

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

EXXON MOBIL CORPORATION

AI # 3230

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

\* Settlement Tracking No.  
\* SA-AE-20-0042  
\*  
\* Enforcement Tracking Nos.  
\* AE-PP-17-00546  
\* AE-PP-17-00546A  
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SETTLEMENT

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

I

Respondent is a corporation that owns and/or operates a facility located in Baton Rouge, East Baton Rouge Parish, Louisiana (“the Facility”).

II

On June 5, 2018, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-17-00546 (Exhibit 1).

On February 28, 2020, the Department issued to Respondent an Amended Notice of Potential Penalty, Enforcement No. AE-PP-17-00546A (Exhibit 2).

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of ONE THOUSAND ONE HUNDRED AND NO/100 DOLLARS (\$1,100.00), of which Five Hundred Twenty-Eight and 50/100 Dollars (\$528.50) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

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

VI

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

VII

This settlement is being made in the interest of settling the state's claims and avoiding for

both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

#### VIII

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

#### IX

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

#### X

Payment is to be made within thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XI

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

XII

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

EXXON MOBIL CORPORATION

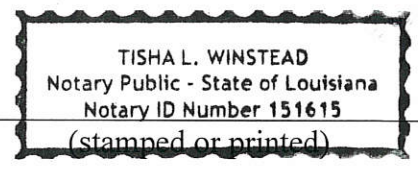
BY: Angela H. Zeringue  
(Signature)

Angela H. Zeringue  
(Printed)

TITLE: Plant Manager

THUS DONE AND SIGNED in duplicate original before me this 24 day of March, 20 21, at EAST BATON ROUGE.

Tisha L. Winstead  
NOTARY PUBLIC (ID # 151615 )

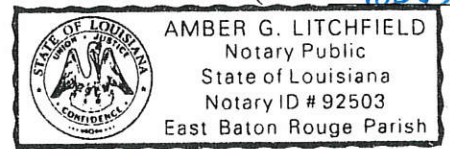


LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
Chuck Carr Brown, Ph.D., Secretary

BY: [Signature]  
\_\_\_\_\_  
Loures Iturralde, Assistant Secretary  
Office of Environmental Compliance


THUS DONE AND SIGNED in duplicate original before me this 23rd day of June, 20 21, at Baton Rouge, Louisiana.

[Signature]  
\_\_\_\_\_  
NOTARY PUBLIC (ID # 92503 )



(stamped or printed)

Approved: [Signature]  
\_\_\_\_\_  
Loures Iturralde, Assistant Secretary

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312				
		<b>NOTICE OF POTENTIAL PENALTY</b>		
Enforcement Tracking No.	AE-PP-17-00546	Certified Mail No.	7004 2510 0006 3852 7048	
Agency Interest (AI) No.	3230	Contact Name	Antoinette Cobb	
Alternate ID No.	0840-00032	Contact Phone No.	(225) 219-3072	
Respondent:	Exxon Mobil Corporation	Facility Name:	Baton Rouge Resin Finishing Plant	
	c/o Corporation Service Company	Physical Location:	12480 Scenic Highway	
	Agent for Service of Process			
	501 Louisiana Avenue	City, State, Zip:	Baton Rouge, LA 70807	
	Baton Rouge, LA 70802	Parish:	East Baton Rouge	

This **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 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 the facility located at 12480 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility currently operates under the authority of Minor Source Air Permit No. 0840-00032-13 issued on November 2, 2017.	
	<b>Date of Violation</b>	<b>Description of Violation</b>
II.	Inspection(s) & File Review April 12-13, 2016, May 3, 2018	In the 2013 2nd Semiannual Monitoring and 2013 Annual Compliance Certification both dated March 31, 2014, the Respondent reported an existing engine became subject to amended regulations, specifically 40 CFR 60, Subpart IIII, and did not receive a regulatory permit prior to the May 3, 2013 compliance date. This is a violation of Title V Permit No. 0840-00035-V1, LAC 33:III.311.L, LAC 33:III.517.A.1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent submitted a Regulatory Permit Notification Form for Emergency Engines dated November 1, 2013, to the Department. The regulatory permit was issued on November 14, 2013. The engine, Emergency Generator (EQT 0057), was incorporated into Minor Source Permit No. 0840-00035-12 issued on July 23, 2015.
III.	Inspection(s) & File Review April 12-13, 2016, May 3, 2018	The inspector reviewed the following Management of Changes (MOCs) during the inspection: MOC 2006161, MOC 2002111, MOC 2019533, and MOC 2024396. The inspector noted the facility failed to update Piping and Instrument Design (P&ID) DFP10143 associated with MOC 2006161. This is a violation of 40 CFR 68.75(d), which language has been incorporated by reference as Louisiana regulation LAC 33:III.5901.A, Specific Requirement 211 of Minor Source Permit No. 0840-00035-12, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Department issued a Warning Letter, Enforcement Tracking No. AE-L-17-00546, dated June 15, 2017. In the response to the Warning Letter dated July 12, 2017, the Respondent reported MOC 2006161 was issued to remove a solvent drum which was no longer in service. According to the response, drawing DFP10413 was updated on April 16, 2016, to remove the solvent drum.

**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 <b>NOTICE OF POTENTIAL PENALTY</b> .
III.	The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this <b>NOTICE OF POTENTIAL PENALTY</b> . Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.
VI.	For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.
V.	To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

**CONTACTS AND SUBMITTAL OF INFORMATION**

<b>Enforcement Division:</b>	<b>Physical Address (if hand delivered):</b>
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**EXHIBIT**

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Louisiana Department of Environmental Quality Office of Environmental Compliance Air Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Antoinette Cobb	Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802
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**HOW TO REQUEST CLOSURE OF THIS NOTICE OF POTENTIAL PENALTY**

To expedite closure of the **NOTICE OF POTENTIAL PENALTY**, 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 "NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE" form. The Respondent must include a justification of the offer.
- **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

If you have questions or need more information, you may contact Antoinette Cobb at (225) 219-3072 or antoinette.cobb@la.gov.




Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

Date: 6-5-18

cc: Exxon Mobil Corporation  
Baton Rouge Resins Finishing Plant  
c/o Ms. Jennifer Dunphy, Plant Manager  
12480 Scenic Highway  
Baton Rouge, LA 70807


Attachment(s)

- Request to Settle

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		<b>NOTICE OF POTENTIAL PENALTY                  REQUEST TO SETTLE (OPTIONAL)</b>		
Enforcement Tracking No.	AE-PP-17-00546	Contact Name	Antoinette Cobb	
Agency Interest (AI) No.	3230	Contact Phone No.	(225) 219-3072	
Alternate ID No.	0840-00032			
Respondent:	Exxon Mobil Corporation	Facility Name:	Baton Rouge Resin Finishing Plant	
	c/o Corporation Service Company	Physical Location:	12480 Scenic Highway	
	Agent for Service of Process			
	501 Louisiana Avenue	City, State, Zip:	Baton Rouge, LA 70807	
	Baton Rouge, LA 70802	Parish:	East Baton Rouge	
<b>SETTLEMENT OFFER (OPTIONAL)</b>				
<i>(check the applicable option)</i>				
_____	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.			
_____	In order to resolve any claim for civil penalties for the violations in <b>NOTICE OF POTENTIAL PENALTY (AE-PP-17-00546)</b> , the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.			
_____	In order to resolve any claim for civil penalties for the violations in <b>NOTICE OF POTENTIAL PENALTY (AE-PP-17-00546)</b> , 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-</b> the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</li> </ul>			
_____	The Respondent has reviewed the violations noted in <b>NOTICE OF POTENTIAL PENALTY (AE-PP-17-00546)</b> and has attached a justification of its offer and a description of any BEPs if included in settlement offer.			
<b>CERTIFICATION STATEMENT</b>				
<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
<b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>				
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Antoinette Cobb				

If you have questions or need more information, you may contact Antoinette Cobb at (225) 219-3072 or antoinette.cobb@la.gov.



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		<b>AMENDED</b> <b>NOTICE OF POTENTIAL PENALTY</b>		
Enforcement Tracking No.	AE-PP-17-00546A	Certified Mail No.	7018 3090 0002 0373 5589	
Agency Interest (AI) No.	3230	Contact Name	Antoinette Cobb	
Alternate ID No.	0840-00032	Contact Phone No.	(225) 219-3072	
Respondent:	Exxon Mobil Corporation	Facility Name:	Baton Rouge Resin Finishing Plant	
	c/o Corporation Service Company	Physical Location:	12480 Scenic Highway	
	Agent for Service of Process			
	501 Louisiana Avenue Baton Rouge, LA 70802	City, State, Zip:	Baton Rouge, LA 70807	
		Parish:	East Baton Rouge	
This AMENDED 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 30:2050.3(B). This AMENDED NOTICE OF POTENTIAL PENALTY replaces NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE- AE-PP-17-00546 issued on June 5, 2018 in its entirety.				
<b>FINDINGS OF FACT</b>				
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 the facility located at 12480 Scenic Highway in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility previously operated under the authority of Minor Source Air Permit No. 0840-00032-13 issued on November 2, 2017. The facility currently operates under the authority of Minor Source Air Permit No. 0840-00032-14 issued on May 6, 2019.			
	Date of Violation	Description of Violation		
II.	Inspection(s) & File Review April 12-13, 2016, May 3, 2018	In the 2013 2nd Semiannual Monitoring and 2013 Annual Compliance Certification both dated March 31, 2014, the Respondent reported an existing engine became subject to amended regulations, specifically 40 CFR 60, Subpart IIII, and did not receive a regulatory permit prior to the May 3, 2013 compliance date. This is a violation of Title V Permit No. 0840-00035-V1, LAC 33:III.311.L, LAC 33:III.517.A.1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). The Respondent submitted a Regulatory Permit Notification Form for Emergency Engines dated November 1, 2013, to the Department. The regulatory permit was issued on November 14, 2013. The engine, Emergency Generator (EQT 0057), was incorporated into Minor Source Permit No. 0840-00035-12 issued on July 23, 2015.		
<b>NOTICE OF POTENTIAL PENALTY</b>				
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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.	For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.			
V.	To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.			
<b>CONTACTS AND SUBMITTAL OF INFORMATION</b>				
<b>Enforcement Division:</b> Louisiana Department of Environmental Quality Office of Environmental Compliance Air Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Antoinette Cobb		<b>Physical Address (if hand delivered):</b> Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802		



**HOW TO REQUEST CLOSURE OF THIS AMENDED NOTICE OF POTENTIAL PENALTY**

To expedite closure of the **AMENDED NOTICE OF POTENTIAL PENALTY**, 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.
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- **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

If you have questions or need more information, you may contact Antoinette Cobb at (225) 219-3072 or antoinette.cobb@la.gov.




**Lourdes Iturralde**  
**Assistant Secretary**  
**Office of Environmental Compliance**

Date: 2-28-2020

cc: Exxon Mobil Corporation  
Baton Rouge Resins Finishing Plant  
c/o Ms. Angela Zeringue, Plant Manager  
12480 Scenic Highway  
Baton Rouge, LA 70807

Attachment(s)  
- Request to Settle

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Enforcement Tracking No.	AE-PP-17-00546A	Contact Name	Antoinette Cobb	
Agency Interest (AI) No.	3230	Contact Phone No.	(225) 219-3072	
Alternate ID No.	0840-00032			
Respondent:	Exxon Mobil Corporation	Facility Name:	Baton Rouge Resin Finishing Plant	
	c/o Corporation Service Company	Physical Location:	12480 Scenic Highway	
	Agent for Service of Process	City, State, Zip:	Baton Rouge, LA 70807	
	501 Louisiana Avenue Baton Rouge, LA 70802	Parish:	East Baton Rouge	
<b>SETTLEMENT OFFER (OPTIONAL)</b>				
(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-PP-17-00546A), 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-PP-17-00546A), 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 (AE-PP-17-00546A) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.			
<b>CERTIFICATION STATEMENT</b>				
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
<b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>				
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Antoinette Cobb				

If you have questions or need more information, you may contact Antoinette Cobb at (225) 219-3072 or antoinette.cobb@la.gov.