

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ALMATIS BURNSIDE, LLC

AI # 3420

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

\* Settlement Tracking No.  
\* SA-MM-20-0114  
\*  
\* Enforcement Tracking No.  
\* MM-CN-19-00276  
\*  
\* Docket No. 2020-7262-DEQ  
\*

SETTLEMENT

The following Settlement is hereby agreed to between LAlumina LLC f/k/a Almatís Burnside, LLC (“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 an alumina refining facility located in Burnside, Ascension Parish, Louisiana (“the Facility”).

II

On May 15, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-19-00276 (Exhibit 1).

The following violations, although not cited in the foregoing enforcement action, are included within the scope of this settlement:

The Louisiana Department of Environmental Quality (the Department) conducted a subsequent file review on or about September 11, 2019, to determine the Respondent’s degree of

compliance with Act, the Air Quality Regulations, the Water Quality Regulations, and all applicable permits. While the Department’s investigation is not complete, the following noncompliance issues were noted during the course of the file review:

1. In Title V Air Permit Application Additional Information dated August 17, 2017, the Respondent proposed the addition of previously unpermitted Hazardous Air Pollutants/Toxic Air Pollutants (HAPs/TAPs) emissions from multiple sources. Based on the Emissions Inventory Questionnaire, the unpermitted pollutants would be emitted from existing sources. Emitting unpermitted pollutants is a violation of LAC 33:III.501.C.2 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
2. Effluent limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Non-Compliance Reports (NCRs), are summarized in the following table:

<b>Monitoring Period End Date</b>	<b>Outfall</b>	<b>Parameter</b>	<b>Permit Limit</b>	<b>Sample Value</b>
05/31/2019	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	2 occur/mo
06/30/2019	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	1 occur/mo

Each effluent exceedance is a violation of LPDES permit LA0005606 (Effluent Limitations and Monitoring Requirements, Pages 1, 2, and 4 of 11; and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

### III

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

IV

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

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$150,000.00), of which Two Thousand Six Hundred Twenty-One and 34/100 Dollars (\$2,621.34) 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 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 Ascension 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.

LALUMINA LLC F/K/A ALMATIS  
BURNSIDE, LLC

BY: Vicki Smith  
(Signature)

Vicki Smith  
(Printed)

TITLE: Manager Plant

THUS DONE AND SIGNED in duplicate original before me this 29<sup>th</sup> day of June, 20 21, at Erzates.

[Signature]

NOTARY PUBLIC (ID # \_\_\_\_\_)

**Instrument Not Prepared  
By This Notary  
Attesting to Signatures Only  
Rhonda L. Vinet  
Notary Public**

(stamped or printed)

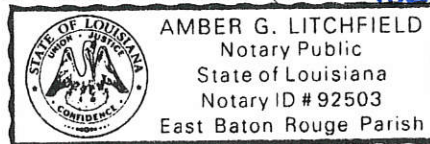
LOUISIANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
Chuck Carr Brown, Ph.D., Secretary

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

THUS DONE AND SIGNED in duplicate original before me this 17<sup>th</sup> day of September, 20 21, at Baton Rouge, Louisiana.

[Signature]

NOTARY PUBLIC (ID # 92503)



(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

May 15, 2019

CERTIFIED MAIL (7012 2210 0001 1915 8633)  
RETURN RECEIPT REQUESTED

**ALMATIS BURNSIDE, LLC**  
c/o Corporation Service Company  
Agent for Service of Process  
501 Louisiana Avenue  
Baton Rouge, Louisiana 70802

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. MM-CN-19-00276  
AGENCY INTEREST NO. 3420**

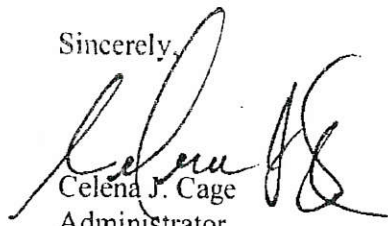
Dear Sir/Madam:

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 **ALMATIS BURNSIDE, LLC (RESPONDENT)** for the violation(s) described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation(s) 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 Antoinette Cobb at (225) 219-3072 or via email at [antoinette.cobb@la.gov](mailto:antoinette.cobb@la.gov).

Sincerely,

  
Celena J. Cage  
Administrator  
Enforcement Division

CJC/AFC/BKB  
Alt ID Nos. 0180-00001 & LA0005606  
Attachment



c: Almathis Burnside, LLC  
c/o Mr. Grant Firth, Plant Manager  
P.O. Box 1629  
Gonzales, Louisiana 70707



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

**IN THE MATTER OF**

**ALMATIS BURNSIDE, LLC  
ASCENSION PARISH  
ALT ID NOS. 0180-00001 & LA0005606**

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**ENFORCEMENT TRACKING NO.**

**MM-CN-19-00276**

**AGENCY INTEREST NO.**

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

**3420**

**CONSOLIDATED**

**COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **ALMATIS BURNSIDE, 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 Burnside Alumina Plant (facility), an alumina refining facility, located at 41237 Louisiana Highway 22 in Burnside, Ascension Parish, Louisiana. The facility currently operates under the authority of Title V Permit No. 0180-00001-V2AA, issued on August 17, 2012, with a June 10, 2016 expiration date. A Title V Renewal Application dated November 12, 2015, was submitted to the Department and Title V Permit No. 0180-00001-V2AA has been administratively continued. Additional permit application information was submitted under cover letters dated: May 22, 2017, August 15, 2017, August 17, 2017, September 17, 2018, October 5, 2018, and October 10, 2018.

The Department issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0005606 to the Respondent on September 16, 2016, with an effective date of November 1, 2016, and an expiration date of October 31, 2021. Under the terms and conditions of LPDES permit LA0005606, the Respondent is authorized to discharge filtration area condensate, caustic heater area steam condensate, power house once-through non-contact cooling water, storm water runoff, and treated sanitary wastewater into the Blind River via the Conway Canal and the Panama Canal through Outfall 001; boiler blowdown, non-chromate cooling tower blowdown, reverse osmosis water treatment blowdown, and river water clarification underflow into the Mississippi River through Outfall 002; and the overflow discharge of excess process wastewater/storm water into the Mississippi River through Outfall 003. Conway Canal, Panama Canal, Blind River, and the Mississippi River are all waters of the state. The Respondent was granted coverage under Louisiana Sewage Sludge and Biosolids Use or Disposal General Permit LAJ660000 effective January 1, 2013. General permit LAJ660000 expired on January 31, 2015, and is administratively continued. Under the terms and conditions of general permit LAJ660000, the Respondent is authorized to have sewage sludge pumped out or removed from the sanitary wastewater treatment works under the terms and conditions specified in the permit.

## II.

On or about December 30, 2013, the Department received a Notification of Change (NOC-1) Form. According to the NOC-1, permits transferred from Ormet Primary Aluminum Corporation, the previous owner/operator, to Almatris Burnside, Inc. effective December 12, 2013. Ormet Primary Aluminum Corporation assumed responsibility for all violations existing prior to the transfer of the permits. The Department effectively transferred the permits and updated records to reflect the changes on March 1, 2014. On or about January 9, 2017, the Department received a NOC-1 for a company name change. The company name changed from Almatris Burnside, Inc. to Almatris Burnside, LLC, effective August 8, 2016. The Department updated records to reflect the company name change on June 6, 2017.

## III.

On August 31, 2016, the Department issued Consolidated Compliance Order & Notice of Potential Penalty (CONOPP), Enforcement Tracking No. WE-CN-16-00327, to the Respondent for violations noted during a file review conducted on or about August 4, 2016 to determine the Respondent's degree of compliance with the Water Quality Regulations and applicable permit(s). The Respondent received the CONOPP on or about September 12, 2016. The Respondent submitted a response to the CONOPP dated October 27, 2016. The CONOPP is a final enforcement action.

IV.

On December 16, 2016, the Department issued CONOPP, Enforcement Tracking No. AE-CN-15-01464, to the Respondent for violations noted during inspections conducted on or about June 25, 2015, and November 10, 2015; a subsequent file review conducted on or about October 31, 2016; and a Complaint Investigation conducted on or about April 20, 2016. The inspections and file review were conducted to determine the Respondent's degree of compliance with the Act, Air Quality Regulations, and all applicable permits. The Respondent received the CONOPP on or about December 22, 2016. The Respondent submitted a request for an adjudicatory hearing dated January 13, 2017. The Department and Respondent entered into informal dispute resolution discussions on February 2, 2017. The adjudicatory hearing request was granted on February 19, 2018.

V.

On December 28, 2016, the Department issued Notice of Potential Penalty (NOPP), Enforcement Tracking No. SE-PP-16-00936, to the Respondent for violations noted during inspections conducted on or about June 28, 2016, and July 1, 2016 to determine the Respondent's degree of compliance with the Solid Waste Regulations. The Respondent received the NOPP on or about January 20, 2017.

VI.

On October 31, 2017, the Department issued Amended CONOPP, Enforcement Tracking No. AE-CN-15-01464A, to the Respondent to address additional violations based on the information provided in the Respondent's 30-day written report dated February 20, 2017, for CONOPP, Enforcement Tracking No. AE-CN-15-01464, and deviations reported in the 2016 Second Semiannual Monitoring Report dated March 31, 2017. The Respondent received the amended CONOPP on or about November 7, 2017. The Respondent submitted a request for an adjudicatory hearing dated November 29, 2017. The Department and the Respondent entered into informal dispute resolution discussions on December 4, 2017. The adjudicatory hearing request was granted on December 18, 2018.

VII.

On or about May 24, 2017, July 10, 2017, and July 12, 2017, the Department conducted a Full Compliance Evaluation (FCE) inspection at the facility. On or about March 27, 2019, the Department conducted a subsequent FCE inspection. File reviews were conducted on October 22, 2018, April 2, 2019, and May 6, 2019. The inspections and file reviews were conducted to determine the Respondent's degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. While the

Department's investigation is not complete, the following violations were noted during the course of the inspections and/or subsequent file reviews:

- A. In Title V Air Permit Application Additional Information dated August 17, 2017, the Respondent proposed the addition of an existing cooling tower as a permitted emission point. Failure to submit a permit application to the permitting authority prior to construction, reconstruction, or modification is a violation of LAC 33:III.501.C.1 and La. R.S. 30:2057(A)(2). The unauthorized operation of the cooling tower is a violation of LAC 33:III.501.C.2 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- B. In the 2018 First Semiannual Monitoring Report dated August 31, 2018, the Respondent reported fugitive dusting from the Red Mud Lakes (FUG 0005) on March 26, 2018 due to strong wind gusts. Failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of Specific Requirement 109 of Title V Permit No. 0180-00001-V2AA, LAC 33:III.1305.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- C. In the 2018 First Semiannual Monitoring Report dated August 31, 2018, the Respondent reported winds of 10-20 mph on May 17, 2018, which resulted in fugitive dusting from the Red Mud Lakes (FUG 0005). The sprinkler system was locked out for installation of new sprinkler heads. Failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of Specific Requirement 109 of Title V Permit No. 0180-00001-V2AA, LAC 33:III.1305.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- D. The Respondent failed to take all reasonable precautions to prevent particulate matter from becoming airborne. Visible emissions were noted in the Red Mud Lake Number 3 (FUG 0005) area during the March 27, 2019 inspection. The visible emissions were being generated from spent alumina piles located in Red Mud Lake Number 3. Failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of Specific Requirement 109 of Title V Permit No. 0180-0000-V2AA, LAC 33:III.1305.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). It was noted a sprinkler head in the Respondent's dust suppression system was not operating properly; specifically there was low water pressure and no oscillation. The failure to operate the dust suppression system properly contributed to the visible emissions. Failure to operate control equipment, any device or contrivance, operating procedure or abatement scheme to prevent or reduce air pollution, in the proper manner is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- E. The Respondent failed to comply with or implement the requirements of 40 CFR 60 Subpart Db, Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units since acquiring ownership and/or operation control of the facility effective December 12, 2013. Boiler #3 (EQT 0018) was reconstructed in 2001 making applicable to it the requirements of 40 CFR 60 Subpart Db. In correspondence dated May 3, 2019, the Respondent reported EQT 0018 must

comply with the following to demonstrate compliance with 40 CFR 60 Subpart Db: 1) a NO<sub>x</sub> emission limit of 0.10 lb/mm BTU; 2) installation of a NO<sub>x</sub> continuous emissions monitoring system (CEMS) or an approved monitoring plan in lieu of installing a CEMS; and 3) fuel receipts to demonstrate exemption from the SO<sub>2</sub> emission standards. Each Failure to comply with or implement the requirements of 40 CFR 60 Subpart Db is initial start-up date is a violation of 40 CFR 60.44b(a)(1), 40 CFR 60.48b(g), 40 CFR 60.49b(r) and La. R.S. 30:2057(A)(2).

- F. The Respondent operated the facility, from the effective change in ownership, operational control, and/or permit transfer until present, under a Facility Wide Averaging Plan (FWAP) for NO<sub>x</sub> that was not accurately calculated. Specifically, the FWAP included exempt sources, kilns in the calculations. The Respondent reported the calculation errors resulted in sources exceeding the NO<sub>x</sub> emission limits during multiple ozone seasons as noted in the table below:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	EMISSION LIMIT (in lb/mmBTU)	ACTUAL EMISSION LIMIT	REGULATORY OF PERMIT REQUIREMENTS
I.	Non-Compliance with Facility Wide Averaging Plan Individual Limits- 2014 Ozone Season (04/17/2019)	0180-00001-V2AA	EQT 0017 Boiler #2	151 days of 2014 ozone season	NO <sub>x</sub> 0.030 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
II.	Non-Compliance with Facility Wide Averaging Plan Individual Limits- 2014 Ozone Season (04/17/2019)	0180-00001-V2AA	EQT 0018 Boiler #3	83 days of 2014 ozone season	NO <sub>x</sub> 0.030 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
III.	Non-Compliance with Facility Wide Averaging Plan Individual Limits- 2014 Ozone Season (04/17/2019)	0180-00001-V2AA	EQT 0020 Boiler #4	143 days of 2014 ozone season	NO <sub>x</sub> 0.033 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
IV.	Non-Compliance with Facility Wide Averaging Plan Individual Limits- 2014 Ozone Season (04/17/2019)	0180-00001-V2AA	EQT 0026 Boiler #5	62 days of 2014 ozone season	NO <sub>x</sub> 0.004 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
V.	Non-Compliance with Facility Wide Averaging Plan Individual Limits- 2014 Ozone Season (04/17/2019)	0180-00001-V2AA	EQT 0027 Boiler #6	89 days of 2014 ozone season	NO <sub>x</sub> 0.004 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
VI.	Non-Compliance with Facility Wide Averaging Plan Individual Limits- 2015 Ozone Season (04/17/2019)	0180-00001-V2AA	EQT 0017 Boiler #2	93 days of 2015 ozone season	NO <sub>x</sub> 0.030 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
VII.	Non-Compliance with Facility Wide Averaging Plan Individual Limits- 2015 Ozone Season (04/17/2019)	0180-00001-V2AA	EQT 0018 Boiler #3	153 days of 2015 ozone season	NO <sub>x</sub> 0.030 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	EMISSION LIMIT (in lb/mmBTU)	ACTUAL EMISSION LIMIT	REGULATORY or PERMIT REQUIREMENTS
VIII.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2015 Ozone Season (04/17/2019)	0180-00001-V2AA	EQT 0020 Boiler #4	153 days of 2015 ozone season	NOx 0.033 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
IX.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2015 Ozone Season (04/17/2019)	0180-00001-V2AA	EQT 0026 Boiler #5	85 days of 2015 ozone season	NOx 0.004 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
X.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2015 Ozone Season (04/17/2019)	0180-00001-V2AA	EQT 0027 Boiler #6	113 days of 2015 ozone season	NOx 0.004 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
XI.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2016 Ozone Season (04/16/2019)	0180-00001-V2AA	EQT 0018 Boiler #3	78 days of 2016 ozone season	NOx 0.030 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
XII.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2016 Ozone Season (04/16/2019)	0180-00001-V2AA	EQT 0020 Boiler #4	6 days of 2016 ozone season	NOx 0.033 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
XIII.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2016 Ozone Season (04/16/2019)	0180-00001-V2AA	EQT 0026 Boiler #5	153 days of 2016 ozone season	NOx 0.004 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
XIV.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2016 Ozone Season (04/16/2019)	0180-00001-V2AA	EQT 0027 Boiler #6	153 days of 2016 ozone season	NOx 0.004 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
XV.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2017 Ozone Season (04/15/2019)	0180-00001-V2AA	EQT 0017 Boiler #2	125 days of 2017 ozone season	NOx 0.030 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
XVI.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2017 Ozone Season (04/15/2019)	0180-00001-V2AA	EQT 0018 Boiler #3	153 days of 2017 ozone season	NOx 0.030 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
XVII.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2017 Ozone Season (04/15/2019)	0180-00001-V2AA	EQT 0020 Boiler #4	115 days of 2017 ozone season	NOx 0.033 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
XVIII.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2017 Ozone Season (04/15/2019)	0180-00001-V2AA	EQT 0026 Boiler #5	141 days of 2017 ozone season	NOx 0.004 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
XIX.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2017 Ozone Season (04/15/2019)	0180-00001-V2AA	EQT 0027 Boiler #6	83 days of 2017 ozone season	NOx 0.004 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	EMISSION LIMIT (in lb/mmBTU)	ACTUAL EMISSION LIMIT	REGULATORY or PERMIT REQUIREMENTS
XX.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2018 Ozone Season (04/15/2019)	0180-00001-V2AA	EQT 0018 Boiler #3	132 days of 2018 ozone season	NOx 0.030 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
XXI.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2018 Ozone Season (04/15/2019)	0180-00001-V2AA	EQT 0020 Boiler #4	140 days of 2018 ozone season	NOx 0.033 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
XXII.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2018 Ozone Season (04/15/2019)	0180-00001-V2AA	EQT 0026 Boiler #5	98 days of 2018 ozone season	NOx 0.004 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122
XXIII.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2018 Ozone Season (04/15/2019)	0180-00001-V2AA	EQT 0027 Boiler #6	153 days of 2018 ozone season	NOx 0.004 lb/mmBTU	Not reported	LAC 33:III.2201.E.1.c.i, Specific Requirement 122

Each day of operating each boiler above the individual limit of NOx emissions during the ozone seasons of 2014, 2015, 2016, 2017, and 2018 is a violation of the applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

G. The Respondent reported the following reporting violations:

	REPORT (date)	PERMIT NUMBER	REPORTING REQUIREMENT	DUE DATE	SUBMITTAL DATE	REGULATORY or PERMIT REQUIREMENTS
A.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2014 Ozone Season (04/17/2019)	0180-00001-V2AA	The owner or operator of an affected point source granted an exemption in accordance with any part of Subsection C of this Section or required to demonstrate continuous compliance in accordance with Subsection H of this Section shall submit a written report within 90 days of the end of each ozone season to the administrative authority of any noncompliance of the applicable limitations of Subsection D or E of this Section.	12/31/2014	Postmarked 04/18/2019	LAC 33:III.2201.I.2
	Revised 2014 1 <sup>st</sup> Semiannual Monitoring Report (04/17/2019)					
	Revised 2014 2 <sup>nd</sup> Semiannual Monitoring Report (04/17/2019)					
B.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2015 Ozone Season (04/17/2019)	0180-00001-V2AA	The owner or operator of an affected point source granted an exemption in accordance with any part of Subsection C of this Section or required to demonstrate continuous compliance in accordance with Subsection H of this Section shall submit a written report within 90 days of the end of each ozone season to the administrative authority of any noncompliance of the applicable limitations of Subsection D or E of this Section.	12/31/2015	Postmarked 04/18/2019	LAC 33:III.2201.I.2
	Revised 2015 1 <sup>st</sup> Semiannual Monitoring Report (04/17/2019)					
	Revised 2015 2 <sup>nd</sup> Semiannual Monitoring Report (04/17/2019)					

	REPORT (date)	PERMIT NUMBER	REPORTING REQUIREMENT	DUE DATE	SUBMITTAL DATE	REGULATORY or PERMIT REQUIREMENTS
C.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2016 Ozone Season (04/16/2019)	0180-00001- V2AA	The owner or operator of an affected point source granted an exemption in accordance with any part of Subsection C of this Section or required to demonstrate continuous compliance in accordance with Subsection H of this Section shall submit a written report within 90 days of the end of each ozone season to the administrative authority of any noncompliance of the applicable limitations of Subsection D or E of this Section	12/31/2016	Postmarked 04/17/2019	LAC 33:III.2201.I.2
	Revised 2016 1 <sup>st</sup> Semiannual Monitoring Report (04/15/2019)					
	Revised 2016 2 <sup>nd</sup> Semiannual Monitoring Report (04/15/2019)					
D.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2017 Ozone Season (04/15/2019)	0180-00001- V2AA	The owner or operator of an affected point source granted an exemption in accordance with any part of Subsection C of this Section or required to demonstrate continuous compliance in accordance with Subsection H of this Section shall submit a written report within 90 days of the end of each ozone season to the administrative authority of any noncompliance of the applicable limitations of Subsection D or E of this Section	12/31/2017	Postmarked 04/16/2019	LAC 33:III.2201.I.2
	Revised 2017 1 <sup>st</sup> Semiannual Monitoring Report (04/15/2019)					
	Revised 2017 2 <sup>nd</sup> Semiannual Monitoring Report (04/15/2019)					
E.	Non-Compliance with Facility Wide Averaging Plan Individual Limits-2018 Ozone Season (04/15/2019)	0180-00001- V2AA	The owner or operator of an affected point source granted an exemption in accordance with any part of Subsection C of this Section or required to demonstrate continuous compliance in accordance with Subsection H of this Section shall submit a written report within 90 days of the end of each ozone season to the administrative authority of any noncompliance of the applicable limitations of Subsection D or E of this Section	12/31/2018	Postmarked 04/16/2019	LAC 33:III.2201.I.2
	Revised 2018 1 <sup>st</sup> Semiannual Monitoring Report (04/15/2019)					
	Revised 2018 2 <sup>nd</sup> Semiannual Monitoring Report (04/15/2019)					

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

#### VIII.

In correspondence dated April 3, 2019, the Department requested additional information for the permit application and included a May 3, 2019 submission date. In correspondence dated May 3, 2019, the Respondent submitted the requested information, which included a boiler compliance plan/schedule to achieve compliance with LAC 33:III.Chapter 22 and 40 CFR 60, Subpart Db.



## IX.

A Complaint Investigation was conducted on or about January 11, 2019, in response to citizens' complaints reported on November 30, 2018 [Department Incident No. T188511] and December 3, 2018 [Department Incident No. T188511] concerning alumina blown off-site from the facility to neighboring properties. A second Compliant Investigation was conducted on or about January 30, 2019, in response to citizens' complaints [Department Incident Nos. T189170 and T189173]. While the Department's investigation is not complete, the following violation was noted during the course of the complaint investigations:

The Respondent failed to operate control equipment in the proper manner. During the January 11, 2019 investigation, visible emissions were observed from the following locations around the kiln area: 1) a baghouse, 2) a leak in the ductwork near Baghouse 4, and 3) a leak within the crow's nest. There was also alumina on the ground below the ductwork leak near Baghouse 4 and on the ground below the Baghouse 3 vent. In a response to the investigation dated January 28, 2019, the Respondent reported a trial was being performed the day of the investigation. The Respondent reported the trial was being conducted in an effort to reduce particulate matter emissions and increase production efficiency by recirculating particulate matter back through the process. The exhaust generated in the trial was being routed through Baghouse 3. The Respondent confirmed dusting from Baghouse #3 occurred during the investigation. In response to the dusting, the trial was stopped, the baghouse was shut down, and the bags were replaced. Failure to operate control equipment, any device or contrivance, operating procedure or abatement scheme to prevent or reduce air pollution, in the proper manner is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

## X.

A file review conducted by the Department on or about May 9, 2019, revealed that the Respondent exceeded effluent limitations. These effluent limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Non-Compliance Reports (NCRs), are summarized in the following table:

Monitoring Period End Date	Outfall	Parameter	Permit Limit	Sample Value
10/31/2018	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	7 occur/mo
		pH range excursions, monthly total accum Monthly Total	446 min	1632.9 min
11/30/2018	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	3 occur/mo
		pH range excursions, monthly total accum Monthly Total	446 min	1591 min

Monitoring Period End Date	Outfall	Parameter	Permit Limit	Sample Value
12/31/2018	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	2 occur/mo
		pH range excursions, monthly total accum Monthly Total	446 min	863.7 min
1/31/2019	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	2 occur/mo
3/31/2019	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	4 occur/mo
		pH range excursions, monthly total accum Monthly Total	446 min	669.6 min
4/30/2019	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	4 occur/mo
		pH range excursions, monthly total accum Monthly Total	446 min	669.6 min

Each effluent exceedance is a violation of LPDES permit LA0005606 (Effluent Limitations and Monitoring Requirements, Pages 1, 2, and 4 of 11; and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

#### XI.

A file review conducted by the Department on or about May 9, 2019, revealed that the Respondent had operation and maintenance deficiencies that resulted in the following spill:

Date	Pollutant	Amount Released	Discharge Point	Cause
December 13, 2018	Sodium Hydroxide	2,979 lbs.	Outfall 001	Pump failure caused a release of sodium hydroxide to Outfall 001. Permit limitations for pH were exceeded on December 13, 2018, as a result of this release.

The unauthorized discharge of pollutant to waters of the state is a violation of La. R.S. 30:2076 (A)(1)(a) and LAC 33:IX.501.D. The failure to properly operate and maintain equipment is a violation of LPDES permit LA0005606 (Standard Conditions for LPDES Permits, Sections A.2 and B.3.a), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.E.

#### XII.

A file review conducted by the Department on or about May 9, 2019, revealed that the Respondent failed to submit the annual Sewage Sludge & Biosolids Use or Disposal Reporting Form in a timely manner for 2016 and 2017, as required by general permit LAJ660000. The form is due by January 28 of the following year. The forms were submitted to the Department on April 10, 2017, and May 11, 2018, respectively. The failure to submit the required reports in a timely manner is a violation of general permit LAJ660000 (Part II, Section C; and Part III, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

## 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, applicable permit, LAC 33:III.Chapter 22, and 40 CFR 60 Subpart Db.

### II.

To submit to the Enforcement Division, within thirty (30) days after receipt of the **COMPLIANCE ORDER**, a written report outlining the corrective actions implemented or to be implemented to address the particulate fugitives at the Red Mud Lake Area (FUG 0005) as cited in Paragraph VII.B-D of the **FINDINGS OF FACT** portion of the action.

### III.

To submit to the Enforcement Division, within thirty (30) days after receipt of the **COMPLIANCE ORDER**, a written report providing the actual NOx emission limits for the violations cited in Paragraph VII.F of the **FINDINGS OF FACT** portion of the action.

### IV.

To submit to the Air Planning and Assessment Division-Emissions Inventory Unit, within forty-five (45) days after receipt of the **COMPLIANCE ORDER**, revised Emission Inventories and corresponding certification statements for the 2014-2018 reporting years, if necessary, to update the emissions affected by the calculation errors. Copies of the signed certification shall be submitted to the Enforcement Division in conjunction with the submission to the Air Planning and Assessment-Emission Inventor Inventory Unit.

### V.

The Department has reviewed the boiler compliance plan/schedule from Paragraph VIII of the **FINDINGS OF FACT** portion of the action and hereby orders the Respondent to implement the following milestones to achieve compliance with LAC 33:III.Chapter 22 and 40 CFR 60 Subpart Db:

MILESTONE	DUE DATE
Installation and characterization of antler burner in Boiler #4	07/01/2019
Installation of FGR on Boiler #4 and characterization with antler burners	08/05/2019
Installation of antler burners in Boiler #2	09/26/2019
Installation and characterization of antler burner and FGR in Boiler #3	05/01/2020

The Respondent shall notify the Department in writing of any changes to the approved compliance schedule within seven (7) days of notice/discovery of failure to comply with the due date(s). Any air permitting application required for construction and/or operation shall be submitted to the Air Permit Division in accordance with the regulations. The Respondent shall submit a copy of any cover letters submitted to the Air Permits Division to the Enforcement Division in conjunction with submission to the Air Permits Division.

#### VI.

To submit to the Enforcement Division monthly progress reports until the Facility is in full compliance with LAC 33:III.Chapter 22 and 40 CFR 60 Subpart Db. The progress reports shall be postmarked by the thirtieth day of each month, and shall detail the actions taken by the Respondent during the preceding month to bring the Facility into compliance with LAC 33:III.Chapter 22 and 40 CFR 60 Subpart Db.

#### VII.

To submit to the Enforcement Division a summary report after the Facility achieves compliance with LAC 33:III.Chapter 22 and 40 CFR 60 Subpart Db. The summary report shall list all instances of noncompliance with LAC 33:III.Chapter 22 and 40 CFR 60 Subpart Db. This summary report shall be due within thirty (30) days of achieving the milestones listed in Paragraph IV of this **COMPLIANCE ORDER**.

#### VIII.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with LPDES permit LA0005606, Louisiana Sewage Sludge and Biosolids Use or Disposal General Permit LAJ660000, and the Water Quality Regulations including, but not limited to, complying with all effluent limitations, ceasing all unauthorized discharges, properly

operating and maintaining equipment, and submitting the annual Sewage Sludge & Biosolids Use or Disposal Reporting Forms in a timely manner.

IX.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited 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:

Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312

Attn: **Antoinette Cobb**

Re: **Enforcement Tracking No. MM-CN-19-00276**

**Agency Interest No. 3420**

**THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:**

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality  
Office of the Secretary  
Post Office Box 4302  
Baton Rouge, Louisiana 70821-4302

Attn: **Hearings Clerk, Legal Division**

Re: **Enforcement Tracking No. MM-CN-19-00276**

**Agency Interest No. 3420**

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 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 Antoinette Cobb at (225) 219-3072 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.

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

Baton Rouge, Louisiana, this 28<sup>th</sup> day of May, 2019.



\_\_\_\_\_  
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: Antoinette Cobb



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.	MM-CN-19-00276	Contact Name	Antoinette Cobb
Agency Interest (AI) No.	3420	Contact Phone No.	(225) 219-3072
Alternate ID Nos.	0180-00001; LA 0005606		
Respondent:	Almatis Burnside, LLC	Facility Name:	Burnside Alumina Plant
	c/o Corporation Service Company	Physical Location:	41237 Louisiana Highway 22
	Agent for Service of Process		
	501 Louisiana Avenue	City, State, Zip:	Burnside, Louisiana 70738
	Baton Rouge, Louisiana 70802	Parish:	Ascension

**STATEMENT OF COMPLIANCE**

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph IX 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) II-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) IV 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)*

<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:I.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (MM-CN-19-00276), 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 (MM-CN-19-00276), 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"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• <b>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.</b></li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (MM-CN-19-00276) 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 P.O. Box 4312 Baton Rouge, LA 70821 Attn: Antoinette Cobb		