

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

T. T. COATINGS, L.L.C.

AI # 22268

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

* Settlement Tracking No.
* SA-AE-19-0067
*
* Enforcement Tracking No.
* AE-CN-15-00342
* AE-CN-15-00342A
* WE-CN-17-01154
*
*
* Docket No. 2018-5638-EQ
*

SETTLEMENT

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

I

Respondent is a limited liability company that owns and/or operates a facility located in Westwego, Jefferson Parish, Louisiana (“the Facility”).

II

On June 30, 2017, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-15-00342 (Exhibit 1).

On July 6, 2018, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-15-00342A (Exhibit 2).

On January 18, 2019, the Department issued to Respondent a Consolidated Compliance

Order & Notice of Potential Penalty, Enforcement No. WE-CN-17-01154 (Exhibit 3).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-15-00432, Respondent made a timely request for a hearing.

IV

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

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TWENTY THOUSAND NINE HUNDRED AND NO/100 DOLLARS (\$20,900.00), of which Two Thousand Seven Hundred Fifty-Eight and 53/100 Dollars (\$2,758.53) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Orders & Notices of Potential Penalty, the Amended Consolidated Compliance Order & Notice of Potential Penalty, and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VII

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VIII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

IX

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

X

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

have elapsed since publication of the notice.

XI

Payment is to be made within 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).

XII

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

XIII

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

T. T. COATINGS, L.L.C.

BY: MATT D. TOEPFER
(Signature)

MATT D. TOEPFER
(Printed)

TITLE: PLANT MANAGER

THUS DONE AND SIGNED in duplicate original before me this 16 day of January, 20 20, at Westwego, LA.

[Signature]

NOTARY PUBLIC (ID # 156052)

Debra Preston
Notary Public
ID No. 156052
St. Charles Parish, LA
Commissioned for Life.

(stamped or printed)

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

BY: [Signature]
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

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

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 30, 2017

CERTIFIED MAIL (7004 2510 0006 3853 4794)
RETURN RECEIPT REQUESTED

T.T. COATINGS, L.L.C.
c/o Raymond Greenwell
Agent for Service of Process
19368 Louisiana Highway 36
Covington, LA 70433

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-15-00342
AGENCY INTEREST NO. 22268**

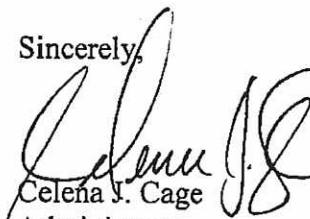
Dear Sir:

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. COATINGS, L.L.C. (RESPONDENT)** for the violations described therein.

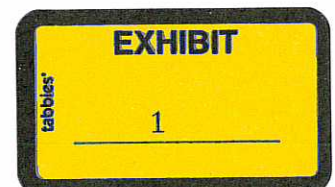
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Dr. Jacqueline A. Prudente at (225) 219-3378 or via email at jackie.prudente@la.gov.

Sincerely,


Celeña J. Cage
Administrator
Enforcement Division

CJC/JAP/jap
Alt ID No. 1340-00156
Attachment



c: T. T. Coatings, L.L.C.
Matt Toepfer, President
2012 River Road
Westwego, LA 70094

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

IN THE MATTER OF

**T.T. COATINGS, L.L.C.
JEFFERSON PARISH
ALT ID NO. 1340-00156**

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

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **AE-CN-15-00342**
*
* **AGENCY INTEREST NO.**
*
* **22268**
*

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

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

FINDINGS OF FACT

I.

The Respondent owns and/or operates T.T. Coatings (the facility), a water transportation services facility, located at 2012 River Road in Westwego, Jefferson Parish, Louisiana. The facility currently operates under Air Permit No. 1340-00156-01, issued July 25, 1995.

II.

On or about December 10, 2014, in response to a complaint, a Partial Compliance Evaluation was conducted at the facility to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. A subsequent file review was conducted on November 17, 2016. While the Department's investigation is not yet complete, the following violations were discovered during the course of the inspection and subsequent file review:

A. The Respondent reported permit exceedances in the Annual Reports for 2010 through 2015 calendar years. The reports listed the following: the commodities cleaned and the number of vessels cleaned per commodity (Table 1); and the commodities loaded and the number of trucks associated with each commodity (Table 2), as per Air Permit No. 1340-00156-01. In email correspondence dated October 5, 2016, the Respondent clarified that the facility uses a base quantity of 6,000 gallons of product to equate to one (1) truck. The facility calculates the number of trucks loaded from that standard, resulting in decimal numbers. Each failure to operate in accordance with the permit limits set forth by Table 1 and Specific Condition Numbers 2 and 7 of Air Permit No. 1340-00156-01 is a violation of LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

Table 1. List of commodity of vessel cleaned/repared and number of vessels cleaned per commodity.

Commodity of Vessel Cleaned/ Repaired	Number of Vessels						
	Permitted Specific Condition No. 2	Actual Reported					
		Calendar Year 2015 Report Date: 2/12/2016	Calendar Year 2014 Report Date: 1/29/2015	Calendar Year 2013 Report Date: 2/18/2014	Calendar Year 2012 Report Date: 2/11/2013	Calendar Year 2011 Report Date: 2/10/2012	Calendar Year 2010 Report Date: 2/11/2011
Naptha	15	51	44	21.3	54	43	22
Ethanol	90	118	243	168	114	108	95
Raffinate	8	11	10				
Acetone	10	11	22	31	21		
Methanol	10	25	24	23	22	31	34

Table 2. List of commodity of vessel loaded and number of trucks associated with each commodity.

Commodity of Vessels Loaded	Number of Trucks						
	Permitted Specific Condition No. 7	Actual Reported					
		Calendar Year 2015 Report Date: 2/12/2016	Calendar Year 2014 Report Date: 1/29/2015	Calendar Year 2013 Report Date: 2/18/2014	Calendar Year 2012 Report Date: 2/11/2013	Calendar Year 2011 Report Date: 2/10/2012	Calendar Year 2010 Report Date: 2/11/2011
Benzene	1						5.5
Ethyl alcohol (Ethanol)	7	25.01	26.38	16.2	15.8	15.2	9.7
Total Yearly Trucks	139	180.4	187.14	147.5	143.77	167.7	95

- B. The Respondent failed to submit the 2013 Annual Report for Specific Condition Numbers 2 and 7 of Air Permit No. 1340-00156-01 in a timely manner. Specifically, this report was due no later than February 15, 2014; the Respondent submitted the report with a postmark date of February 18, 2014. Each incident of failure to submit the required information by the deadline is a violation of Specific Condition Numbers 2 and 7 of Air Permit No. 1340-00156-01, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- C. The Respondent failed to submit the 2013, 2014, and 2015 Annual Criteria Pollutant Emissions Inventories and Certification Statements. Each failure to submit both the Emissions Inventory and Certification Statement is a violation of LAC 33:III.919.F.1.d, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- D. The Respondent did not submit a Permit Renewal Application for Minor Source Permit No. 1340-00156-01 by the December 31, 2015 deadline. The Respondent was issued Minor Source Air Permit No. 1340-00156-01 on July 25, 1995. On September 20, 2014, the Department published Potpourri Notice AQ266, which stated minor source permits expire ten (10) years after the issuance date, as required by LAC 33:III.503.C.1.a. Additionally, the Department issued a Minor Source Permit Renewal Notice to the Respondent on April 17, 2015, which informed the Respondent of the ten (10) year expiration limit and required that a permit renewal application for the facility be submitted by October 1, 2015. The failure to submit the required permit renewal application by the deadline is a violation of LAC 33:III.503.C.3.a and La. R.S. 30:2057(A)(2).
- E. The Respondent operated and is operating the facility without a permit from October 1, 2015 to present. The facility's Permit No. 1340-00156-01 expired on October 1, 2015. To date, the Department has not received an air permit application. The unauthorized operation of the facility is a violation of LAC 33:III.501.C.2, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- F. The Respondent failed to keep records for the facility's thermal oxidizer on-site and available for inspection by the Department. Specifically, during the course of the December 10, 2014 inspection, the records of the thermal oxidizer were requested for review by the Department's staff. The Respondent did not have these records on-site or available for inspection. This is a violation of Specific Condition 1 of Air Permit No. 1340-00156-01, LAC 33:III.501.C.4, LAC 33:III.2115.L, and La. R.S. 30:2057(A)(2).

- G. The Respondent failed to continuously monitor and record the firing temperature for the thermal oxidizer. During the December 10, 2014 inspection, the Respondent stated that the computer system that records the thermal oxidizer's temperature was not working. The failure to maintain monitors to accurately measure and record operational parameters of all required control devices is a violation of Specific Condition 1 of Air Permit No. 1340-00156-01, LAC 33:III.501.C.4, LAC 33:III.2115.K.2, and La. R.S. 30:2057(A)(2).

III.

- A. On or about November 2, 2009, an inspection of the facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations. During the course of the inspection, the inspector noted that the facility bypassed the thermal oxidizer while cleaning a jet fuel barge. The failure to burn non-halogenated hydrocarbons in a direct-flame afterburner or thermal oxidizer is a violation of LAC 33:III.501.C.4, LAC 33:III.905, LAC 33:III.2115.B, and La. R.S. 30:2057(A)(2).
- B. On or about November 10, 2009, another inspection of the facility was performed. At the time of the inspection, the inspector noted facility records indicated that the thermal oxidizer normally operated at a firing temperature of approximately 1200 degrees Fahrenheit (F). The failure to burn non-halogenated hydrocarbons at 1600 degrees F (870 degrees C) in a direct flame afterburner or thermal incinerator is a violation of Specific Condition 1 of Air Permit No. 1340-00156-01, LAC 33:III.501.C.4, LAC 33:III.905, LAC 33:III.2115, 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.

II.

To submit to the Air Permits Division, within (60) days after receipt of this **COMPLIANCE ORDER**, an appropriate air permit application, as required under Potpourri Notice AQ266, reflecting the facility's current operations, if such an application has not been submitted to date. The Respondent shall submit a copy of the application's cover letter to the Enforcement Division.

III.

To submit to the Office of Environmental Services, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, the facility's Annual Criteria Pollutant Emissions Inventories and Certification Statements for 2013, 2014, and 2015.

IV.

To submit to the Enforcement Division, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, the temperature logs for the facility's thermal oxidizer for the last month that temperatures were recorded.

V.

To submit to the Enforcement Division, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, the circumstances surrounding the failure of the facility's computer system for monitoring and recording temperatures of the thermal oxidizer. Included in this report shall be the length of time that the computer system has been out of service and any corrective actions taken to repair this computer system.

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: Dr. Jacqueline A. Prudente
Re: Enforcement Tracking No. AE-CN-15-00342
Agency Interest No. 22268

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-15-00342
Agency Interest No. 22268

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 Dr. Jacqueline A. Prudente at (225) 219-3378 or via email at jackie.prudente@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 to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you

utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

The **NOTICE OF POTENTIAL PENALTY** will not be closed if the Respondent owes outstanding fees to the Department. Please contact the Financial Services Division at 225-219-3865 or via email at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

VI.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 30th day of June, 2017.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Dr. Jacqueline A. Prudente

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



Enforcement Tracking No.	AE-CN-15-00342	Contact Name	Dr. Jacqueline A. Prudente
Agency Interest (AI) No.	22268	Contact Phone No.	(225) 219-3378
Alternate ID No.	1340-00156		
Respondent:	T. T. Coatings, L.L.C.	Facility Name:	T. T. Coatings Facility
	c/o Raymond Greenwell	Physical Location:	2012 River Road
	Agent for Service of Process		
	19368 Louisiana Highway 36	City, State, Zip:	Westwego, LA 70094
	Covington, LA 70433	Parish:	Jefferson

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph VI of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs III through V of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 60 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph II 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.	N/A	N/A
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-15-00342), 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 (AE-CN-15-00342) 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.
	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-15-00342) 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: Dr. Jacqueline A. Prudente

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

July 6, 2018

CERTIFIED MAIL (7016 3010 0000 9387 7129)
RETURN RECEIPT REQUESTED

T.T. COATINGS, L.L.C.
c/o Raymond Greenwell
Agent for Service of Process
19368 Louisiana Highway 36
Covington, LA 70433

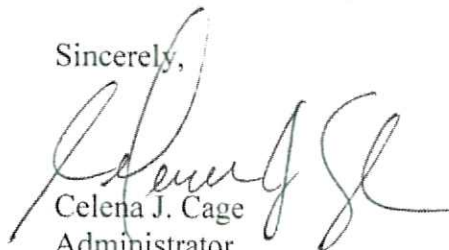
**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-15-00342A
AGENCY INTEREST NO. 22268**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **T.T. COATINGS, L.L.C.(RESPONDENT)** for the violation described therein.

Any questions concerning this action should be directed to Dr. Jacqueline Prudente at (225) 219-3347 or Jackie.prudente@la.gov.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/JAP/jap
Alt ID No. 1340-00156
Attachment



c: T.T. Coatings, L.L.C.
Matt Toepfer, President
2012 River Road
Westwego, LA 70094

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

T.T. COATINGS, L.L.C.
JEFFERSON PARISH
ALT ID NO. 1340-00156

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

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ENFORCEMENT TRACKING NO.

AE-CN-15-00342A

AGENCY INTEREST NO.

22268

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

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-15-00342** issued to **T.T. COATINGS, L.L.C. (RESPONDENT)** on June 30, 2017 in the above-captioned matter as follows:

I.

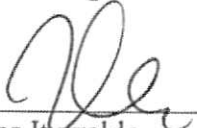
The Department hereby removes Paragraph III.A of the Findings of Fact portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-15-00342.

II.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-15-00342** and **AGENCY INTEREST NO. 22268** as if reiterated herein.

This AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.


Baton Rouge, Louisiana, this 15th day of July, 2018.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
Post Office Box 4312
Baton Rouge, LA 70821-4312
Attention: Dr. Jacqueline Prudente

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION				CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY			
POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312							
Enforcement Tracking No.	WE-CN-17-01154	Certified Mail No.	7016 2140 0000 5132 8123				
Agency Interest (AI) No.	22268	Contact Name	Richard Ober, Jr.				
Alternate ID No.	LA0065048	Contact Phone No.	(225) 219-3135				
Respondent:	T. T. Coatings, L.L.C.	Facility Name:	T.T. Coatings, L.L.C.				
	c/o Raymond Greenwell	Physical Location:	2012 River Road				
	Agent for Service of Process						
	19368 Highway 36 Covington, LA 70433	City, State, Zip:	Westwego, LA 70094				
		Parish:	Jefferson 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 2012 River Road in Westwego, Jefferson Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0065048 on May 6, 2011, with an effective date of June 1, 2011, and an expiration date of May 31, 2016. A permit application dated December 23, 2015, was received by the Department on or about December 30, 2015. LPDES Permit LA0065048 expired on May 31, 2016, and was administratively continued. LPDES Permit LA0065048 was reissued to the Respondent on August 31, 2017, with an effective date of November 1, 2017, and an expiration date of October 31, 2022. Under the terms and conditions of LPDES Permit LA0065048, the Respondent is permitted to discharge vessel washwater, bilge or slop water, contaminated ballast water and void water, boiler blowdown, non-contact cooling water, equipment washwater, contaminated stormwater, and greywater from crew showers (Outfall 001); incoming ballast water and void water (Outfall 002); facility ballast water and void water (Outfall 003); treated sanitary wastewater (Outfall 004); stormwater runoff (Outfalls 005 and 007), and dry commodity vessel washwater (Outfall 006) into the Mississippi River, waters of the state.

	Date of Violation	Description of Violation
II.	Inspection(s) March 16, 2018 File Review December 18, 2018	The Respondent failed to comply with LPDES permit LA0065048. Specifically, the Respondent reported exceedances of permit effluent limitations. Each permit limit exceedance is a violation of LPDES permit LA0065048 (Part I, Page 2 of 8 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. <i>See Table 1.</i> The Respondent submitted correspondence dated October 4, 2018, in response to the March 16, 2018 inspection which provided an explanation or possible circumstances for the exceedances noted in the inspection.
III.	Inspections(s) March 16, 2018	The Respondent failed to implement its Spill Prevention and Control (SPC) plan. Specifically, the SPC plan states that secondary containments will be free of residual oil. However, the inspection observed residual oil within secondary containments around the facility. The failure to implement the SPC plan is a violation of LPDES permit LA0065048 (Part II, Section I and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.905.B. The Respondent submitted correspondence dated October 4, 2018, in response to the March 16, 2018 inspection which indicated that the containment area was cleaned and pressure washed with all of the wash water processed through the treatment process. The Respondent stated that all of the cleaning plant employees were instructed that all spills within the secondary containment must be cleaned prior to the end of each day.
IV.	Inspection(s) March 16, 2018 File Review December 18, 2018	The Respondent failed to comply with LPDES permit LA0065048. Specifically, the Respondent failed to report parameter sample results on Discharge Monitoring Reports (DMRs) as required. Each failure to report a parameter sample result is a violation of LPDES permit LA0065048 (Part I and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4. <i>See Table 2.</i> The Respondent submitted correspondence dated October 4, 2018, in response to the March 16, 2018 inspection which indicated that the seven (7) sample results that were identified as not being reported during the inspection were corrected and submitted in NetDMR. Additionally, the Department noted that the Respondent began reporting the monthly average sample results on the DMRs for Outfall 004 commencing with the reporting period of July 2017 through December 2017.
V.	Inspection(s) March 16, 2018 File Review December 18, 2018	The Respondent failed to comply with LPDES permit LA0065048. Specifically, the Respondent failed to submit operating logs quarterly detailing Outfall 002 discharges. LPDES permit LA0065048 requires that the Respondent submit a copy of the daily operating log each quarter for discharges associated with incoming ballast water and void water from customer barges. Each failure to quarterly submit an operating log for Outfall 002 prior to November 1, 2017, is a violation of LPDES permit LA0065048 (Part II, Paragraph O and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A. Each failure to quarterly submit an operating log for Outfall 002 on and after November 1, 2017, is a violation of LPDES permit LA0065048 (Part II, Paragraph P and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A. <i>See Table 3.</i> The Respondent submitted correspondence dated October 4, 2018, in response to the inspection indicating that during the transition from submitting DMRs via hardcopy to electronically through NetDMR, the incoming ballast logs for Outfall 002 were not added as attachments. On or about May 3, 2018, the ballast logs for Outfall 002 for January 2017 through March 2018, were received by the Department under cover letter dated April 30, 2018. For those logs that were submitted to the Department for Outfall 002, there is no indication for each day of the quarter whether or not a discharge occurred. Specifically, those that were submitted to the Department



		from January 2013 through March 2018, only listed days when a discharge occurred from Outfall 002 and do not list each operating day of the quarter.
VI.	File Review December 18, 2018	The Respondent failed to comply with LPDES permit LA0065048. Specifically, the Respondent failed to submit accurate/complete Discharge Monitoring Reports (DMRs) for July 2013 and August 2013 for Outfall 003. The Respondent also submitted inaccurate/incomplete DMRs for the fourth quarter of 2013, second quarter of 2014, and fourth quarter of 2014 for Outfall 005. The DMRs for Outfall 003 listed flow, but had no other sample results, and were marked as not having a discharge. The DMRs for Outfall 005 for the fourth quarter of 2013, second quarter of 2014, and fourth quarter of 2014 did not report flow, but reported sampling results for TOC, Oil and Grease, and pH. Those DMRs also had the box checked indicating that there was no discharge. The DMRs for Outfall 005 for the fourth quarter of 2013 and second quarter of 2014 included a comment stating that one (1) sample was analyzed and the DMR for the fourth quarter of 2014 included a comment that there was no rainfall during the period. The failure to submit accurate/complete DMRs is a violation of LPDES permit LA0065048 (Part III, Section D.4 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.
VII.	File Review December 18, 2018	The Respondent failed to submit Discharge Monitoring Reports (DMRs) in a timely manner. The Respondent is required to submit DMRs no later than the 28th day of the month following each quarterly or semiannual reporting period. Specifically, DMRs were not submitted by April 28, 2013, for Outfalls 001, 002, 003, 005, and 007. The postmark on the envelope for the DMRs was April 29, 2013. DMRs were not submitted by July 28, 2014, for Outfalls 001, 002, 003, 004, 005, 006, 007, and 008. The postmark on the envelope for the DMRs was July 30, 2014. DMRs were not submitted by April 28, 2015, for Outfalls 001, 002, 003, 005, and 007. The postmark on the envelope for the DMRs was April 29, 2015. The failure to submit DMRs in a timely manner is a violation of LPDES permit LA0065048 (Part II, Section V and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.
VIII.	File Review December 18, 2018	A file review conducted by the Department revealed that the Respondent failed to timely reapply for a permit 180 days before the expiration date of the permit. Specifically, on or about December 30, 2015, the Department received an LPDES permit application dated December 23, 2015, from the Respondent for renewal of LPDES Permit LA0065048 which had an expiration date of May 31, 2016. The failure to timely reapply for the permit is a violation of LPDES permit LA0065048 (Part III, Sections A.2 and A.5), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2501.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 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 Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER , properly completed DMRs for the monitoring periods of the last three (3) years mentioned in Table 2, as referenced in Paragraph IV of the "Findings of Fact" portion of this Order which have not been previously corrected and submitted. 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."
IV.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER , daily operating logs for the periods of the last three (3) years mentioned in Table 3, as referenced in Paragraph V of the Findings of Fact, with the exception of those previously submitted, shall be submitted as an addendum to the previously submitted DMRs in paper form.

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 Richard Ober, Jr. at (225) 219-3135 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

Enforcement Division:		Hearing Requests:	
Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Richard Ober, Jr.		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-17-01154 Agency Interest No. 22268	
Water Permits Division (if necessary):		Physical Address (if hand delivered):	
Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division		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 **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 Richard Ober, Jr. at (225) 219-3135 or richard.ober@la.gov.



 Lourdes Iturralde
 Assistant Secretary
 Office of Environmental Compliance

Date: 1-18-19

cc: Mr. Matthew D. Toepfer
 T. T. Coatings, L.L.C.
 2012 River Road
 Westwego, LA 70094

Attachment(s)

- Table 1
- Table 2
- Table 3
- Request to Close
- Settlement Brochure

Table 1

Discharge Limitation Exceedances

Date	Outfall	Parameter	Permit Limit	Reported Value
12/2013	001	Total Mercury (daily maximum)	0.0013 mg/L	0.002 mg/L
01/2014	001	Total Suspended Solids (daily maximum)	45 mg/L	64 mg/L
02/2014	001	Total Suspended Solids (daily maximum)	45 mg/L	79 mg/L
08/2014	001	Total Suspended Solids (daily maximum)	45 mg/L	79 mg/L
09/2014	001	Total Suspended Solids (daily maximum)	45 mg/L	64 mg/L
10/2014	001	Total Mercury (daily maximum)	0.0013 mg/L	0.005 mg/L
11/2014	001	Total Mercury (daily maximum)	0.0013 mg/L	0.004 mg/L
02/2015	001	Total Mercury (daily maximum)	0.0013 mg/L	0.002 mg/L
03/2015	001	Total Mercury (daily maximum)	0.0013 mg/L	0.003 mg/L
04/2015	001	Total Mercury (daily maximum)	0.0013 mg/L	0.0014 mg/L
05/2015	001	Total Mercury (daily maximum)	0.0013 mg/L	0.0021 mg/L
06/2015	001	Total Mercury (daily maximum)	0.0013 mg/L	0.0067 mg/L
10/2015	001	Total Mercury (daily maximum)	0.0013 mg/L	0.0015 mg/L
02/2016	001	Total Mercury (daily maximum)	0.0013 mg/L	0.0014 mg/L
04/2017	001	Biochemical Oxygen Demand (daily maximum)	45 mg/L	46 mg/L
11/2017	001	Biochemical Oxygen Demand (daily maximum)	45 mg/L	109 mg/L
11/2017	001	Biochemical Oxygen Demand (monthly average)	22 mg/L	38.8 mg/L
11/2017	001	Total Suspended Solids (daily maximum)	45 mg/L	140 mg/L
11/2017	001	Total Suspended Solids (monthly average)	26 mg/L	36.8 mg/L
04/2018	001	Biochemical Oxygen Demand (monthly average)	22 mg/L	24.3 mg/L
07/2018	001	pH (instantaneous minimum)	6 Standard Units	0 Standard Units
07/2018	001	Total Suspended Solids (daily maximum)	45 mg/L	52 mg/L

Table 2
Failure to Report

Date	Outfall	Parameter	Permit Limit	Reported Value
01/1/2013 – 06/30/2013	004	Biochemical Oxygen Demand (monthly average)	30 mg/L	Not reported
		Total Suspended Solids (monthly average)	30 mg/L	Not reported
		Fecal Coliform (monthly average)	200 col./100mL	Not reported
07/1/2013 – 12/31/2013	004	Biochemical Oxygen Demand (monthly average)	30 mg/L	Not reported
		Total Suspended Solids (monthly average)	30 mg/L	Not reported
		Fecal Coliform (monthly average)	200 col./100mL	Not reported
07/2013	003	pH Instantaneous Max	9.0 Standard Units	Not reported
		pH Instantaneous Min	6.0 Standard Units	Not reported
08/2013	003	pH Instantaneous Max	9.0 Standard Units	Not reported
		pH Instantaneous Min	6.0 Standard Units	Not reported
01/1/2014 – 06/30/2014	004	Biochemical Oxygen Demand (monthly average)	30 mg/L	Not reported
		Total Suspended Solids (monthly average)	30 mg/L	Not reported
		Fecal Coliform (monthly average)	200 col./100mL	Not reported
07/1/2014 – 12/31/2014	004	Biochemical Oxygen Demand (monthly average)	30 mg/L	Not reported
		Total Suspended Solids (monthly average)	30 mg/L	Not reported
		Fecal Coliform (monthly average)	200 col./100mL	Not reported
01/1/2015 – 06/30/2015	004	Biochemical Oxygen Demand (monthly average)	30 mg/L	Not reported
		Total Suspended Solids (monthly average)	30 mg/L	Not reported
		Fecal Coliform (monthly average)	200 col./100mL	Not reported
07/1/2015 - 12/31/2015	004	Biochemical Oxygen Demand (monthly average)	30 mg/L	Not reported
		Total Suspended Solids (monthly average)	30 mg/L	Not reported
		Fecal Coliform (monthly average)	200 col./100mL	Not reported
01/1/2016 - 06/30/2016	004	Biochemical Oxygen Demand (monthly average)	30 mg/L	Not reported
		Total Suspended Solids (monthly average)	30 mg/L	Not reported
		Fecal Coliform (monthly average)	200 col./100mL	Not reported
07/1/2016 - 12/31/2016	004	Biochemical Oxygen Demand (monthly average)	30 mg/L	Not reported
		Total Suspended Solids (monthly average)	30 mg/L	Not reported
		Fecal Coliform (monthly average)	200 col./100mL	Not reported
01/1/2017 - 03/31/2017	005	pH Instantaneous Max	9.0 Standard Units	Not reported
		pH Instantaneous Min	6.0 Standard Units	Not reported
01/1/2017 - 06/30/2017	004	Biochemical Oxygen Demand (monthly average)	30 mg/L	Not reported
		Total Suspended Solids (monthly average)	30 mg/L	Not reported
		Fecal Coliform (monthly average)	200 col./100mL	Not reported
04/2017	002	COD (daily maximum)	250 mg/L	Not reported
05/2017	002	COD (daily maximum)	250 mg/L	Not reported
06/2017	002	COD (daily maximum)	250 mg/L	Not reported

Table 3

Daily Operating Log Not Submitted

Period	Outfall
04/2013 - 06/2013	002
04/2014 - 06/2014	002
10/2015 - 12/2015	002
04/2016 - 06/2016	002
01/2017 - 03/2017	002
04/2017 - 06/2017	002
07/2017 - 09/2017	002
10/2017 - 12/2017	002
01/2018 - 03/2018	002
04/2018 - 06/2018	002
07/2018 - 09/2018	002

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER & POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE			
			
Enforcement Tracking No.	WE-CN-17-01154	Contact Name	Richard Ober, Jr.
Agency Interest (AI) No.	22268	Contact Phone No.	(225) 219-3135
Alternate ID No.	LA0065048		
Respondent:	T. T. Coatings, L.L.C. c/o Raymond Greenwell Agent for Service of Process 19368 Highway 36 Covington, LA 70433	Facility Name:	T.T. Coatings, L.L.C.
		Physical Location:	2012 River Road
		City, State, Zip:	Westwego, LA 70094
		Parish:	Jefferson 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 and IV 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.Subpart 1.Chapter 7.		
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-17-01154) , 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-17-01154) , 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. The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-17-01154) 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 Post Office Box 4312 Baton Rouge, LA 70821 Attn: Richard Ober, Jr.			

If you have questions or need more information, you may contact Richard Ober, Jr. at (225) 219-3135 or richard.ober@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.

		NATURE AND GRAVITY OF THE VIOLATION		
		MAJOR	MODERATE	MINOR
DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY	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
- Judicial Interest..... FAQs
provided by the Louisiana State Bar Association

