

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

AMERICAN RIVER TRANSPORTATION
CO., LLC

AI # 140201, 150532, 159002, 162673, 178884

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

* Settlement Tracking No.
* SA-MM-20-0074
*
* Enforcement Tracking No.
* MM-CN-16-00218
*
* Docket No. 2020-7951-DEQ
*
*

SETTLEMENT

The following Settlement is hereby agreed to between American River Transportation Co., 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 facilities located in Jefferson Parish, St. Charles Parish, and St. James Parish, Louisiana (“the Facilities”).

II

On June 25, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-16-00218 (Exhibit 1).

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 TWENTY-TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$22,500.00), of which One Thousand Two Hundred Twenty-Six and 40/100 Dollars (\$1,226.40) 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 Jefferson Parish, St. Charles Parish, and St. James 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.

AMERICAN RIVER TRANSPORTATION
CO., LLC

BY: Paul Wusek
(Signature)

PAUL WUSEK
(Printed)

TITLE: VP Transportation

THUS DONE AND SIGNED in duplicate original before me this 6 day of
SEPTEMBER, 20 22, at DECATUR, IL.

Deborah A Burris

NOTARY PUBLIC (ID # _____)
"OFFICIAL SEAL"
DEBORAH A BURRIS
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 10-16-2024
(stamped or printed)

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

BY: Celena J. Cage
Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 14th day of
November, 20 22, at Baton Rouge, Louisiana.

Amber G. Litchfield
NOTARY PUBLIC (ID # 92503)

AMBER G. LITCHFIELD
Notary Public
State of Louisiana
Notary ID # 92503
East Baton Rouge Parish
(stamped or printed)

Approved: Celena J. Cage
Celena J. Cage, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 25, 2019

CERTIFIED MAIL (7012 2210 0001 1915 9708)
RETURN RECEIPT REQUESTED

AMERICAN RIVER TRANSPORTATION CO., LLC
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, Louisiana 70816

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-16-00218
AGENCY INTEREST NOS. 140201; 150532; 159002; 162673; & 178884**

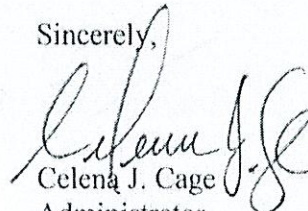
Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **AMERICAN RIVER TRANSPORTATION CO., LLC (RESPONDENT)** for the violations described therein.

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

Any questions concerning this action should be directed to Alissa Cockerham at (225) 219-3785 for the Air Quality portion or Sharron Crayton at (225) 219-3811 for the Water Quality portion.

Sincerely,


Celená J. Cage
Administrator
Enforcement Division

CJC/ARC/sc
Alt ID Nos. 7777-00589; 7777-00611; LA0124184; 7777-00651; & 7777-00776
Attachment



c: American River Transportation Co., LLC
8400 River Road
Waggaman, Louisiana 70094

e-copy DHH/Office of Public Health

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

<p>IN THE MATTER OF</p> <p>AMERICAN RIVER TRANSPORTATION CO., LLC MULTI-PARISH ALT ID NOS. MULTIPLE</p> <p>PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>ENFORCEMENT TRACKING NO.</p> <p>MM-CN-16-00218</p> <p>AGENCY INTEREST NOS.</p> <p>140201, 150532, 159002, 162673, & 178884</p>
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CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **AMERICAN RIVER TRANSPORTATION CO., 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 the following facilities:

AGENCY INTEREST NUMBER	FACILITY	LOCATION	PERMIT NUMBER	ISSUE/EFFECTIVE DATE
140201	Artco S-1 Barge	Portable/Statewide	7777-00589-02	August 16, 2017
150532	Artco S-2 Barge	Portable/Statewide	7777-00611-02	July 19, 2017
159002	Midstream Loading Operations	Portable/Statewide	LA0124184	June 1, 2014
162673	Artco-S-3 Barge	Portable/Statewide	7777-00651-02	August 17, 2017
178884	SJS-8 Barge	Portable/Statewide	7777-00776-01	July 19, 2017

II.

On or about May 14, 2019, the Department performed a file review of the Respondent's facility to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the file review:

- A. The Respondent became the owner/operator of the aforementioned facilities and submitted Notification of Change Forms (NOC-1) to the Department as listed below:

AGENCY INTEREST NUMBER	CHANGE OF OWNERSHIP DATE	NOC-1 SUBMITTAL DATE
140201	January 1, 2015	January 5, 2016
150532	January 1, 2015	January 5, 2016
162673	January 1, 2015	January 5, 2016
178884	January 1, 2015	January 5, 2016

Each failure to submit the NOC-1 and associated documentation to the Department within forty-five (45) days after a change in ownership of a permitted facility is a violation of LAC 33:I.1907.B, LAC 33:III.517.G, and La. R.S. 30:2057(A)(2).

- B. The Respondent operated the facilities as indicated in the table below:

AGENCY INTEREST NUMBER	CHANGE OF OWNERSHIP DATE	PERMIT TRANSFER DATE	DURATION OF UNAUTHORIZED OPERATION
140201	January 1, 2015	February 13, 2016	408 days
150532	January 1, 2015	February 13, 2016	408 days
162673	January 1, 2015	February 13, 2016	408 days
178884	January 1, 2015	February 13, 2016	408 days

The unauthorized operation of each facility from the date the facility was acquired until a permit was transferred, is a violation of LAC 33:III.501.C.2, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

III.

The Respondent owns and/or operates a midstream loading facility located between River Miles 1.5 and 237 on the Mississippi River, Mississippi River Gulf Outlet, and other connecting commercial water transportation accesses along the Mississippi River in Plaquemines, St. Bernard, Orleans, Jefferson, St. Charles, St. John the Baptist, St. James, Iberville, Ascension, East Baton Rouge and West Baton Rouge Parishes; at Port Manchac on Pass Manchac in Tangipahoa Parish; at the Port of Baton Rouge, River Miles 228.5 and 229.5 on the Intracoastal Waterway in West Baton Rouge Parish; and at the Port of Lake Charles on the Intracoastal Waterway and other connecting commercial water transportation accesses in Calcasieu Parish.

Louisiana Pollutant Discharge Elimination System (LPDES) LA0124184 was previously issued to Archer Daniels Midland Co. on April 30, 2014, with an effective date of June 1, 2014. The change of ownership for the Midstream Loading Operations facility (Agency Interest No. 159002) occurred on January 5, 2015. The Respondent was granted the same effluent authorization to discharge maintenance ballast and void water, equipment/deck washdown water, and treated sanitary wastewater to waters of the state, under LA0124184 on February 13, 2016 when permitting authority was transferred to the Respondent (from Archer Daniels Midland Co.). LPDES Permit LA0124184 expired on May 31, 2019. However, after various extension requests were granted for submittal of the permit renewal application, which was due on December 2, 2018; LPDES Permit LA0124184 has been administratively continued after the renewal application was received by the Department on April 22, 2019, and determined to be administrative complete on May 1, 2019.

On or about April 25, 2019, the Department performed a file review of the Respondent's facility to determine the degree of compliance with the Act and the Water Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the file review:

- A. The Respondent became the owner/operator of the aforementioned facility and submitted a Notification of Change Form (NOC-1) to the Department as listed below:

AGENCY INTEREST NUMBER	CHANGE OF OWNERSHIP DATE	NOC-1 SUBMITTAL DATE
159002	January 1, 2015	January 5, 2016

The failure to submit the NOC-1 and associated documentation to the Department within forty-five (45) days prior to, but no later than 45 days after the change in ownership occurred of the permitted facility is a violation of LAC 33:I.1907.B and La. R.S. 30:2057(A)(2).

- B. The Respondent caused and/or allowed the discharge of wastewater without a permit and/or other authority from the Department. Specifically, the change of ownership for the Midstream Loading Operations facility (Agency Interest No. 159002) occurred on January 5, 2015. However, LPDES Permit LA0124184 was transferred from Archer Daniels Midland Co. to the Respondent on February 13, 2016. The Respondent submitted discharge monitoring reports (DMRs) to the Department for the months of June 2015 through February 2016, which confirmed discharges occurred during this timeframe. The unauthorized discharge(s) from the date the facility was acquired until the LPDES permit was transferred is a violation of La. R.S. 30:2075.
- C. An inspection conducted by the Department on or about December 17, 2018 and the subsequent file review performed on or about April 25, 2019, revealed that the Respondent failed to comply with LPDES permit LA0124184. Specifically, between June 2017 and December 2018, the Respondent reported exceedances of permit effluent limitations for 5-day biochemical oxygen demand (BOD₅), total suspended solids (TSS), and fecal coliform. The listed exceedances reflected in **Table 1** (attached) are in violation of LPDES permit LA0124184 (Effluent Limitations and Monitoring Requirements, Part I, Page 5 of 5 and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.501.D.
- D. The Respondent failed to sample the effluent and/or measure the flow of the discharge from Outfall 001-D on a semi-annual monitoring frequency as required by LPDES Permit LA0124184. Specifically, for the DMRs submitted to the Department for the monitoring period ending on June 30, 2017, the Respondent indicated that "Sampling for the vessel was not conducted this period due to renovations taking place on the stevedoring rig. The system was not operating

during the latter half of the period and the facility failed to take a sample during the earlier months of sampling period". The Respondent's failure to sample the effluent for the parameters BOD, TSS, and pH and/or measure flow is in violation of LA0124184 (Effluent Limitations and Monitoring Requirements, Part I, Page 5 of 5 and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

- E. The Respondent failed measure and/or report the flow of the discharge as required by LPDES Permit LA0124184. Specifically, there was no flow indicated on associated DMRs and/or washdown or ballast logs submitted to the Department for the monitoring period of February 2016 through September 2016 for various permitted vessels, as listed in **Table 2** (attached). The Respondent's failure to measure flow and report data via DMRs is in violation of LA0124184 (Effluent Limitations and Monitoring Requirements, Part I, Pages 2 & 3 of 5; Other Requirements, Part II, Pages 3 & 4 of 6, Sections K & M, and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

- F. The Respondent failed to properly report the correct monitoring period for semi-annual reporting periods. Specifically, the Respondent included June 1, 2015 as the part of the 2nd-half 2015 semi-annual DMR monitoring period for Outfall 001-D for the following vessels: S-1, S-2, S-3 and SJS-8 for the DMR submitted by January 2016. Semi-annual monitoring periods are as follows: January 1st – June 30th (1st Half) and July 1st – December 31st (2nd Half). The Respondent's failure to correctly report semi-annual monitoring periods is in violation of LA0124184 (Other Requirements, Part II, Page 5 of 6, Section P.1, and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.8.

- G. The Respondent failed to comply with LPDES permit LA0124184. Specifically, the Respondent failed to submit monthly DMRs for April, May and June 2016 for vessel SJS-8. The Respondent received a letter of no objection and Revised Attachment 2 Vessel Designation from the Department adding barge SJS-8 to LPDES Permit LA0124184, via correspondence dated April 16, 2015. The Respondent's failure to submit DMRs for the months noted is in violation of LA0124184 (Effluent

Limitations and Monitoring Requirements, Part I, Pages 2-5 of 5 and Standard Conditions, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4)

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 and Water Quality Regulations. This shall include, but not be limited to; correcting all of the violations described in the "Findings of Fact" portion, specifically sampling parameters and/or reporting data, including flow as required by LPDES permit LA0124184.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed DMRs for the monitoring period of June 2016 as mentioned in Paragraph III.G of the "Findings of Fact" portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and certified. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."

III.

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

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Alissa Cockerham
Re: Enforcement Tracking No. MM-CN-16-00218
Agency Interest Nos. 140201, 150532, 159002, 162673, & 178884

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-16-00218
Agency Interest Nos. 140201, 150532, 159002, 162673, & 178884

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 Alissa Cockerham at (225) 219-3785 or Sharron Crayton at (225) 219-3811 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue


statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

IV.

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 25th day of June, 2019.



Lourdes Hurralde
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: Alissa Cockerham

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-16-00218	Contact Name	Alissa Cockerham
Agency Interest (AI) Nos.	140201, 150532, 159002, 162673, & 178884	Contact Phone No.	(225) 219-3785
Alternate ID No.	Multiple		
Respondent:	American River Transportation Co., LLC	Facility Name:	American River Transportation Co., LLC
	c/o C T Corporation System Agent for Service of Process	Physical Location:	Statewide
	3867 Plaza Tower Drive	City, State, Zip:	Statewide
	Baton Rouge, LA 70816	Parish:	Multi-Parish
STATEMENT OF COMPLIANCE			
STATEMENT OF COMPLIANCE		Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph III 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 II of the "Order" portion of the COMPLIANCE ORDER.			
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:			
SETTLEMENT OFFER (OPTIONAL)			
<i>(check the applicable option)</i>			
_____	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.		
_____	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (MM-CN-16-00218), 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 (MM-CN-16-00218), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional)= \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted. 		
	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (MM-CN-16-00218) 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: Alissa Cockerham		

TABLE 1
 AMERICAN RIVER TRANSPORTATION CO., LLC
 AGENCY INTEREST NO. 159002 – LPDES PERMIT NO. LA0124184

Monitoring Period End Date	Outfall	Parameter	Permit Limit	Sample Value	Units	No. EX
06/30/2017	005D-S	BOD, 5-day, 20 deg. C --- MO AVG	30	154	mg/L	1
06/30/2017	005D-S	BOD, 5-day, 20 deg. C --- DAILY MX	45	154	mg/L	1
06/30/2017	005D-S	Solids, total suspended --- MO AVG	30	528	mg/L	1
06/30/2017	005D-S	Solids, total suspended --- DAILY MX	45	528	mg/L	1
06/30/2017	006D-S	Coliform, fecal general --- MOAV GEO	200	1000	CFU/100ml	1
06/30/2017	006D-S	Coliform, fecal general --- DAILY MX	400	1000	CFU/100ml	1
12/31/2017	001D-S	BOD, 5-day, 20 deg. C --- MO AVG	30	125	mg/L	2
12/31/2017	001D-S	BOD, 5-day, 20 deg. C --- DAILY MX	45	146	mg/L	2
12/31/2017	001D-S	Solids, total suspended --- MO AVG	30	145	mg/L	2
12/31/2017	001D-S	Solids, total suspended --- DAILY MX	45	210	mg/L	2
12/31/2017	001D-S	Coliform, fecal general --- MOAV GEO	200	>2209.8	CFU/100ml	2
12/31/2017	001D-S	Coliform, fecal general --- DAILY MX	400	>2419.6	CFU/100ml	2
12/31/2017	002D-S	Coliform, fecal general --- MOAV GEO	200	>2419.6	CFU/100ml	1
12/31/2017	002D-S	Coliform, fecal general --- DAILY MX	400	>2419.6	CFU/100ml	1
12/31/2017	003D-S	BOD, 5-day, 20 deg. C --- MO AVG	30	39	mg/L	1
12/31/2017	003D-S	BOD, 5-day, 20 deg. C --- DAILY MX	45	66	mg/L	1
12/31/2017	003D-S	Coliform, fecal general --- MOAV GEO	200	500.5	CFU/100ml	1
12/31/2017	003D-S	Coliform, fecal general --- DAILY MX	400	1000	CFU/100ml	1
12/31/2017	004D-S	BOD, 5-day, 20 deg. C --- MO AVG	30	43	mg/L	1
12/31/2017	004D-S	Solids, total suspended --- MO AVG	30	42	mg/L	1
12/31/2017	004D-S	Solids, total suspended --- DAILY MX	45	472	mg/L	1
12/31/2017	004D-S	Coliform, fecal general --- MOAV GEO	200	2230	CFU/100ml	1
12/31/2017	004D-S	Coliform, fecal general --- DAILY MX	400	2230	CFU/100ml	1
12/31/2017	005D-S	BOD, 5-day, 20 deg. C --- MO AVG	30	278	mg/L	1
12/31/2017	005D-S	BOD, 5-day, 20 deg. C --- DAILY MX	45	556	mg/L	1
12/31/2017	005D-S	Solids, total suspended --- MO AVG	30	291	mg/L	2
12/31/2017	005D-S	Solids, total suspended --- DAILY MX	45	510	mg/L	2
12/31/2017	005D-S	Coliform, fecal general --- MOAV GEO	200	>1747	CFU/100ml	2

TABLE 1
AMERICAN RIVER TRANSPORTATION CO., LLC
AGENCY INTEREST NO. 159002 – LPDES PERMIT NO. LA0124184

Monitoring Period End Date	Outfall	Parameter	Permit Limit	Sample Value	Units	No. EX
12/31/2017	005D-S	Coliform, fecal general --- DAILY MX	400	>2494	CFU/100mL	2
12/31/2017	006D-S	BOD, 5-day, 20 deg. C --- MO AVG	30	182	mg/L	1
12/31/2017	006D-S	BOD, 5-day, 20 deg. C --- DAILY MX	45	351	mg/L	1
12/31/2017	006D-S	Solids, total suspended --- MO AVG	30	98	mg/L	1
12/31/2017	006D-S	Solids, total suspended --- DAILY MX	45	178	mg/L	1
12/31/2017	006D-S	Coliform, fecal general --- MOAV GEO	200	1385	CFU/100mL	2
12/31/2017	006D-S	Coliform, fecal general --- DAILY MX	400	2000	CFU/100mL	2
06/30/2018	001D-S	BOD, 5-day, 20 deg. C --- MO AVG	30	276	mg/L	1
06/30/2018	001D-S	BOD, 5-day, 20 deg. C --- DAILY MX	45	276	mg/L	1
06/30/2018	001D-S	Solids, total suspended --- MO AVG	30	540	mg/L	1
06/30/2018	001D-S	Solids, total suspended --- DAILY MX	45	540	mg/L	1
06/30/2018	001D-S	Coliform, fecal general --- MOAV GEO	200	>2419.6	CFU/100mL	1
06/30/2018	001D-S	Coliform, fecal general --- DAILY MX	400	>2419.6	CFU/100mL	1
06/30/2018	002D-S	BOD, 5-day, 20 deg. C --- MO AVG	30	43	mg/L	1
06/30/2018	003D-S	BOD, 5-day, 20 deg. C --- MO AVG	30	53	mg/L	1
06/30/2018	003D-S	BOD, 5-day, 20 deg. C --- DAILY MX	45	53	mg/L	1
06/30/2018	005D-S	BOD, 5-day, 20 deg. C --- MO AVG	30	92.5	mg/L	2
06/30/2018	005D-S	BOD, 5-day, 20 deg. C --- DAILY MX	45	97	mg/L	2
06/30/2018	006D-S	BOD, 5-day, 20 deg. C --- MO AVG	30	<48.5	mg/L	2
06/30/2018	006D-S	BOD, 5-day, 20 deg. C --- DAILY MX	45	<60	mg/L	2
12/31/2018	005D-S	BOD, 5-day, 20 deg. C --- MO AVG	30	34	mg/L	1
12/31/2018	006D-S	BOD, 5-day, 20 deg. C --- MO AVG	30	35	mg/L	1
12/31/2018	006D-S	BOD, 5-day, 20 deg. C --- DAILY MX	45	51	mg/L	1

TABLE 2
 AMERICAN RIVER TRANSPORTATION CO., LLC
 AGENCY INTEREST NO. 159002 – LPDES PERMIT NO. LA0124184

Vessel	Outfall	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16
S-1	A	x	x	x	x	✓	✓	✓	✓
	B	x	x	x	✓	x	✓	x	x
S-2	A	✓	x	✓	x	✓	x	✓	✓
	B	x	x	x	x	✓	x	✓	x
S-3	B	✓	✓	x	x	x	✓	x	x
S-3	B	x	x	x	✓	x	x	x	x
S-5	A	x	✓	✓	x	✓	✓	✓	✓
	B	x	x	✓	✓	x	x	x	x
SJS-8	B	x	x	x	x	x	x	x	x

Notes:

x – No flow data reported on DMR

✓ – Flow data reported on DMR