

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CMP COATINGS, INC.

AI # 28088

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

* Settlement Tracking No.
* SA-WE-22-0015
*
* Enforcement Tracking Nos.
* WE-CN-15-00529
* WE-CN-19-00220
*
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SETTLEMENT

The following Settlement is hereby agreed to between CMP Coatings, Inc. (“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 marine paint manufacturing, packaging, and storage facility located in Belle Chasse, Plaquemines Parish, Louisiana (“the Facility”).

II

On July 6, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-15-00529 (Exhibit 1).

On July 19, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-19-00220 (Exhibit 2).

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

A file review conducted by the Department on or about July 9, 2020, revealed that the Respondent exceeded effluent limitations. The effluent limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) are summarized in the following table:

| Monitoring Period End Date | Outfall | Parameter | Limit | DMR Value | Units |
|--------------------------------------|---------|--------------------------------------|-------|-----------|---------|
| 04/30/2019 | 001-A | pH --- INST MIN | 6 | 5 | SU |
| | 003-A | Solids, total suspended --- DAILY MX | 45 | 52.5 | mg/L |
| 06/30/2019 | 003-A | Coliform, fecal general --- DAILY MX | 400 | 1210.5 | #/100mL |
| | | Solids, total suspended --- MO AVG | 30 | 35 | mg/L |
| | | Coliform, fecal general --- MO AVG | 200 | 2419.6 | #/100mL |
| 07/31/2019 | 003-A | Coliform, fecal general --- DAILY MX | 400 | 2419.6 | #/100mL |
| | | pH --- INST MIN | 6 | 5 | SU |
| | | BOD, 5-day, 20 deg. C --- MO AVG | 30 | 33 | mg/L |
| 08/31/2019 | 003-A | Coliform, fecal general --- MO AVG | 200 | 2419.6 | #/100mL |
| | | Coliform, fecal general --- DAILY MX | 400 | 2419.6 | #/100mL |
| | | pH --- INST MIN | 6 | 5 | SU |
| 09/30/2019 | 003-A | Coliform, fecal general --- MO AVG | 200 | 214 | #/100mL |
| | | Solids, total suspended --- MO AVG | 30 | 67 | mg/L |
| | | Solids, total suspended --- DAILY MX | 45 | 67 | mg/L |
| | | Coliform, fecal general --- MO AVG | 200 | 2419.6 | #/100mL |
| | 004-A | Coliform, fecal general --- DAILY MX | 400 | 2419.6 | #/100mL |
| | | Solids, total suspended --- MO AVG | 30 | 72.5 | mg/L |
| | 201-A | Solids, total suspended --- DAILY MX | 45 | 140 | mg/L |
| | | Solids, total suspended --- MO AVG | 30 | 67.5 | mg/L |
| | | Solids, total suspended --- DAILY MX | 45 | 130 | mg/L |
| 10/31/2019 | 003-A | Coliform, fecal general --- MO AVG | 200 | 1210.3 | #/100mL |
| | | Coliform, fecal general --- DAILY MX | 400 | 2419.6 | #/100mL |
| | 004-A | Solids, total suspended --- MO AVG | 30 | 40 | mg/L |
| | | Solids, total suspended --- DAILY MX | 45 | 75 | mg/L |
| | 201-A | BOD, 5-day, 20 deg. C --- MO AVG | 30 | 51 | mg/L |
| | | BOD, 5-day, 20 deg. C --- DAILY MX | 45 | 102 | mg/L |
| | | Solids, total suspended --- MO AVG | 30 | 43 | mg/L |
| | | Solids, total suspended --- DAILY MX | 45 | 81 | mg/L |
| | 301-A | BOD, 5-day, 20 deg. C --- MO AVG | 30 | 33.5 | mg/L |
| | | BOD, 5-day, 20 deg. C --- DAILY MX | 45 | 64 | mg/L |
| Solids, total suspended --- MO AVG | | 30 | 43 | mg/L | |
| Solids, total suspended --- DAILY MX | | 45 | 81 | mg/L | |
| 11/30/2019 | 004-A | Coliform, fecal general --- MO AVG | 200 | 1210.3 | #/100mL |
| | | Coliform, fecal general --- DAILY MX | 400 | 2419.6 | #/100mL |
| 12/31/2019 | 003-A | BOD, 5-day, 20 deg. C --- MO AVG | 30 | 43 | mg/L |
| | | BOD, 5-day, 20 deg. C --- DAILY MX | 45 | 55 | mg/L |
| | | Solids, total suspended --- MO AVG | 30 | 33 | mg/L |
| 01/31/2020 | 003-A | Solids, total suspended --- MO AVG | 30 | 39 | mg/L |
| 02/29/2020 | 003-A | BOD, 5-day, 20 deg. C --- MO AVG | 30 | 32 | mg/L |

| Monitoring Period End Date | Outfall | Parameter | Limit | DMR Value | Units |
|----------------------------|---------|--------------------------------------|-------|---------------|---------|
| | | BOD, 5-day, 20 deg. C --- DAILY MX | 45 | 52 | mg/L |
| 02/29/2020 | 003-A | Coliform, fecal general --- MO AVG | 200 | 1210.3 | #/100mL |
| | | Coliform, fecal general --- DAILY MX | 400 | 2419.6 | #/100mL |
| 03/31/2020 | 003-A | BOD, 5-day, 20 deg. C --- MO AVG | 30 | 37 | mg/L |
| | | Solids, total suspended --- MO AVG | 30 | 52 | mg/L |
| | | Solids, total suspended --- DAILY MX | 45 | 63 | mg/L |
| | | Coliform, fecal general --- MO AVG | 200 | 207.5 | #/100mL |
| | | Coliform, fecal general --- DAILY MX | 400 | 410 | #/100mL |
| | | | | | |

Each effluent exceedance is a violation of LPDES permit LA0093211 (Permit Requirements, Pages 1 through 10 of 13; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

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 FORTY-FIVE THOUSAND AND NO/100 DOLLARS (\$45,000.00), of which One Thousand Nine Hundred Fifty and 77/100 Dollars (\$1,950.77) 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 Consolidated Compliance Orders & Notices 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 Plaquemines 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.

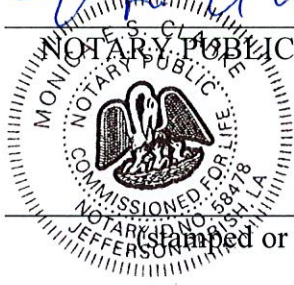
CMP COATINGS, INC.

BY: [Signature]
(Signature)

KEVIN J. CASBY
(Printed)

TITLE: Director

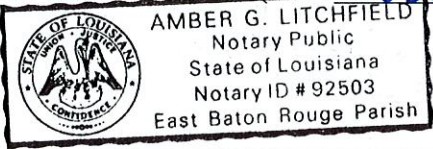
THUS DONE AND SIGNED in duplicate original before me this 2nd day of August, 20 22, at Coutrina, Louisiana

[Signature]
NOTARY PUBLIC (ID # 58478)

(stamped or printed)

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

BY: [Signature]
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.

[Signature]
NOTARY PUBLIC (ID # 92503)

(stamped or printed)

Approved: [Signature]
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

July 6, 2018

CERTIFIED MAIL (7004 2510 0006 3854 1136)
RETURN RECEIPT REQUESTED

CMP COATINGS, INC.
c/o Calvin P. Brasseaux, Esq.
1001 Service Road East, Hwy. 190
Northlake Corporate Park, Suite 103
Covington, Louisiana 70434

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-15-00529
AGENCY INTEREST NO. 28088**

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 **CMP COATINGS, INC. (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 Bernie Boyett at (225) 219-0783.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/BKB/bkb
Alt ID No. LA0093211
Attachments

c: e-copy-DHH/Office of Public Health



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

CMP COATINGS, INC.
PLAQUEMINES PARISH
ALT ID NO. LA0093211

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

*
*
* ENFORCEMENT TRACKING NO.
*
* WE-CN-15-00529
*
* AGENCY INTEREST NO.
*
*
* 28088
*
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CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **CMP COATINGS, INC. (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) and 30:2050.2.

FINDINGS OF FACT

I.

The Respondent owns and/or operates a marine paint manufacturing, packaging, and storage facility located at 1610 Engineers Road in Belle Chasse, Plaquemines Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0093211 on August 14, 2013, with an effective date of September 1, 2013, and an expiration date of August 31, 2018. LPDES permit LA0093211 authorizes the Respondent to discharge once-through non-contact cooling water, treated sanitary wastewater, and stormwater runoff into Bayou Barataria, waters of the state.

II.

An inspection conducted by the Department on or about March 12, 2014, revealed that the Respondent was discharging from a location not authorized by LPDES permit LA0093211. Specifically, Outfall 101 is an internal outfall that is authorized by the permit to discharge non-contact cooling water to Outfall 001. At the time of the inspection, Outfall 101 was observed discharging from an open pipe from within the paint mixing building onto the ground and leaving the northeastern side of the property. The ground was saturated from the discharge, and the discharge was flowing in the direction of a ditch that runs parallel to the property, thence to Bayou Barataria, waters of the state. Due to the amount of discharge and the direction of flow, it was determined that the discharge had the potential to reach the waters of the state either by direct flow to the ditch or via storm water runoff. The discharge from a location not authorized by LPDES permit LA0093211 is a violation of La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D.

III.

An inspection conducted by the Department on or about March 12, 2014, revealed that the Respondent failed to maintain the Storm Water Pollution Prevention Plan (SWPPP). The SWPPP was last updated in January of 2004; there had been personnel changes since that time. At the time of the inspection, the SWPPP had not been updated to reflect the personnel changes. The failure to maintain the SWPPP is a violation of LPDES LA0093211 (Permit Requirements, Section N-6 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

IV.

A file review conducted by the Department on or about April 10, 2018, revealed that the Respondent had effluent limitation exceedances. These effluent limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Non-Compliance Reports (NCRs), are summarized in attached Table A. Each effluent exceedance is a violation of LPDES permit LA0093211 (Permit Requirements, Pages 4 through 12 of 12; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

V.

A file review conducted by the Department on or about April 10, 2018, revealed that the Respondent failed to sample in accordance with LPDES permit LA0093211. The Respondent

Respondent reported the following sampling violations on DMRs as follows:

| Outfall | Parameters | Frequency | Monitoring Period |
|----------------|--|------------------|--------------------------|
| 001A | Total Organic Carbon, Oil & Grease, & pH | 1/month | January 2014 |
| 001A | Total Organic Carbon, Oil & Grease, & pH | 1/month | February 2014 |
| 001A | Total Organic Carbon, Oil & Grease, & pH | 1/month | July 2014 |
| 001A | pH | 1/month | May 2015 |
| 001A | pH & Xylene | 1/month | April 2017 |

The failure to sample is a violation of LPDES permit LA0093211 (Permit Requirements, Page 4 of 12, and Standard Conditions for LPDES Permits, Sections A.2, and C.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 immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with LPDES permit LA0093211 and the Water Quality Regulations including, but not limited to, properly operating and maintaining systems of treatment and control, implementing an adequate SWPPP, complying with all effluent limitations, and sampling as required by the permit.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited 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
Attention: Bernie Boyett
Enforcement Tracking No. WE-CN-15-00529
Agency Interest No. 28088

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. WE-CN-15-00529
Agency Interest No. 28088

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's (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 Bernie Boyett at (225) 219-0783 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.

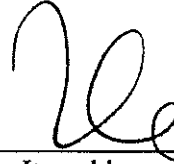
IV.

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 6th day of May, 2018.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

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

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Bernie Boyett

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

**CONSOLIDATED COMPLIANCE ORDER &
 NOTICE OF POTENTIAL PENALTY
 REQUEST TO CLOSE**



| | | | |
|--------------------------|----------------|-------------------|----------------|
| Enforcement Tracking No. | WE-CN-15-00529 | Contact Name | Bernie Boyett |
| Agency Interest (AI) No. | 28088 | Contact Phone No. | (225) 219-0783 |
| Alternate ID No. | LA0093211 | | |

| | | | |
|-------------|----------------------------------|--------------------|------------------------|
| Respondent: | CMP COATINGS, INC. | Facility Name: | CMP Coatings, Inc. |
| | c/o Calvin P. Brasseaux, Esq. | Physical Location: | 1610 Engineers Road |
| | Agent for Service of Process | | |
| | 1001 Service Road East, Hwy. 190 | City, State, Zip: | Belle Chasse, LA 70037 |
| | Covington, Louisiana 70434 | Parish: | Plaquemines |

STATEMENT OF COMPLIANCE

| STATEMENT OF COMPLIANCE | Date Completed | Copy Attached? |
|---|----------------|----------------|
| A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER . | | |
| All 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)

| | |
|-------|--|
| _____ | 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 (WE-CN-15-00529) , 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 (WE-CN-15-00529) , the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional)= \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted. |
| | The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-15-00529) 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: Bernie Boyett

CMP Coatings, Inc. - LA0093211 - AI 28088
Table A - Effluent Limitation Exceedances

| Monitoring Period End Date | Outfall | Parameter | Limit | DMR Value | Units |
|--|---------------------------------|--|--|-----------|---------|
| 03/31/2014 | 001A | Xylene -- Daily Maximum | 10 | 10.2 | ug/L |
| | 301Q | Fecal coliform -- Monthly Average | 200 | 47000 | #/100mL |
| | | Fecal coliform -- Daily Maximum | 400 | 47000 | #/100mL |
| | 003Q | Fecal coliform -- Monthly Average | 200 | 25000 | #/100mL |
| | | Fecal coliform -- Daily Maximum | 400 | 25000 | #/100mL |
| | 004Q | Fecal coliform -- Monthly Average | 200 | 540 | #/100mL |
| | | Fecal coliform -- Daily Maximum | 400 | 540 | #/100mL |
| | 06/30/2014 | 301Q | Fecal coliform -- Monthly Average | 200 | 1090 |
| Fecal coliform -- Daily Maximum | | | 400 | 1090 | #/100mL |
| 004Q | | Solids, total suspended -- Monthly Average | 30 | 41 | mg/L |
| | | Fecal coliform -- Monthly Average | 200 | 18000 | #/100mL |
| | | Fecal coliform -- Daily Maximum | 400 | 18000 | #/100mL |
| 09/30/2014 | 201Q | Solids, total suspended -- Monthly Average | 30 | 65 | mg/L |
| | | Solids, total suspended -- Daily Maximum | 45 | 65 | mg/L |
| | 301Q | BOD [5 day, 20 C] -- Monthly Average | 30 | 55 | mg/L |
| | | BOD [5 day, 20 C] -- Daily Maximum | 45 | 55 | mg/L |
| | | Fecal coliform -- Monthly Average | 200 | 1640 | #/100mL |
| | | Fecal coliform -- Daily Maximum | 400 | 1640 | #/100mL |
| | 003Q | BOD [5 day, 20 C] -- Monthly Average | 30 | 62 | mg/L |
| | | BOD [5 day, 20 C] -- Daily Maximum | 45 | 62 | mg/L |
| | 004Q | BOD [5 day, 20 C] -- Monthly Average | 30 | 39 | mg/L |
| | 12/31/2014 | 201Q | Solids, total suspended -- Monthly Average | 30 | 48 |
| Solids, total suspended -- Daily Maximum | | | 45 | 48 | mg/L |
| 004Q | | Solids, total suspended -- Monthly Average | 30 | 37 | mg/L |
| 03/31/2015 | 201Q | Solids, total suspended -- Monthly Average | 30 | 42 | mg/L |
| | | Solids, total suspended -- Daily Maximum | 45 | 72 | mg/L |
| | 301Q | Solids, total suspended -- Monthly Average | 30 | 72 | mg/L |
| | | Solids, total suspended -- Daily Maximum | 45 | 72 | mg/L |
| | | Fecal coliform -- Monthly Average | 200 | 3700 | #/100mL |
| | | Fecal coliform -- Daily Maximum | 400 | 3700 | #/100mL |
| | 003Q | Solids, total suspended -- Monthly Average | 30 | 75 | mg/L |
| | | Solids, total suspended -- Daily Maximum | 45 | 75 | mg/L |
| | 004Q | Solids, total suspended -- Monthly Average | 30 | 290 | mg/L |
| | | Solids, total suspended -- Daily Maximum | 45 | 290 | mg/L |
| 06/30/2015 | 201Q | Fecal coliform -- Monthly Average | 200 | 41000 | #/100mL |
| | | Fecal coliform -- Daily Maximum | 400 | 41000 | #/100mL |
| | 301Q | Solids, total suspended -- Monthly Average | 30 | 74 | mg/L |
| | | Solids, total suspended -- Daily Maximum | 45 | 74 | mg/L |
| | | Fecal coliform -- Monthly Average | 200 | 540 | #/100mL |
| | | Fecal coliform -- Daily Maximum | 400 | 540 | #/100mL |
| | 003Q | BOD [5 day, 20 C] -- Monthly Average | 30 | 110 | mg/L |
| | | BOD [5 day, 20 C] -- Daily Maximum | 45 | 110 | mg/L |
| | | Solids, total suspended -- Monthly Average | 30 | 190 | mg/L |
| | | Solids, total suspended -- Daily Maximum | 45 | 190 | mg/L |
| | | Fecal coliform -- Monthly Average | 200 | 60000 | #/100mL |
| | Fecal coliform -- Daily Maximum | 400 | 60000 | #/100mL | |
| | 004Q | Fecal coliform -- Monthly Average | 200 | 4400 | #/100mL |
| Fecal coliform -- Daily Maximum | | 400 | 4400 | #/100mL | |
| 09/30/2015 | 201Q | Solids, total suspended -- Monthly Average | 30 | 49 | mg/L |
| | | Solids, total suspended -- Daily Maximum | 45 | 49 | mg/L |
| | 301Q | Solids, total suspended -- Monthly Average | 30 | 58 | mg/L |

CMP Coatings, Inc. - LA0093211 - AI 28088
Table A - Effluent Limitation Exceedances

| Monitoring Period End Date | Outfall | Parameter | Limit | DMR Value | Units | |
|---|---|---|---|-----------|---------|------|
| 09/30/2015 | 301Q | Solids, total suspended --- Daily Maximum | 45 | 58 | mg/L | |
| | | Fecal coliform --- Monthly Average | 200 | 4800 | #/100mL | |
| | | Fecal coliform --- Daily Maximum | 400 | 4800 | #/100mL | |
| 12/31/2015 | 201Q | Solids, total suspended --- Monthly Average | 30 | 130 | mg/L | |
| | | Solids, total suspended --- Daily Maximum | 45 | 130 | mg/L | |
| | 301Q | Fecal coliform --- Monthly Average | 200 | 1000 | #/100mL | |
| | | Fecal coliform --- Daily Maximum | 400 | 1000 | #/100mL | |
| 03/31/2016 | 004Q | BOD [5 day, 20 C] --- Monthly Average | 30 | 34 | mg/L | |
| | | Solids, total suspended --- Monthly Average | 30 | 38 | mg/L | |
| | 201Q | Solids, total suspended --- Monthly Average | 30 | 85 | mg/L | |
| | | Solids, total suspended --- Daily Maximum | 45 | 85 | mg/L | |
| | 301Q | Solids, total suspended --- Monthly Average | 30 | 47 | mg/L | |
| | | Solids, total suspended --- Daily Maximum | 45 | 47 | mg/L | |
| | | Fecal coliform --- Monthly Average | 200 | 2100 | #/100mL | |
| | | Fecal coliform --- Daily Maximum | 400 | 2100 | #/100mL | |
| | 003Q | Solids, total suspended --- Monthly Average | 30 | 47 | mg/L | |
| | | Solids, total suspended --- Daily Maximum | 45 | 47 | mg/L | |
| | 004Q | Solids, total suspended --- Monthly Average | 30 | 43 | mg/L | |
| | 06/30/2016 | 101Q | Carbon, tot organic --- Daily Maximum | 5 | 68.7 | mg/L |
| 201Q | | BOD [5 day, 20 C] --- Monthly Average | 30 | 130 | mg/L | |
| | | BOD [5 day, 20 C] --- Daily Maximum | 45 | 130 | mg/L | |
| | | Solids, total suspended --- Monthly Average | 30 | 57 | mg/L | |
| | | Solids, total suspended --- Daily Maximum | 45 | 57 | mg/L | |
| 301Q | | BOD [5 day, 20 C] --- Monthly Average | 30 | 434 | mg/L | |
| | | BOD [5 day, 20 C] --- Daily Maximum | 45 | 434 | mg/L | |
| | | Solids, total suspended --- Monthly Average | 30 | 74 | mg/L | |
| | | Solids, total suspended --- Daily Maximum | 45 | 74 | mg/L | |
| 003Q | | Solids, total suspended --- Monthly Average | 30 | 2000 | mg/L | |
| | | Solids, total suspended --- Daily Maximum | 45 | 2000 | mg/L | |
| 004Q | | BOD [5 day, 20 C] --- Monthly Average | 30 | 32 | mg/L | |
| | | Solids, total suspended --- Monthly Average | 30 | 1000 | mg/L | |
| | | Solids, total suspended --- Daily Maximum | 45 | 1000 | mg/L | |
| 09/30/2016 | | 101Q | Carbon, tot organic --- Daily Maximum | 5 | 8.7 | mg/L |
| | | 201Q | Solids, total suspended --- Monthly Average | 30 | 42 | mg/L |
| | | 301Q | BOD [5 day, 20 C] --- Monthly Average | 30 | 60 | mg/L |
| | | | BOD [5 day, 20 C] --- Daily Maximum | 45 | 60 | mg/L |
| | 003Q | Solids, total suspended --- Monthly Average | 30 | 300 | mg/L | |
| Solids, total suspended --- Daily Maximum | | 45 | 300 | mg/L | | |
| 12/31/2016 | 101Q | Carbon, tot organic --- Daily Maximum | 5 | 14 | mg/L | |
| | 301Q | Fecal coliform --- Monthly Average | 200 | 2419.6 | #/100mL | |
| | | Fecal coliform --- Daily Maximum | 400 | 2419.6 | #/100mL | |
| 003Q | Solids, total suspended --- Monthly Average | 30 | 78 | mg/L | | |
| | Solids, total suspended --- Daily Maximum | 45 | 78 | mg/L | | |
| 03/31/2017 | 201Q | Solids, total suspended --- Monthly Average | 30 | 200 | mg/L | |
| | | Solids, total suspended --- Daily Maximum | 45 | 200 | mg/L | |
| | 301Q | BOD [5 day, 20 C] --- Monthly Average | 30 | 40 | mg/L | |
| | | Solids, total suspended --- Monthly Average | 30 | 87 | mg/L | |
| | | Solids, total suspended --- Daily Maximum | 45 | 87 | mg/L | |
| | 003Q | BOD [5 day, 20 C] --- Monthly Average | 30 | 36 | mg/L | |

CMP Coatings, Inc. - LA0093211 - AI 28088
Table A - Effluent Limitation Exceedances

| Monitoring Period End Date | Outfall | Parameter | Limit | DMR Value | Units |
|-------------------------------------|---|---|---|-----------|---------|
| 06/30/2017 | 201Q | Solids, total suspended --- Monthly Average | 30 | 180 | mg/L |
| | | Solids, total suspended --- Daily Maximum | 45 | 180 | mg/L |
| | 301Q | Solids, total suspended --- Monthly Average | 30 | 37 | mg/L |
| | | 003Q | Solids, total suspended --- Monthly Average | 30 | 210 |
| | Solids, total suspended --- Daily Maximum | | 45 | 210 | mg/L |
| | 004Q | Fecal coliform --- Monthly Average | 200 | 730 | #/100mL |
| | | Fecal coliform --- Daily Maximum | 400 | 730 | #/100mL |
| | | Fecal coliform --- Monthly Average | 200 | 2419.6 | #/100mL |
| | | Fecal coliform --- Daily Maximum | 400 | 2419.6 | #/100mL |
| | 09/30/2017 | 301Q | BOD [5 day, 20 C] --- Monthly Average | 30 | 88 |
| BOD [5 day, 20 C] --- Daily Maximum | | | 45 | 88 | mg/L |
| 003Q | | Solids, total suspended --- Monthly Average | 30 | 75 | mg/L |
| | | Solids, total suspended --- Daily Maximum | 45 | 75 | mg/L |
| 004Q | | Fecal coliform --- Monthly Average | 200 | 365 | #/100mL |
| | | Fecal coliform --- Monthly Average | 200 | 2419.6 | #/100mL |
| | | Fecal coliform --- Daily Maximum | 400 | 2419.6 | #/100mL |
| | | | | | |
| 03/31/2018 | 001A | Xylene --- Daily Maximum | 10 | 224 | ug/L |
| | 201Q | Solids, total suspended --- Monthly Average | 30 | 34 | mg/L |
| | | Solids, total suspended --- Monthly Average | 30 | 36 | mg/L |
| | 003Q | BOD [5 day, 20 C] --- Monthly Average | 30 | 42 | mg/L |
| | | Solids, total suspended --- Monthly Average | 30 | 98 | mg/L |
| | | Solids, total suspended --- Daily Maximum | 45 | 98 | mg/L |

SETTLEMENT AGREEMENTS

WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

| | | NATURE AND GRAVITY OF THE VIOLATION | | |
|--|----------|-------------------------------------|----------------------------|----------------------------|
| | | MAJOR | MODERATE | MINOR |
| DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY | MAJOR | \$32,500 to \$20,000 | \$20,000 to \$15,000 | \$15,000 to \$11,000 |
| | MODERATE | \$11,000 to \$8,000 | \$8,000 to \$5,000 | \$5,000 to \$3,000 |
| | MINOR | \$3,000 to \$1,500 | \$1,500 to \$500 | \$500 to \$100 |

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

Minor: Violations that result in some deviation from the intent of the requirement, however, substantial implementation is demonstrated.

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.



SETTLEMENT AGREEMENTS

Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times [\text{Penalty Event Maximum} - \text{Penalty Event Minimum}])$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement.

Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

| | |
|---|--|
| Settlement Offers | searchable in EDMS using the following filters Media: Air Quality, Function: Enforcement, Description: Settlement |
| Settlement Agreements | Enforcement Division's website specific examples can be provided upon request |
| Penalty Determination Method | LAC 33:1 Chapter 7 |
| Beneficial Environmental Projects | LAC 33:1 Chapter 25 |
| Judicial Interest..... | FAQs provided by the Louisiana State Bar Association |



JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 19, 2019

CERTIFIED MAIL (7017 0530 0000 5978 9944)
RETURN RECEIPT REQUESTED

CMP COATINGS, INC.
c/o Calvin P. Brasseaux, Esq.
1001 Service Road East, Hwy. 190
Northlake Corporate Park, Suite 103
Covington, Louisiana 70434

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-19-00220
AGENCY INTEREST NO. 28088**

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 **CMP COATINGS, INC. (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 Bernie Boyett at (225) 219-0783.

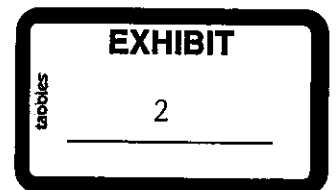
Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/BKB/bkb
Alt ID No. LA0093211
Attachments

c: e-copy-LDH/Office of Public Health



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

IN THE MATTER OF

**CMP COATINGS, INC.
PLAQUEMINES PARISH
ALT ID NO. LA0093211**

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

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **WE-CN-19-00220**
*
* **AGENCY INTEREST NO.**
*
* **28088**
*

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **CMP COATINGS, INC. (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) and 30:2050.2.

FINDINGS OF FACT

I.

The Respondent owns and/or operates a marine paint manufacturing, packaging, and storage facility located at 1610 Engineers Road in Belle Chasse, Plaquemines Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0093211 on August 14, 2013, with an effective date of September 1, 2013, and an expiration date of August 31, 2018. The Respondent submitted a written request, dated March 6, 2018, to the Department to extend the deadline for the LPDES permit renewal application. On March 21, 2018, the Department granted an extension of the deadline to April 20, 2018. The

Respondent submitted an LPDES permit renewal application to the Department on or about March 20, 2018, and LPDES permit LA0093211 was administratively continued. LPDES permit LA0093211 was reissued on September 25, 2018, with an effective date of November 1, 2018, and an expiration date of October 31, 2023. LPDES permit LA0093211 authorizes the Respondent to discharge once-through non-contact cooling water, treated sanitary wastewater, and storm water runoff to local drainage, thence into Bayou Barataria, waters of the state.

II.

The Respondent was issued **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-15-00529** on or about July 6, 2018. **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-15-00529** was received by the Respondent on July 17, 2018. The Respondent submitted a written response to the Department on or about August 28, 2018. **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-15-00529** is a final action of the Department and not subject to further review.

III.

An inspection conducted by the Department on or about January 30, 2019, revealed that the Respondent failed to implement a portion of the Storm Water Pollution Prevention Plan (SWPPP). Specifically, the Respondent failed to conduct monthly and annual inspections of the facility site to identify areas contributing to the storm water discharge from the developed areas of the facility and evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and have been properly implemented in accordance with the terms of the permit or whether additional control measures are needed. The failure to implement any portion of an SWPPP is a violation of LPDES LA0093211 (Permit Requirements, Section N-8 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.A.

IV.

A file review conducted by the Department on or about April 29, 2019, revealed that the Respondent had effluent limitation exceedances. These effluent limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Non-Compliance Reports (NCRs), are summarized in attached Table A. Each effluent exceedance is a violation of LPDES permit LA0093211 (Permit Requirements, Pages 4 through 12 of 12 prior to November 1, 2018; Permit Requirements, Pages 1 through 10 of 13 after November 1, 2018; and

Standard Conditions for LPDES Permits, 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 immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with LPDES permit LA0093211 and the Water Quality Regulations including, but not limited to, implementing an adequate SWPPP, and complying with all effluent limitations.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited 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
Attention: **Bernie Boyett**
Enforcement Tracking No. WE-CN-19-00220
Agency Interest No. 28088

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. WE-CN-19-00220
Agency Interest No. 28088

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's (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 Bernie Boyett at (225) 219-0783 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 19th day of June, 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: Bernie Boyett

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

**CONSOLIDATED COMPLIANCE ORDER &
 NOTICE OF POTENTIAL PENALTY
 REQUEST TO CLOSE**



| | | | |
|----------------------------|----------------------------------|--------------------|------------------------|
| Enforcement Tracking No. | WE-CN-19-00220 | Contact Name | Bernie Boyett |
| Agency Interest (AI) No. | 28088 | Contact Phone No. | (225) 219-0783 |
| Alternate ID No. | LA0093211 | | |
| Respondent: | CMP COATINGS, INC. | Facility Name: | CMP Coatings, Inc. |
| | c/o Calvin P. Brasseaux, Esq. | Physical Location: | 1610 Engineers Road |
| | Agent for Service of Process | | |
| | 1001 Service Road East, Hwy. 190 | City, State, Zip: | Belle Chasse, LA 70037 |
| Covington, Louisiana 70434 | Parish: | Plaquemines | |

STATEMENT OF COMPLIANCE

| STATEMENT OF COMPLIANCE | Date Completed | Copy Attached? |
|---|----------------|----------------|
| A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER . | | |
| All 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 (WE-CN-19-00220), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures. |
| <input type="checkbox"/> | In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-19-00220), 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. |
| <input type="checkbox"/> | The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-19-00220) and has attached a justification of its offer and a description of any BEPs if included in settlement offer. |

| CERTIFICATION STATEMENT | | |
|--|---------------------------|--------------------|
| <p><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></p> | | |
| | | |
| 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: | | |
| <p>Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Bernie Boyett</p> | | |

CMP Coatings, Inc. - LA0093211 - AI 28088
Table A - Effluent Limitation Exceedances

| Monitoring Period End Date | Outfall | Parameter | Limit | DMR Value | Units |
|----------------------------|-----------|--|-------------------------|-----------|---------|
| 07/31/2018 | 001A | Xylene -- Daily Maximum | 10 | 14.1 | ug/L |
| 11/30/2018 | 001A | pH Istantaneous Minimum | 6 | 5 | SU |
| | 003A | Solids, total suspended -- Monthly Average | 30 | 79 | mg/L |
| | | Solids, total suspended -- Daily Maximum | 45 | 79 | mg/L |
| | 004A | Solids, total suspended -- Monthly Average | 30 | 35 | mg/L |
| | 201A | Solids, total suspended -- Monthly Average | 30 | 150 | mg/L |
| | | Solids, total suspended -- Daily Maximum | 45 | 150 | mg/L |
| 12/31/2018 | 001A | pH Istantaneous Minimum | 6 | 5 | SU |
| | 003A | Solids, total suspended -- Monthly Average | 30 | 87 | mg/L |
| | | Solids, total suspended -- Daily Maximum | 45 | 120 | mg/L |
| | 201A | Solids, total suspended -- Monthly Average | 30 | 348 | mg/L |
| | | Solids, total suspended -- Daily Maximum | 45 | 930 | mg/L |
| | 301A | BOD [5 day, 20 C] -- Monthly Average | 30 | 68 | mg/L |
| | | BOD [5 day, 20 C] -- Daily Maximum | 45 | 133 | mg/L |
| | | Solids, total suspended -- Monthly Average | 30 | 47 | mg/L |
| | | Solids, total suspended -- Daily Maximum | 45 | 89 | mg/L |
| | 1/31/2019 | 001A | pH Istantaneous Minimum | 6 | 5 |
| 02/28/2019 | 001A | pH Istantaneous Minimum | 6 | 5 | SU |
| | 003A | Solids, total suspended -- Monthly Average | 30 | 38 | mg/L |
| | | Solids, total suspended -- Daily Maximum | 45 | 57 | mg/L |
| | | Coliform, fecal general -- Daily Maximum | 400 | 1110 | #/100mL |
| 03/31/2019 | 003A | Solids, total suspended -- Monthly Average | 30 | 510 | mg/L |
| | | Solids, total suspended -- Daily Maximum | 45 | 510 | mg/L |
| | | Coliform, fecal general -- Monthly Average | 200 | 2419.6 | #/100mL |
| | | Coliform, fecal general -- Daily Maximum | 400 | 2419.6 | mg/L |

SETTLEMENT AGREEMENTS

WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

| | NATURE AND GRAVITY OF THE VIOLATION | | |
|----------|-------------------------------------|----------------|----------------|
| | MAJOR | MODERATE | MINOR |
| MAJOR | \$32,500 | \$20,000 | \$15,000 |
| | to \$20,000 | to \$15,000 | to \$11,000 |
| MODERATE | \$11,000 | \$8,000 | \$5,000 |
| | to \$8,000 | to \$5,000 | to \$3,000 |
| MINOR | \$3,000 | \$1,500 | \$500 |
| | to \$1,500 | to \$500 | to \$100 |

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.



SETTLEMENT AGREEMENTS

Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times (\text{Penalty Event Maximum} - \text{Penalty Event Minimum}))$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement.

Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

- Settlement Offers searchable in EDMS using the following filters
Media: Air Quality, Function: Enforcement; Description: Settlement
- Settlement Agreements Enforcement Division's website
specific examples can be provided upon request
- Penalty Determination Method LAC 33:1 Chapter 7
- Beneficial Environmental Projects LAC 33:1 Chapter 25
FAQs
- Judicial Interest..... provided by the Louisiana State Bar Association

