008, 2009, and 2010 calendar years. The Respondent's failure to report these emissions is a violation of LAC 33:III.919.F.1.b, Air Permit No. 0180-00057-02, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- B. In the Respondent's 2009 EI, the Respondent reported sulfur dioxide (SO₂) emissions of 2.1060 tons. Air Permit No. 0180-00057-02 limits facility wide SO₂ emissions to 0.04 tpy. The exceedance of this permit limit is a violation of Air Permit No. 0180-00057-02, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- C. The Respondent failed to submit the 2008, 2009, and 2010 Total Throughput Reports for the Chemical Storage Tank Cap, and the 2008, 2009, and 2010 Total Throughput Reports for the Washwater Storage Tank Cap as required by Specific Requirement Nos. 16 and 21 of Air Permit No. 0180-00057-02. The Respondent failed to submit the 2011 Total Throughput Report for the Chemical Storage Tank Cap and the 2011 Total Throughput Report for the Washwater Storage Tank Cap by the March 31, 2012, due date. The reports were submitted on April 2, 2012. Each incident of the Respondent's failure to submit the required reports and/or the untimely submittal of the required reports is a violation of Air Permit No. 0180-00057-02, LAC 33:III.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 the Air Quality Regulations, including but not limited to, Air Permit No. 0180-00057-02 and LAC 33:III.919.

II.

To submit to the Department within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the information required by Specific Requirement Nos. 16 and 21 of Air Permit No. 0180-00057-02 for the 2008, 2009, and 2010 calendar years.

III.

To submit to the Department, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, PM emissions for the facility for the 2008, 2009, 2010, and 2011 calendar years.

IV.

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: Sarah Acosta
Re: Enforcement Tracking No. AE-CN-11-01435
Agency Interest No. 17771

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-11-01435
Agency Interest No. 17771

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 Sarah Acosta at (225) 219-3779 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 15 day of May, 2012.



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: Sarah Acosta



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 22, 2012

CERTIFIED MAIL (7004 2510 0005 5753 4905)
RETURN RECEIPT REQUESTED

T. T. BARGE SERVICES MILE 237 LLC
c/o Raymond B. Greenwell
Agent for Service of Process
19368 Louisiana Highway 36
Covington, Louisiana 70433

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-11-00957
AGENCY INTEREST NO. 302**

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 **T.T. BARGE SERVICES MILE 237 LLC (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 Sarah Acosta at (225) 219-3779.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/SEA/sea
Alt ID No. 3120-00045
Attachment



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

IN THE MATTER OF

T. T. BARGE SERVICES MILE 237 LLC
WEST BATON ROUGE PARISH
ALT ID NO. 3120-00045

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

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* ENFORCEMENT TRACKING NO.
*
* AE-CN-11-00957
*
* AGENCY INTEREST NO.
*
* 302
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**CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **T.T. BARGE SERVICES MILE 237 LLC (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 a barge cleaning facility located at 5191 N. River Road in Port Allen, West Baton Rouge Parish, Louisiana. The facility currently operates under Air Permit No. 3120-00045-04 issued on February 6, 2006.

II.

On or about November 19, 2008, an inspection of the Respondent's facility was conducted to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the inspection and subsequent file reviews conducted on December 1, 2011, December 12, 2011, and May 3, 2012.

- A. During the course of the inspection, the inspector noted multiple instances, as listed below, when a volatile chemical with a greater than 20 percent lower explosive limit (LEL) was not sent to the hydrocarbon vapor combustor (HVC):

Chemical	Date
Toluene	2/2/08; 3/11/08; 7/1/08
Transmix	12/10/07
Orthoxylene	3/3/08
Xylene	2/8/08; 3/17/08
BTX	9/17/08; 9/18/08; 9/18/08
Heptane	7/1/08
Aviation Gas	7/1/08
Ethanol	5/29/08; 6/3/08; 7/22/08; 9/14/08
Acetone	5/5/08; 8/5/08
Methanol	4/12/08; 5/12/08; 7/18/08; 9/10/08
Resin Oil	4/9/08; 6/10/08; 6/17/08

Air Permit No. 3120-00045-04 states, "Vapors are routed to the control device until a portable field instrument indicates that the VOC concentration inside the vessel's compartment(s) is less than 20% of the Lower Explosive Limit (LEL)." The air permit also states any vapors not routed to the HVC are classified as uncontrolled fugitive barge cleaning emissions. Each incident of the Respondent's failure to control emissions is a violation of LAC 33:III.905, Specific Requirement No. 35 of Air Permit No. 3120-00045-04, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- B. The Respondent failed to submit the following reports for the 2008, 2009, and 2010 calendar years:

Specific Requirement No.	Information to be Reported
27	VOC and TAP Emissions associated with Marine Loading
62	VOC and TAP Emissions for the entire facility
68	Total annual emissions of polymerizing monomers
105	Wash water throughput
111	Throughput of each material stored associated with Recovered Product Storage Tank CAP
114	VOC and TAP Emissions associated with Recovered Product Storage Tank CAP

The Respondent failed to submit by the required due date the above-mentioned reports for the 2011 calendar year. The reports for the 2011 calendar year were postmarked on April 2, 2012, and the due date for the information was March 31, 2012. Each incident of the Respondent's failure to submit the required report and/or the untimely submittal of the required reports is a violation of Air Permit No. 3120-00045-04, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- C. In the annual reports dated March 20, 2007, and March 31, 2008, the Respondent reported the following 12-month recovered product throughputs:

Time Period	Recovered Product Throughput	Throughput Limit
2006	1,453,793	1.40 MM gallons/year
Feb. 2006 – Jan 2007	1,453,390	
April 2006 – March 2007	1,517,001	

Each exceedance of the throughput limit is a violation of Specific Requirement No. 108 of Air Permit No. 3120-00045-04, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- D. The Respondent failed to submit the facility's 2010 Emissions Inventory (EI) by the required due date. The EI was postmarked July 11, 2011. The failure to submit the EI by the April 30, 2011, due date is a violation of LAC 33:III.919, Air Permit No. 3120-00045-04, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- E. In the annual reports dated March 20, 2007, March 31, 2008, and April 2, 2012, the Respondent reported the following emissions associated with the EPN 1-00/EQT004, Barge Storage of Product Material (DM 907):

Year	Pollutant	Permit Limit (tpy)	Actual Emission (tons)
2006	VOC	0.28	4.38
2007	VOC	0.28	4.38
2011	VOC	0.28	1.92

The Respondent's correspondence dated March 31, 2008, states, "The proposed Recovered Product Storage Tanks were still under construction in 2007, and recovered products continue to be routed through the cargo tanks on the DM 907 (EIQ ID 1-00). Emissions from the DM 907 reflect those emissions which are permitted under the Recovered Product Storage Tank CAP." On April 4, 2012, the

Department received a report containing the 2011 emissions associated with EPN 1-00/EQT004, Barge Storage of Product Material (DM 907). This report states, "The Recovered Product Storage Tanks located on the DM 365 were never placed into service, and recovered products continue to be routed through the inboard cargo tanks on the DM 907 (EIQ ID 1-00). Emissions from the DM 907 reflect those emissions which would be permitted under the Recovered Product Storage Tank CAP." Each exceedance of the permitted emission limit is a violation of Air Permit No. 3120-00045-04, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 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 the Air Quality Regulations, including but not limited to Air Permit No. 3120-00045-04, the submittal of required reports to the Department, and controlling emissions as required by the facility's air permit and LAC 33:III.905.

II.

In the event the Respondent believes that complete elimination of uncontrolled emissions is not physically possible within thirty (30) days, the Respondent shall submit, with thirty (30) days after receipt of this **COMPLIANCE ORDER**, a comprehensive plan for the expeditious elimination and prevention of such non-complying emissions. Such plan shall provide for specific corrective actions taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible.

III.

To submit to the Department, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the reports required by Specific Requirement Nos. 27, 62, 68, 105, 111, and 114 of Air Permit No. 3120-00045-04 for the 2008, 2009, and 2010 calendar years.

IV.

To submit to the Department, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, any instances of uncontrolled fugitive barge cleaning emissions that occurred during the 2008, 2009, 2010, and 2011 calendar years when a volatile chemical with a greater than 20 percent LEL was

not sent to the hydrocarbon vapor combustor (HVC), including the date of the incident, duration of the incident, and chemical involved.

V.

To submit to the Department, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, emissions including any toxic air pollutants, for the facility for the 2008, 2009, 2010, and 2011 calendar years. These emissions should include, but not be limited to, the uncontrolled fugitive barge cleaning emissions as per Paragraph II of this Order portion.

VI.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Sarah Acosta
Re: Enforcement Tracking No. AE-CN-11-00957
Agency Interest No. 302

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-11-00957
Agency Interest No. 302

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 Sarah Acosta at (225) 219-3779 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

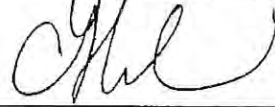
III.

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 22 day of May, 2012.



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: Sarah Acosta

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY		
Enforcement Tracking No.	WE-CN-17-01071	Certified Mail No.	7016 2140 0000 5132 8079	
Agency Interest (AI) No.	302	Contact Name	Taylor Alexander	
Alternate ID No.	LA0075213	Contact Phone No.	(225) 219-3811	
Respondent:	T. T. Barge Services Mile 237, LLC	Facility Name:	T. T. Barge Services Mile 237	
	c/o Raymond B. Greenwell	Physical Location:	5190 North River Road, River Mile 237	
	Agent for Service of Process			
	19368 Hwy 36	City, State, Zip:	Port Allen, LA 70767	
	Covington, LA 70433	Parish:	West Baton Rouge Parish	

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued 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

An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.

I.		The Respondent owns and/or operates a barge cleaning and repair facility located at 5190 North River Road, River Mile 237, Port Allen, West Baton Rouge Parish, Louisiana. The Respondent was reissued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0075213 on October 2, 2012, with an effective date of November 1, 2012, and an expiration date of October 31, 2017. On or about December 29, 2014, the Respondent submitted a permit modification request to add Outfall 014 for the discharge of treated chemical and petroleum tanker barge washwater. LPDES permit LA0075213 reissued to the Respondent on May 27, 2016, with an effective date of July 1, 2016. LPDES Permit LA0075213 will expire on June 30, 2021. Under the terms and conditions of LPDES Permit LA0075213, the Respondent is permitted to discharge incoming and facility ballast water and void water, boiler blowdown, treated sanitary wastewater, hydrostatic test water, and chemical and petroleum vessel washwater into the Mississippi River (Subsegment 070201), all waters of the state.
	Date of Violation	Description of Violation
II.	File Review 11/30/2017	The Respondent failed to sample the effluent from Outfalls 004, 05A, 05B, 006, and 008 as required by LPDES Permit LA0075213. Specifically, the Respondent failed to sample for pH at Outfall 004 in June 2013; at Outfall 05B from December 2012-October 2014, December 2014 to June 2016, and October 2016 to April 2017; at Outfall 006 from July to September 2014; and at Outfall 008 in June 2013. The Respondent also failed to estimate flow weekly and sample the effluent from Outfall 05A weekly during numerous monitoring periods from March 2013 to November 2016 [see attachment Table 1]. Each failure to sample or estimate flow prior to July 1, 2016, is a violation of LPDES permit LA0075213 (Part I, Pages 2 through 6 of 7 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Each failure to sample or estimate flow on or after July 1, 2016, is a violation of LPDES permit LA0075213 (Part I, Pages 3 and 6 of 11 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.
III.	File Review 11/30/2017	The Respondent failed to comply with LPDES permit LA0075213. Specifically, between June 2013 and September 2016, the Respondent reported exceedances of permit effluent limitations for TSS, COD, and oil and grease [see attachment Table 2]. Each permit limit exceedance that occurred prior to July 1, 2016, is a violation of LPDES permit LA0075213 (Part I, Pages 3 and 6 of 7 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Each permit limit exceedance that occurred on or after July 1, 2016, is a violation of LPDES permit LA0075213 (Part I, Page 3 of 11 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.
IV.	File Review 11/30/2017	The Respondent failed to comply with LPDES permit LA0075213. Specifically, the Respondent failed to report monthly average BOD ₅ , TSS, and fecal coliform sample results on Discharge Monitoring Reports (DMRs) for Outfalls 004 and 008 from December 2012 to December 2016. Each failure to report a monthly average sample result prior to July 1, 2016, is a violation of LPDES permit LA0075213 (Part I, Pages 2 and 6 of 7 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.d. Each failure to report a monthly average sample result on or after July 1, 2016, is a violation of LPDES permit LA0075213 (Part I, Pages 2 and 8 of 11 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.d.
V.	File Review 11/30/2017	The Respondent failed to comply with LPDES permit LA0075213. Specifically, the Respondent failed to submit monthly DMRs for Outfall 014 from October to December 2016. (LA0075213 (Part II, Section X.1 and Part III, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a)
VI.	File Review 11/30/2017	The Respondent failed to submit DMRs in a timely manner. The Respondent is required to submit monthly DMRs no later than the 28th day of the month following each quarter. The Department did not receive the July to September 2016 DMRs for Outfall 014 until January 7, 2017. (LA0075213 (Part II, Section X.1 and Part III, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4)
VII.	File Review 11/30/2017	The Respondent failed to comply with LPDES permit LA0075213. Specifically, the Respondent failed to quarterly submit operating logs detailing Outfall 05A discharges from October 2016 to March 2017. Each failure to quarterly submit an operating log is a violation of LPDES permit LA0075213 (Part II, Section P and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A. LPDES permit LA0075213 (Part II, Section P) requires the Respondent to submit a daily operating log each quarter. All logs submitted to the Department from 2013 to 2017 only list days when a discharge occurred from Outfall 05A and do not list each operating day of the quarter.
VII.	File Review 11/30/2017	The Respondent caused and/or allowed the discharge of a pollutant not authorized by the permit. Specifically, on December 18, 2013, the Respondent cleaned two barges that had transported coke and discharged the wash water containing coke residue to the Mississippi River. (La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D)

ORDER

Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:

I.	To take, immediately upon receipt of this COMPLIANCE ORDER , any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to ; correcting <u>all</u> of the violations described in the "Findings of Fact" portion.
II.	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 violation(s) 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 the Department at the address specified in this document.
III.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER , properly completed DMRs for the monitoring periods mentioned in Paragraph V of the "Findings of Fact" portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and certified. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."

RIGHT TO APPEAL

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 left-hand corner of the first page of this document and should be directed to the address specified in this document.
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 and the Administrative Procedure Act (La. R.S. 49:950, et seq.). 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 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 Taylor Alexander at (225) 219-3811 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY .
III.	The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY . Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.
IV.	This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.

CONTACTS AND SUBMITTAL OF INFORMATION

<p>Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Taylor Alexander</p>	<p>Hearing Requests: 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. WE-CN-17-01071 Agency Interest No. 302</p>
<p>Water Permits Division (if necessary): Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division</p>	<p>Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802</p>

**HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY**

- To appeal the **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**.
- To request closure of the **COMPLIANCE ORDER** portion, the Respondent must demonstrate compliance with the "Order" portion of this **COMPLIANCE ORDER** by completing the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form and returning it to the address specified.
 - Before requesting closure of the **COMPLIANCE ORDER** portion, please contact the Financial Services Division at: 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.
- To expedite closure of the **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.
 - The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7.
 - The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
 - The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer.
 - **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
 - Before requesting closure of the **NOTICE OF POTENTIAL PENALTY** portion, please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

If you have questions or need more information, you may contact Taylor Alexander at (225) 219-3811 or Taylor.Alexander@la.gov.



 Lourdes Iturralde
 Assistant Secretary
 Office of Environmental Compliance

Date: 12-13-17



Attachment(s)

- Table 1
- Table 2
- Request to Close
- Settlement Brochure

DATE	PARAMETER	REQUIRED SAMPLING FREQUENCY	REPORTED SAMPLING FREQUENCY
March 2013	COD	1/week	3/month
	Oil and grease	1/week	3/month
April 2013	Oil and grease	1/week	3/month
June 2013	COD	1/week	3/month
	Oil and grease	1/week	3/month
	pH	1/week	3/month
November 2013	COD	1/week	3/month
	Oil and grease	1/week	3/month
December 2013	COD	1/week	3/month
	Oil and grease	1/week	3/month
May 2014	COD	1/week	2/month
	Oil and grease	1/week	2/month
	pH	1/week	3/month
June 2014	COD	1/week	1/month
	Oil and grease	1/week	1/month
	pH	1/week	2/month
July 2014	Flow estimate	1/week	1/month
	COD	1/week	0/month
	Oil and grease	1/week	0/month
	pH	1/week	1/month
August 2014	COD	1/week	1/month
	Oil and grease	1/week	1/month
October 2014	COD	1/week	1/month
	Oil and grease	1/week	1/month
	pH	1/week	1/month
January 2015	COD	1/week	2/month
	Oil and grease	1/week	2/month
	pH	1/week	2/month
February 2015	COD	1/week	3/month
	Oil and grease	1/week	3/month
	pH	1/week	3/month
March 2015	COD	1/week	2/month
	Oil and grease	1/week	2/month
	pH	1/week	2/month
April 2015	Flow estimate	1/week	2/month
	COD	1/week	1/month
	Oil and grease	1/week	1/month
	pH	1/week	1/month
May 2015	COD	1/week	2/month
	Oil and grease	1/week	2/month
	pH	1/week	2/month
June 2015	COD	1/week	3/month
	Oil and grease	1/week	3/month
	pH	1/week	3/month
September 2015	Flow estimate	1/week	3/month
	COD	1/week	3/month
	Oil and grease	1/week	3/month
	pH	1/week	3/month
October 2015	COD	1/week	3/month
	Oil and grease	1/week	3/month
	pH	1/week	3/month
November 2015	Flow estimate	1/week	2/month
	COD	1/week	2/month
	Oil and grease	1/week	2/month
December 2015	Flow estimate	1/week	2/month
	COD	1/week	2/month
	Oil and grease	1/week	2/month
January 2016	Flow estimate	1/week	1/month
	COD	1/week	1/month
	Oil and grease	1/week	1/month
	pH	1/week	1/month
February 2016	COD	1/week	3/month
	Oil and grease	1/week	3/month
	pH	1/week	3/month
April 2016	COD	1/week	2/month
	Oil and grease	1/week	2/month
	pH	1/week	2/month
May 2016	Flow estimate	1/week	1/month

May 2016	COD	1/week	1/month
	Oil and grease	1/week	1/month
	pH	1/week	1/month
June 2016	Flow estimate	1/week	3/month
	COD	1/week	1/month
	Oil and grease	1/week	1/month
	pH	1/week	1/month
July 2016	Flow estimate	1/week	1/month
	COD	1/week	1/month
	Oil and grease	1/week	1/month
	pH	1/week	1/month
August 2016	Flow estimate	1/week	1/month
	COD	1/week	1/month
	Oil and grease	1/week	1/month
	pH	1/week	1/month
September 2016	Flow estimate	1/week	2/month
	COD	1/week	2/month
	Oil and grease	1/week	2/month
	pH	1/week	2/month
October 2016	Flow estimate	1/week	1/month
	COD	1/week	1/month
	Oil and grease	1/week	1/month
	pH	1/week	1/month
November 2016	Flow estimate	1/week	2/month
	COD	1/week	2/month
	Oil and grease	1/week	2/month
	pH	1/week	2/month

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE RESULT
June 2013	008	TSS	30 mg/l (Monthly Average)	42 mg/l
December 2013	05A	COD	250 mg/l (Daily Maximum)	297 mg/l
	008	TSS	30 mg/l (Monthly Average)	38 mg/l
January 2014	05A	COD	250 mg/l (Daily Maximum)	439 mg/l
September 2016	05A	COD	250 mg/l (Daily Maximum)	2,220 mg/l
	05A	Oil and grease	15 mg/l (Daily Maximum)	35 mg/l

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE		
Enforcement Tracking No.	WE-CN-17-01071	Contact Name	Taylor Alexander	
Agency Interest (AI) No.	302	Contact Phone No.	(225) 219-3811	
Alternate ID No.	LA0075213			
Respondent:	T. T. Barge Services Mile 237, LLC	Facility Name:	T. T. Barge Services Mile 237	
	c/o Raymond B. Greenwell	Physical Location:	5190 North River Road, River Mile 237	
	Agent for Service of Process			
	19368 Hwy 36	City, State, Zip:	Port Allen, LA 70767	
	Covington, LA 70433	Parish:	West Baton Rouge Parish	
STATEMENT OF COMPLIANCE				
STATEMENT OF COMPLIANCE		Date Completed	Copy Attached?	
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER .				
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) III of the "Order" portion of the COMPLIANCE ORDER .				
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER . Final compliance was achieved as of:				
SETTLEMENT OFFER (OPTIONAL)				
<i>(check the applicable option)</i>				
<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.			
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-17-01071), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.			
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-17-01071), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.			
	<ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional)= \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted. 			
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-17-01071) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.			
CERTIFICATION STATEMENT				
<i>I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.</i>				
Respondent's Signature		Respondent's Printed Name		Respondent's Title
Respondent's Physical Address		Respondent's Phone #		Date
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:				
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Taylor Alexander				

If you have questions or need more information, you may contact Taylor Alexander at (225) 219-3811 or Taylor.Alexander@la.gov.

SETTLEMENT AGREEMENTS

WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY	NATURE AND GRAVITY OF THE VIOLATION		
	MAJOR	MODERATE	MINOR
MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
MINOR	\$3,000 to \$1,500	\$1,500 to \$500	\$500 to \$100

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.



SETTLEMENT AGREEMENTS

Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times (\text{Penalty Event Maximum} - \text{Penalty Event Minimum}))$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement.

Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

Settlement Offers	searchable in EDMS using the following filters Media: Air Quality, Function: Enforcement; Description: Settlement
Settlement Agreements	Enforcement Division's website specific examples can be provided upon request
Penalty Determination Method	LAC 33:I Chapter 7
Beneficial Environmental Projects	LAC 33:I Chapter 25 FAQs
Judicial Interest.....	provided by the Louisiana State Bar Association





ENFORCEMENT DIVISION

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

POST OFFICE BOX 4312

BATON ROUGE, LOUISIANA 70821-4312

Enforcement Tracking No.	MM-CN-17-00932	Certified Mail No.	7016 2140 0000 5132 7614
Agency Interest (AI) No.	17771	Contact Name	Stacy Martinez
Alternate ID No.	0180-00057, LA0083674	Contact Phone No.	(225) 219-3378
Respondent:	T.T. Barge Cleaning Mile 183, L.L.C.	Facility Name:	T.T. Barge Cleaning Mile 183, Inc.
	c/o Raymond B. Greenwell	Physical Location:	7324 LA Highway 405
	Agent for Service of Process	City, State, Zip:	Modeste, Louisiana 70346
	19368 LA Highway 36	Parish:	Ascension
	Covington, LA 70433		

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued 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

An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.

I.	The Respondent owns and/or operates a barge cleaning and repair facility located at 7324 LA Hwy 405 in Modeste, Ascension Parish, Louisiana. The Facility operates or has operated under the authority of Minor Source Air Permit No. 0180-00057-03, issued on September 3, 2013 and Louisiana Pollutant Discharge Elimination System (LPDES) Permit No. LA0083674, issued on December 9, 2014.	
	Date of Violation	Description of Violation
II.	File Review January 30, 2019	The Respondent failed to timely submit the 2016 Annual Criteria Air Pollutant Emissions Inventory and Certification Statement by the April 30, 2017, deadline. The Respondent's Annual Criteria Emission Inventory Certification Statement was postmarked May 2, 2017. This is a violation of LAC 33:III.501.C.4, and La. R.S. 30:2057(A) (2).
III.	File Review January 30, 2019	The Respondent failed to submit the 2015 Total Throughput Reports for the Chemical Storage Tank Cap (GRP001) and Washwater Storage Tank Cap (GRP002) as required by Specific Requirements 31 and 35 of Air Permit No. 0180-00057-03 respectively. The failure to submit the 2015 Total Throughput Report for (GRP001) and (GRP002) by the March 31, 2016, deadline is a violation of Specific Requirements 31 and 35 of Air Permit No. 0180-00057-03, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The 2015 Total Throughput Reports were submitted on August 25, 2017.
IV.	File Review January 30, 2019	The Respondent failed to submit the 2016 Total Throughput Reports for the Chemical Storage Tank Cap (GRP001) and Washwater Storage Tank Cap (GRP002) as required by Specific Requirements 31 and 35 Air Permit No. 0180-00057-03 respectively. The failure to submit the 2016 Total Throughput Report for (GRP001) and (GRP002) by the March 31, 2017, deadline is a violation of Specific Requirements 31 and 35 of Air Permit No. 0180-00057-03, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The 2016 Total Throughput Reports were submitted on August 25, 2017.
V.	File Review January 30, 2019	On or about December 18, 2015, the Respondent changed its company name from T.T. Barge Cleaning Mile 183 Inc. to T.T. Barge Cleaning Mile 183 L.L.C. according to the State of Louisiana Secretary of State records. The failure to submit a Name/Ownership/Operator Change Form (NOC-1) to the Department within forty-five (45) days after a company name change of a permitted facility is a violation of LAC 33:I.1905.A, and La. R.S. 30:2057(A)(2).

ORDER

Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:

- I. To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Air Quality Regulations. This shall include, but not be limited to; correcting all of the violations described in the "Findings of Fact" portion.
- II. 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 violation(s) 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 the Department at the address specified in this document.
III.	To submit to the Office of Environmental Services, within thirty (30) days after receipt of this COMPLIANCE ORDER , the Name/Ownership/Operator Change Form (NOC-1) demonstrating the company name change as referenced in Paragraph V of the Findings of Fact.

RIGHT TO APPEAL

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 address specified in this document.
III.	Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Division of Administrative Law (DAL) Procedural Rules. The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.
IV.	This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.
V.	The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.
VI.	Civil penalties of not more than 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 Stacy Martinez at 225-219-3378 or stacy.martinez@la.gov 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 in order 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 this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.
IV.	The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7. To expedite closure of this NOTICE OF POTENTIAL PENALTY portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached " CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE " form. The Respondent must include a justification of the offer. DO NOT submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

CONTACTS AND SUBMITTAL OF INFORMATION

Enforcement Division:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Air Enforcement Division
Post Office Box 4312
Baton Rouge, LA 70821
Attn: Stacy Martinez

Hearing Requests:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. MM-CN-17-00932
Agency Interest No. 17771

Permit Division (if necessary):

Department of Environmental Quality
Office of Environmental Services
Post Office Box 4313
Baton Rouge, LA 70821-4313
Attn: Air Permits Division


Physical Address (if hand delivered):

Department of Environmental Quality
602 N Fifth Street
Baton Rouge, LA 70802

HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

- To appeal the COMPLIANCE ORDER portion, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this COMPLIANCE ORDER.
- To request closure of this CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, the Respondent must demonstrate compliance with the "Order" portion of this COMPLIANCE ORDER by completing the attached "CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL REQUEST TO CLOSE" form and returning it to the address specified.
- To expedite closure of the NOTICE OF POTENTIAL PENALTY portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.
- The Department assesses civil penalties based on LAC 33:1.Subpart 1.Chapter 7.
- The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
- The settlement offer amount may be entered on the attached "NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE" form. The Respondent must include a justification of the offer.
- **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

If you have questions or need more information, you may contact Stacy Martinez at 225-219-3378 or stacy.martinez@la.gov.


Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Date: 3-26-19

Attachment(s)

- Request to Close



Enforcement Tracking No.	MM-CN-17-00932	Contact Name	Stacy Martinez
Agency Interest (AI) No.	17771	Contact Phone No.	225-219-3378
Alternate ID No.	0180-00057, LA00836674		
Respondent:	T.T. Barge Cleaning Mile 183, L.L.C.	Facility Name:	T.T. Barge Cleaning Mile 183, Inc.
	c/o Raymond B. Greenwell	Physical Location:	7324 LA Highway 405
	Agent for Service of Process		
	19368 LA Highway 36	City, State, Zip:	Modeste, LA 70346
	Covington, LA 70433	Parish:	Ascension

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) III of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 90 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s)? of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

- The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.
- In order to resolve any claim for civil penalties for the violations in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-17-00932), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
- In order to resolve any claim for civil penalties for the violations in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-17-00932), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$_____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.
 - Monetary component = \$_____
 - Beneficial Environmental Project (BEP) component (optional)= \$_____
 - DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
- The Respondent has reviewed the violations noted in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-17-00932) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

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

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality
 Office of Environmental Compliance
 Enforcement Division
 P.O. Box 4312
 Baton Rouge, LA 70821
 Attn: Stacy Martinez