

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

PRECISION INSPECTION OF
PLAUCHEVILLE, LLC

AI # 206409

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

* Settlement Tracking No.
* SA-AE-21-0046
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* Enforcement Tracking No.
* AE-PP-19-00144
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SETTLEMENT

The following Settlement is hereby agreed to between Precision Inspection of Plaquemine, 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 a sandblasting company located in Plaquemine, Avoyelles Parish, Louisiana (“the Facility”).

II

On April 26, 2019, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-19-00144 (Exhibit 1).

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$3,500.00), of which Seven Hundred Fifty-Four and 22/100 Dollars (\$754.22) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

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

X

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

XI

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

XII

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

PRECISION INSPECTION OF
PLAUCHEVILLE, LLC

BY: Christina Torres
(Signature)

Christina Torres
(Printed)

TITLE: Owner

THUS DONE AND SIGNED in duplicate original before me this 19 day of August, 20 21, at MOREAUVILLE.

Robert N. Dufour II
NOTARY PUBLIC (ID # 021712)

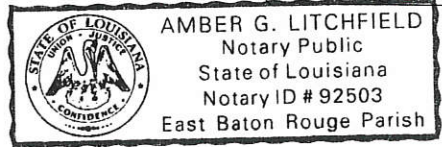
ROBERT N. DUFOUR II
(stamped or printed)

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 9th day of November, 20 21, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 92503)



(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION
POST OFFICE BOX 4312

NOTICE OF POTENTIAL PENALTY

BATON ROUGE, LOUISIANA 70821-4312



Enforcement Tracking No.	AE-PP-19-00144	Certified Mail No.	7017 0530 0000 5978 5670
Agency Interest (AI) No.	206409	Contact Name	Stacy Martinez
Alternate ID No.	N/A	Contact Phone No.	225-219-3378
Respondent:	Precision Inspection of Plaquemine, LLC	Facility Name:	Elizabeth Water Tower
	c/o Christina Torres	Physical Location:	230 Poplar Street
	Agent for Service of Process		
	123 Choupique Road Plaquemine, LA 71362	City, State, Zip:	Elizabeth, LA 70638
	Parish:	Allen	

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).

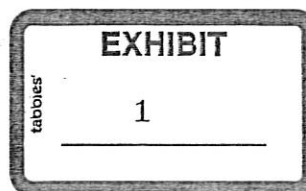
FINDINGS OF FACT

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 (AI No. 146336) owns and/or operates Precision Inspection of Plaquemine, LLC, a sandblasting company, located at 123 Choupique Road, Plaquemine, Avoyelles Parish, Louisiana. According to correspondence dated March 6, 2019, the Respondent was sandblasting inside the Elizabeth Water Tower (the facility) on or about December 27, 2018 through February 14, 2019. The facility is located at 230 Poplar Street in Elizabeth, Allen Parish, Louisiana. On January 16, 2019, the Department received a complaint (Incident No. 189004) concerning silica blowing onto a neighboring property due to the sandblasting activities.	
	Date of Violation	Description of Violation
II.	Inspection(s) January 17, 2019	During the inspection, a few piles of sandblasting material were observed at the facility and in the road adjacent to the facility. According to video footage provided to the Department from a security camera outside Elizabeth City Hall dated January 16, 2019, blasting material was shown blowing out of the manway hole at the bottom of the water tower and blowing offsite. In correspondence dated March 6, 2019, the Respondent stated that sandblasting took place on the inside of the tank, and that there was no containment system for the tank interior. The Respondent reported the incident on January 16, 2019, was due to sand being shoveled out of the interior through a manway hole in the bottom of the tank. Due to the sand dropping to the ground, the particulate matter became airborne. The failure to use all reasonable precautions to prevent particulate matter from becoming airborne and to control emissions is a violation of LAC 33:III.1305.A, LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). In correspondence dated January 17, 2019, the Respondent provided a plan of action, which consisted of the addition of a flexible hose attached from the cone of the water tower to the ground. The blasted sand was shoveled in the hose and dropped to the ground. Additionally, the sand was wetted so that dust did not escape.
III.	Inspection(s) January 17, 2019	The sandblasting area surrounding the facility was not fully enclosed, and the manway hole was not covered in tarps during abrasive blasting operations. Additionally, a Best Management Practice (BMP) plan was not provided to the Department. The Respondent's failure to either fully enclose the item, surround the structure to be blasted, or prepare a BMP plan is a violation of LAC 33:III.1329.A and La. R.S. 30:2057(A)(2).

NOTICE OF POTENTIAL PENALTY

I.	Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.
II.	Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Stacy Martinez at 225-219-3378 or stacy.martinez@la.gov within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY.



III	The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY . Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.
IV.	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	
<i>Enforcement Division:</i>	<i>Physical Address (if hand delivered):</i>
Louisiana Department of Environmental Quality Office of Environmental Compliance Air Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Stacy Martinez	Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

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 Stacy Martinez at 225-219-3378 or stacy.martinez@la.gov.



 Lourdes Iturralde
 Assistant Secretary
 Office of Environmental Compliance

Date: 4-26-29

cc: Precision Inspection of Plaquemine LLC
P.O. Box 246
Plaquemine, LA 71362

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

**NOTICE OF POTENTIAL PENALTY
 REQUEST TO SETTLE (OPTIONAL)**

Enforcement Tracking No.	AE-PP-19-00144	Contact Name	Stacy Martinez
Agency Interest (AI) No.	206409	Contact Phone No.	225-219-3378
Alternate ID No.	N/A		
Respondent:	Precision Inspection of Plaquemine, LLC	Facility Name:	Elizabeth Water Tower
	c/o Christina Torres	Physical Location:	230 Poplar Street
	Agent for Service of Process		
	123 Choupique Road Plaquemine, LA , 71362	City, State, Zip:	Elizabeth, LA 70638
		Parish:	Allen

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

_____ The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.

_____ In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-PP-19-00144), 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 NOTICE OF POTENTIAL PENALTY (AE-PP-19-00144), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$_____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.

- Monetary component = \$ _____
- Beneficial Environmental Project (BEP) component (optional)= \$ _____
- **DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM-** the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

_____ The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-PP-19-00144) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

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

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

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

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

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