

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ANGELLE CONCRETE GROUP, LLC

AI # 40586, 40587, 43609, 42108, 5768, 40588,
42105, 47659, 103632, 103635, 8018,
103633, 9309, 8, 87309, 132062, 151882,
51585, 1639, 31544, 2736, 52279, 43618,
151945, 141717, 17314

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

* Settlement Tracking No.
* SA-MME-10-0029
*
* Enforcement Tracking Nos.
* MM-CN-04-0035, AE-CN-05-0157,
* AE-PP-06-0138, AE-CN-06-0203,
* WE-CN-06-0269, AE-CN-07-0120,
* WE-PP-07-0597
*
*
* Docket Nos.
* 2008-10227-EQ (WE-CN-06-0269)
* 2009-1949-EQ (AE-CN-07-0120)

SETTLEMENT

The following Settlement is hereby agreed to between Angelle Concrete Group, 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 numerous ready-mix concrete plants located in various parishes within the state of Louisiana (“the Facility(ies)).

II

On November 15, 2004, the Department issued to Angelle Concrete, Inc. a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-04-0035, which was based upon the following findings of fact:

The Respondent owns and/or operates a ready-mix concrete plant (AI# 40586) located at 1717 Fitzenreiter Road in Lake Charles, Calcasieu Parish, Louisiana. The facility currently operates

under Air permit No. 0520-00041-00, effective on October 22, 1986. The facility submitted an application for Minor Modification dated September 15, 2003.

On or about November 7, 2003, and February 27, 2004, inspections of the Respondent's facility were performed to determine the degree of compliance with the Act and Air Quality Regulations in regards to a citizen's complaint about dust.

The following violations were noted during the course of the inspections:

- A. A dust transfer line from the silo to the baghouse was plugged, resulting in the emissions of particulates from a hatch on top of the silo. The failure to diligently maintain control facilities is a violation of Specific Condition No. 5 of Air Permit No. 0520-00041-00, LAC 33:III.905, and Sections 2057(A)(1) and 2057(A)(2) of the Act.
- B. A dust collection motor overheated, causing the truck loading vacuum line to fail in the open position. This event allowed particulates to bypass the baghouse and vent to the atmosphere through the truck-loading spout. The failure to diligently maintain control facilities is a violation of Specific Condition No. 5 of Air Permit No. 0520-00041-00, LAC 33:III.905, and Sections 2057(A)(1) and 2057(A)(2) of the Act.

The Respondent owns and/or operates a ready-mix concrete plant (AI# 43609) located at 2620 SW Evangeline Thruway in Lafayette, Lafayette Parish, Louisiana. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activities LAR050000 on June 7, 2001, and specifically was assigned Permit Number LAR05M498. The permit expires on April 30, 2006. LPDES permit LAR05M498 authorizes the discharge of storm water from industrial activities to waters of the state under the terms and conditions of the permit.

On or about April 19, 2004, an inspection of the Respondent's facility was performed to determine the degree of compliance with the Act and Water Quality Regulations.

The following violations were noted during the course of the inspection:

- A. The Respondent was discharging process wastewater without the appropriate LPDES permit. Specifically, the Respondent's coverage under the Multi-Sector General Permit only allows for the discharge of storm water from its facility. The inspection revealed that the Respondent also discharges truck washout water from a pit located on the site through local drainage to Coulee de Poche, waters of the state. Photos taken by the inspector revealed lime sedimentation in the ditches along Verot School Road and the railroad tracks that border the site. The unauthorized discharge of wastewater to waters of the state is in violation of La. R.S. 30:2075, La. R.S. 30:2076 (A) (1) (a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D, and LAC 33:IX.2331.A.
- B. The Respondent has not conducted the required benchmark monitoring and numeric limitation sampling as required by LPDES permit LAR05M498. Specifically, the Respondent was sampling and reporting under the conditions of expired LWDPs permit WP4496, instead of following the requirements of LPDES permit LAR05M498. The Respondent's failure to properly monitor its effluent is in violation of LPDES permit LAR05M498 (Part 4.E and Part 9.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC33:IX.2355.A.
- C. The Respondent was not properly implementing and maintaining its Storm Water Pollution Prevention Plan (SWP³) as required by LPDES permit LAR05M498. Specifically, the SWP³ did not have a site map that identified the direction of storm water flow, the storm water outfalls, the existing structural BMPs, surface water bodies, the location of potential pollutant sources, and the location of activities exposed to precipitation, all required by Part 4.2.2 of LPDES permit LAR05M498. The Respondent's failure to properly implement a Storm Water Pollution Prevention Plan is in violation of LPDES Permit LAR05M498 (Part 4, and Part 9.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.
- D. The Respondent had an aboveground storage tank of greater than 660 gallons on site with secondary containment. The Respondent's Spill Prevention and Control Plan (SPC Plan) however was incomplete and did not adequately address the materials stored at the site, in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B, and LAC 33:IX.907.

The Respondent owns and/or operates a ready-mix concrete plant (AI# 42108) located at 566

Red Towne Road in Leesville, Vernon Parish, Louisiana. Texas Industries was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on January 12, 1999, and specifically was assigned Permit Number LAG110048. LPDES permit LAG110048 was transferred to the Respondent on or about November 30, 2001. LPDES permit LAG110048 expired on December 31, 2003, and has been administratively continued. LPDES permit LAG110048 authorizes the Respondent to discharge process wastewater and storm water runoff from its facility to an unnamed ditch, thence into Bayou Castor, waters of the state.

On or about June 10, 2002, an inspection of the Respondent's facility was conducted to determine the degree of compliance with the Act and Water Quality Regulations. A subsequent file review was also performed on or about April 15, 2004.

The following violations were noted during the course of the inspection and file review:

- A. The Respondent failed to submit DMRs to the Department as required by LPDES permit LAG110048 for the following time periods: December 2001, and July 2003 through March 2004. Each failure to submit DMRs is in violation of LPDES permit LAG110048 (Part I, Section C, Part III, Section A.2, and Appendix A), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC33:IX.2355.A, and LAC 33:IX.2355.L.4.a.
- B. Further file review by the Department on or about April 15, 2004, revealed that the Respondent submitted the DMRs for January through March 2002, on or about June 19, 2002. The Respondent submitted the DMRs for October through December 2002 on or about February 5, 2003. The Respondent's late submittal of DMRs is in violation of LPDES permit LAG110048 (Part I, Section C.8, and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.

The Respondent owns and/or operates a ready-mix concrete plant (AI# 5768) located at 17437 Airline Highway in Prairieville, Ascension Parish, Louisiana. Transit Mix Concrete & Materials Company was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on January 12, 1999, and specifically was assigned Permit

Number LAG110068. LPDES permit LAG110068 was transferred to the Respondent on or about June 10, 1999. LPDES permit LAG110068 expired on December 31, 2003, and has been administratively continued. LPDES permit LAG110068 authorizes the Respondent to discharge treated sanitary wastewater and storm water runoff from its facility to a roadside ditch, thence into Bayou Manchac, waters of the state.

On or about February 27, 2002, and November 24, 2003, inspections of the Respondent's facility were performed to determine the degree of compliance with the Act and Water Quality Regulations. A subsequent file review was also performed on or about April 14, 2004.

The following violations were noted during the course of the inspections and file review:

- A. The Respondent failed to monitor its effluent and submit DMRs to the Department as required by LPDES permit LAG110068 for the following time periods: April 2000 (Outfalls 001, 004, and 005), May 2000 through November 2001, December 2001 (Outfalls 001, 002, and 003), and January 2002 through March 2004 (Outfalls 001, 003, 004, 005). Each failure to monitor the effluent and submit DMRs is in violation of LPDES permit LAG110068 (Part I, Section C, Part III, Section A.2, and Appendix A), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC33:IX.2355.A, LAC 33:IX.2355.L.4.a, and LAC 33:IX.2355.L.4.b.
- B. Further file review by the Department on or about April 14, 2004, revealed the following permit excursions, as reported by the Respondent on DMRs:

Date	Outfall	Parameter	Permit Limit	Sample Value
11/1999	003	TSS Daily Maximum	50 mg/L	91 mg/L
11/1999	003	pH Maximum	9.0 SU	10.5 SU
11/1999	004	pH Maximum	9.0 SU	10.5 SU
11/1999	005	pH Maximum	9.0 SU	11.6 SU
12/1999	002	TSS Weekly Average	45 mg/L	90 mg/L
01/2000	003	pH Maximum	9.0 SU	11.3 SU
01/2000	004	pH Maximum	9.0 SU	10.3 SU
01/2000	005	pH Maximum	9.0 SU	9.5 SU

Date	Outfall	Parameter	Permit Limit	Sample Value
02/2000	003	TSS Daily Maximum	50 mg/L	81 mg/L
02/2000	003	Oil & Grease Daily Maximum	15 mg/L	48 mg/L
02/2000	005	Oil & Grease Daily Maximum	15 mg/L	53 mg/L
04/2000	003	pH Maximum	9.0 SU	9.4 SU

Each excursion of the permit constitutes a violation of LPDES permit LAG110068 (Part I, Page 7, and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

In response to a complaint filed with the Department alleging that the Respondent was washing vehicles and allowing substances to enter a nearby ditch, an inspection was conducted by the Department on or about May 13, 2004, with a follow-up inspection on or about May 17, 2004. The inspections revealed that the Respondent did fail to meet permit limitations. Analysis of a sample collected from the discharge revealed a pH value of 11.25 Standard Units. This effluent violation constitutes a violation of LPDES permit LAG110068 (Part I, Page 7, and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

The Respondent owns and/or operates a ready-mix concrete plant (AI# 40588) located at 800 West Pont Des Mouton Road in Lafayette, Lafayette Parish, Louisiana. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on January 11, 1999, and specifically was assigned Permit Number LAG110017. LPDES permit LAG110017 expired on December 31, 2003, and has been administratively continued. LPDES permit LAG110017 authorizes the Respondent to discharge treated sanitary wastewater and storm water runoff from its facility to Gaston Coulee, thence to the Vermilion River, both waters of the state.

On or about July 31, 2003, an inspection of the Respondent's facility was performed to determine the degree of compliance with the Act and Water Quality Regulations. A subsequent file review was performed on or about April 14, 2004.

The following violations were noted during the course of the inspection and file review:

- A. The Respondent failed to monitor its effluent and submit Discharge Monitoring Reports (DMRs) to the Department as required by LPDES permit LAG110017 for the following time periods: September 1999 through May 2000, July through December 2000, February through May 2001, and August 2001 through March 2004. Each failure to monitor the effluent and submit DMRs is in violation of LPDES permit LAG110017 (Part I, Section C, Part III, Section A.2, and Appendix A), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC33:IX.2355.A, and LAC 33:IX.2355.L.4.a.
- B. Further file review by the Department on or about April 14, 2004, revealed the following permit excursions, as reported by the Respondent on DMRs:

Date	Outfall	Parameter	Permit Limit	Sample Value
07/2001	002	pH Minimum	6.0 SU	5.5 SU
07/2001	002	TOC Daily Maximum	50 mg/L	53.8 mg/L
10/2003	001	Fecal Coliform Daily Maximum	400 col/100 ml	5500 col/100 ml

Each excursion of the permit constitutes a violation of LPDES permit LAG110017 (Part I, Page 7, and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

The Respondent owns and/or operates a ready-mix concrete plant (AI# 42105) located at 63 Layfield Road in Many, Sabine Parish, Louisiana. Texas Industries was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on January 12, 1999, and specifically was assigned Permit Number LAG110045. LPDES permit LAG110045 was transferred to the Respondent on or about July 10, 2002. LPDES permit LAG110045 expired on December 31, 2003, and was administratively continued. On or about March 11, 2004, LPDES permit LAG110045 was reissued with an effective date of May 7, 2004, and expires March 14, 2009. LPDES permit LAG110045 authorizes the Respondent to discharge process wastewater, process area

and nonprocess area storm water runoff, and treaty sanitary wastewater from its facility to an unnamed ditch, thence to Toledo Bend Reservoir, waters of the state.

On or about September 23, 2004, an inspection of the Respondent's facility was performed to determine the degree of compliance with the Act and Water Quality Regulations. A subsequent file review was performed on or about November 10, 2004.

The following violations were noted during the course of the inspection and file review:

- A. The Respondent failed to monitor its effluent as required by LPDES permit LAG110045. Specifically, the Respondent failed to monitor its effluent for the following monitoring periods: August 2002 through April 2004 (Outfalls 001, 003 and 004), 2nd quarter of 2002, 1st and 2nd quarters of 2003 and the 1st quarter of 2004 (Outfall 002), and May 2004 through September 2004 (Outfalls 001, 003 and 004). Each failure to monitor the effluent for the following monitoring periods: August 2002 through April 2004, 2nd quarter of 2002, 1st and 2nd quarters of 2003 and the 1st quarter of 2004 is in violation of LPDES permit LAG110045 which was transferred on or about July 10, 2002, (Part I, Pages 5, 7, 8 and 9, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC33:IX.2355.A. Each failure to monitor the effluent from May 2004 through September 2004 is in violation of LPDES permit LAG110045 which was reissued with an effective date of May 7, 2004, (Part I, Pages 8, 10 and 11, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC33:IX.2355.A.
- B. The Respondent failed to submit DMRs as required by LPDES permit LAG110045. Specifically, the Respondent failed to submit DMRs for the following monitoring periods: August 2002 through April 2004 (Outfalls 001, 003 and 004), 2nd quarter of 2002, 1st and 2nd quarters of 2003 and the 1st quarter of 2004 (Outfall 002), and May 2004 through September 2004 (Outfalls 001, 003 and 004). Each failure to submit DMRs for the following monitoring periods: August 2002 through April 2004, 2nd quarter of 2002, 1st and 2nd quarters of 2003 and the 1st quarter of 2004 is in violation of LPDES permit LAG110017 which was transferred on or about July 10, 2002, (Part I, Section C, and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC33:IX.2355.A and LAC33:IX.2355.L.4.b. Each failure to submit DMRs from May 2004 through September 2004 is in violation of LPDES permit LAG110045 which was reissued with an effective date of May 7, 2004, (Part I, Section C, and Part III, Section A.2 and D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC33:IX.2355.A and LAC33:IX.2355.L.4.b.

On February 13, 2006, the Department issued to ACI Louisiana, Inc. a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-05-0157, which was based upon the following findings of fact:

The Respondent owns and/or operates Angelle Concrete and South Louisiana Cement, which respectively own and/or operate the Lake Charles Plant and the Fitzenreiter Road Plant. The Lake Charles Plant, a ready-mix batch concrete plant, previously operated under Air Permit No. 0520-00041-00, issued on October 22, 1986. The Fitzenreiter Road Plant, a cement loading and handling facility, was previously unpermitted. The two plants, collectively referred to as the North Lake Charles Facility (Agency Interest No. 40586), are located at 1725 Fitzenreiter Road in Lake Charles, Calcasieu Parish, Louisiana. The North Lake Charles Facility currently operates under Air Permit No. 0520-00041-01, issued on January 1, 2006.

On or about May 10, 2005, an inspection of the North Lake Charles Facility was performed to determine the degree of compliance with the Act and Air Quality Regulations in response to a citizen complaint of cement dust blowing offsite onto the complainant's property.

The following violation was noted during the course of the inspection:

During February 2001, the Respondent began operation of five emission points (EQT007, EQT008, EQT009, EQT010, and EQT011) known collectively as South Louisiana Cement. Small Source air permit applications dated September 15, 2003, and July 11, 2005, including these emission points, were received by the Department on or about October 21, 2003, and August 25, 2005, respectively. Each of the Respondent's failures to obtain permit approval before construction, modification and/or operation of the facility is a violation of LAC 33:III.501.C.1, LAC 33:III.501.C.2, and Section 2057(A)(2) of the Act.

On or about June 27, 2005, an inspection of the North Lake Charles Facility was performed to determine the degree of compliance with the Act and Air Quality Regulations in response to a

citizen compliant of cement dust blowing offsite onto the complainant's vehicle.

The following violation was noted during the course of the inspection:

The Respondent failed to control fugitive dust emissions from the internal plant roadways by utilizing all reasonable precautions, such as water spray or chemical suppression. This failure to control fugitive dust emissions from the internal plant roadways is a violation of Specific Condition 2 of Air Permit No. 0520-00041-00, LAC 33:III.501.C.4, LAC 33:III.1305.A.2, and Sections 2057(A)(1) and 2057(A)(2) of the Act.

On or about August 30, 2005, an inspection of the North Lake Charles Facility was performed to determine the degree of compliance with the Act and Air Quality Regulations in response to a citizen complaint of dust blowing from the facility toward a nearby school.

The following violations were noted during the course of the inspection:

- A. According to information provided at the time of the inspection, the Respondent had thrown old bag filters from the top of the cement silo during the preventative maintenance replacement of the cement silo baghouse bag filters. As result of the bag filters being thrown from the top of the silo, fugitive dust emissions were generated. The failure to take all reasonable precautions to prevent particulate matter from being airborne is a violation of LAC 33:III.1305 and Sections 2057(A)(1) and 2057(A)(2) of the Act.
- B. Based on information obtained from the facility personnel and a review of the facility operations logbook, on or about August 25, 2005, a truck driver off-loading ash to the plant silo had over-pressurized the truck, thereby causing bags in the ash silo baghouse to be blown off, and particulate matter to be released uncontrolled. The failure to use and diligently maintain, in proper working order, all emission control equipment during plant operation is a violation of Specific Condition 5 of Air Permit No. 0520-00041-00, LAC 33:III.501.C.4, LAC 33:III.905.A, and Sections 2057(A)(1) and 2057(A)(2) of the Act.

On October 27, 2006, the Department issued to ACI Louisiana, Inc., a Notice of Potential Penalty, Enforcement No. AE-PP-06-0138, which was based upon the following findings of fact:

On or about August 30, 2005, an inspection of the North Lake Charles Facility, owned and/or operated by ACI Louisiana, Inc. (Respondent), was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 1725 Fitzenreiter Road in Lake Charles, Calcasieu Parish, Louisiana. This facility currently operates under Air Permit No. 0520-00041-01, issued on January 1, 2006.

On or about February 13, 2006, the Respondent was issued Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-05-0157 for violations which included failure to take all reasonable precautions to prevent particulate matter from becoming airborne, and failure to use and diligently maintain, in proper working order, all emission control equipment during plant operation. The Order required the Respondent to immediately take any and all steps necessary to achieve and maintain compliance with Air Permit No. 0520-00041-01, LAC 33:III.1305, and LAC 33:III.905.A. The Order was served on the Respondent on or about February 15, 2006. Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-05-0157, is a final action of the Department and not subject to further review.

On or about March 6, 2006, the Department received a response dated February 16, 2006, from the Respondent. The response contained written comments relating to the Order and provided details of the actions taken to correct the violations.

On or about May 17, 2006, an inspection of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations. While the Louisiana Department of Environmental Quality's (the Department) investigation is not yet complete, the following violations were noted during the course of the inspection:

- A. A release of particulate matter occurred from the pressure-vacuum (PV) valve on top of the plant silo as fly ash was being pneumatically transferred from a truck to the silo. This release was caused by the

over-pressuring of the plant silo due to the pumping pressure being set too high. As a result, the ash silo baghouse was bypassed and particulate matter was released uncontrolled to the atmosphere. The failure to use and diligently maintain, in proper working order, all emission control equipment during plant operation is a violation of Consolidated Compliance Order and Notice of Potential Penalty, Enforcement Tracking No. AE-CN-05-0157, LAC 33:III.905, and Sections 2057(A)(1) and 2057(A)(2) of the Act.

- B. Visible emissions of particulate matter from the loading of aggregate materials into a concrete truck were observed. A tarp had been erected on the east and south sides of the concrete loading station for the purpose of controlling particulate matter generated from truck loading; however, the tarp was tattered at the bottom and did not provide the enclosure needed to prevent particulate matter from becoming airborne. The failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of Consolidated Compliance Order and Notice of Potential Penalty, Enforcement Tracking No. AE-CN-05-0157, LAC 33:III.1305, and Sections 2057(A)(1) and 2057(A)(2) of the Act.

On March 13, 2007, the Department issued to ACI Louisiana, Inc., a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-06-0203, which was based upon the following findings of fact:

The Respondent owns and/or operates the North Lake Charles Facility, a ready-mix batch concrete plant and a cement loading and handling plant. The facility is located at 1725 Fitzenreiter Road in Lake Charles, Calcasieu Parish, Louisiana. The facility currently operates under Air Permit No. 0520-00041-01, issued on January 1, 2006.

On or about October 4, 2006, an inspection of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations in response to a citizen's complaint.

The following violations were noted during the course of the inspection:

- A. At the time of the inspection, the inspector requested to review the facility's control equipment inspection and maintenance records;

however, the Respondent failed to allow access to these records. The failure to allow authorized Departmental employees to have access to and copy any records that are required to be kept under the terms and conditions of the permit, the Air Quality Regulations, and the Act is a violation of Louisiana General Condition XII.B of Air Permit No. 0520-00041-01, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.

- B. Upon entering the facility, a visible dust plume was observed emitting from the top of one of the facility's 250 ton silos. Particulate emissions generated during unloading of cement from a barge to one of the facility's 250 ton silos were emitted uncontrolled while the baghouse was being bypassed. The failure to use and diligently maintain control facilities in proper working order whenever emissions are being made which can be controlled by the facilities is a violation of LAC 33:III.905, and Sections 2057(A)(1) and 2057(A)(2) of the Act.
- C. A truck was observed generating fugitive dust emissions from a dry portion of the internal roadway as it was exiting the facility. The failure to control fugitive dust emissions from the internal plant roadways by utilizing all reasonable precautions, such as water spray or chemical suppression is a violation of LAC 33:III.1305.A.2 and Sections 2057(A)(1) and 2057(A)(2) of the Act.
- D. Fugitive dust emissions were observed being generated during the loading of cement and fly ash materials into concrete mix trucks at the truck loading station. The containment structure erected at the concrete truck loading station was not adequately controlling fugitive dust emissions. The failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of LAC 33:III.1305.A and Sections 2057(A)(1) and 2057(A)(2) of the Act.

On or about September 29, 2006, a representative of the Department collected a particulate sample from the windshield and a particulate sample from the roof of the complainant's vehicle while it was parked at the Department's Southwest Regional Office in Lake Charles, Calcasieu Parish, Louisiana. As part of the October 4, 2006, inspection, the inspector collected four reference particulate samples from the facility: one of cement from the Concrete Plant Silo, one of fly ash from the Concrete Pant Silo, one of road dust from the facility's internal road, and one of cement

from the cement terminal silos. The laboratory report from EMSL Analytical, Inc. identified the particulates in the two samples taken from the complainant's vehicle as containing cement, calcite, quartz, and fly ash which were determined from the comparative analysis to be similar in chemical composition to the particulates from the four reference particulate samples taken from the facility.

On September 25, 2007, the Department issued to Angelle Concrete Group, LLC, a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-06-0269, which was based upon the following findings of fact:

The Respondent owns and/or operates a ready-mix concrete plant located at 299 Duhon Road in Lafayette, Lafayette Parish, Louisiana. The Respondent was issued Louisiana Water Discharge Permit System (LWDPS) permit WP2310 with an effective date of February 9, 1992 and an expiration date of February 8, 1997. LWDPS permit WP2310 authorized the Respondent to discharge treated sanitary wastewater through Outfall 001, and truckwash wastewater, and slab washdown wastewater through Outfall 002 into a ditch, thence into Coulee Ile des Cannes, waters of the state. The Respondent submitted an SCC-2 permit renewal application on or about August 1, 1996 and LWDPS permit WP2310 was administratively continued. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) permit number LA0103993 with an effective date of September 1, 1998, and an expiration date of August 31, 2003. LPDES Permit LA0103993 authorized the Respondent to discharge treated sanitary wastewater through Outfall 001, truck and plant washwater and stormwater runoff through Outfall 002, and non-process area stormwater through Outfall 003, via unnamed ditches, thence into Coulee Ile des Cannes, waters of the state. On or about June 2, 2003, the Department notified the Respondent in writing of its expiring LPDES permit and advised the Respondent to submit an LPDES permit renewal application prior to the expiration date of its permit. The Department submitted subsequent

notices to the Respondent of its expired LPDES permit on or about February 2, 2004 and January 6, 2006. On or about December 3, 2004, the company changed its name to Angelle Concrete Group, LLC. The Respondent submitted a LPDES Notice of Intent (NOI) to discharge wastewater from cement, concrete and asphalt facilities on or about June 21, 2006. The Respondent was issued LPDES General Permit number LAG110167 with an effective date of August 3, 2006, and an expiration date of March 14, 2009. LPDES permit LAG110167 authorizes the Respondent to discharge treated process wastewater and process area stormwater runoff through Outfall 001, treated sanitary wastewater through Outfall 005 and treated washrack and shop floor washdown wastewater through Outfall 006 into local drainage, thence into Coulee Ile Des Cannes, waters of the state.

On or about July 12, 2001, and September 12, 2006, inspections of the Respondent's facility were performed to determine the degree of compliance with the Act and Water Quality Regulations. A subsequent file review was conducted by the Department on or about July 18, 2007.

The following violations were noted during the course of the inspections and file review.

- A. Respondent failed to make available a copy of its Stormwater Pollution Prevention Plan (SWP3) at the time of the July 12, 2001, inspection as required by LPDES permit LA0103993. Also, the September 12, 2006 inspection revealed that the Respondent failed to prepare and implement a Pollution Prevention Plan as required by LPDES permit LAG110167. The Respondent's failure to make available a copy of its SWP3 as required by LPDES permit LA0103993 is in violation of LPDES permit LA0103993 (Part II, Section L.9 and Part III, Sections A.2 and C.1.b), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A. The Respondent's failure to prepare and implement a Pollution Prevention Plan (PPP) as required by LPDES permit LAG110167 is in violation of LPDES permit LAG110167 (Part II, Section M and Part III, Sections A.2 and C.1.b), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.
- B. The Respondent failed to prepare and implement a Spill Prevention and Control Plan (SPC plan). Specifically, at the time of the inspection conducted on or about September 12, 2006, there was an

8000 gallon aboveground fuel tank with secondary containment; however there was no written SPC plan to address the tank. The Respondent's failure to prepare and implement a SPC Plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.A, and LAC 33:IX. 907.A.

- C. The Respondent was not maintaining records on site as required by LPDES permit LAG110167. At the time of the inspection conducted on or about September 12, 2006, there was a DMR for April 2005 maintained on site, however no other records such as sampling data were maintained on site as required by LPDES permit LAG110167. The Respondent's failure to maintain records on site is in violation of LPDES permit LAG110167 (Part I, Sections C.5 and C.6 and Part III, Section A.2.), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.J.2.
- D. The Respondent was discharging without an LPDES permit from September 1, 2003 through August 2, 2006. Specifically, LPDES permit LA0103993 expired on August 31, 2003. The Respondent failed to submit a permit renewal application prior to expiration of the permit, therefore authorization was not continued. The Department received the Respondent's LPDES Notice of Intent (NOI) to discharge wastewater from cement, concrete and asphalt facilities on or about June 30, 2006. The Respondent was issued LPDES General Permit number LAG110167 with an effective date of August 3, 2006. The Respondent's discharges to waters of the state from September 1, 2003 through August 2, 2006 were unauthorized discharges and are in violation of La. R.S. 30:2075, La. R.S. 30:2076 (A) (1) (a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1.
- E. The Respondent failed to submit Discharge Monitoring Reports (DMRs) for Outfalls 001, 005, and 006 as required by LPDES permit LAG110167. Specifically, the Respondent failed to submit DMRs as follows: monthly DMRs on a quarterly basis for August 2006 through March 2007 (Outfall 001); one semi-annual DMR for July through December of 2006 (Outfall 005); and quarterly DMRs on a quarterly basis for July 2006 through March 2007 (Outfall 006). Each failure to submit DMRs for Outfalls 001, 005 and 006 is in violation of LPDES permit LAG110167 (Part I, Pages 8, 12 and 13, Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC33:IX.2701.A, and LAC 33:IX.2701.L.4.

On February 7, 2008, the Department issued to Angelle Concrete Group, LLC, a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-07-0120, which was based upon the following findings of fact:

The Respondent (Angelle Concrete Group, LLC) owns and/or operates the Lincoln Road Plant (Agency Interest No. 17314), a portable concrete plant currently located at 821 West Lincoln Road in Lake Charles, Calcasieu Parish, Louisiana. The plant currently operates under Air Permit No. 7777-00067-01, issued on June 5, 1995.

On or about June 14, 2007, an inspection of the Lincoln Road Plant (Agency Interest No. 17314) was performed to determine the degree of compliance with the Act and the Air Quality Regulations in response to a citizen's complaint of dust escaping from the silos.

The following violations were noted during the course of the inspection:

- A. During the course of the inspection, the inspector observed visible fugitive dust emissions during the loading of concrete mix trucks at the truck loading station. The fugitive particulate emissions generated upon discharge of cement and fly ash materials from the loading spout into the trucks were not being controlled. The failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of LAC 33:III.1305 and La. R.S. 30:2057(A)(2).
- B. During the course of the inspection, the inspector noted that the Respondent was not keeping records of the operating hours of the plant. The failure to keep on site and make available upon request records ensuring that the operating hours of the plant are limited to 2080 hours per calendar year is a violation of Specific Condition No. 2 of Air Permit No. 7777-00067-01, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

The Respondent owns and/or operates the North Lake Charles Facility (Agency Interest No. 40586), a ready-mix batch concrete plant and a cement loading and handling plant. The facility is

located at 1725 Fitzenreiter Road in Lake Charles, Calcasieu Parish, Louisiana. The facility currently operates under Air Permit No. 0520-00041-01, issued on January 1, 2006.

On or about March 13, 2007, ACI Louisiana, Inc., a wholly owned subsidiary of the Respondent, was issued Consolidated Compliance Order & Notice of Potential Penalty (CONOPP), Enforcement Tracking No. AE-CN-06-0203, for violations at the North Lake Charles Facility (Agency Interest No. 40586). Cited within the CONOPP was the emission of particulates from the top of one of the facility's silos during the unloading of cement from a barge while the baghouse was being bypassed, in violation of LAC 33:III.905. The Order Portion of the CONOPP ordered ACI Louisiana, Inc. to immediately take any and all steps necessary to achieve and maintain compliance with the Act and all applicable Air Quality Regulations, including, but not limited to, LAC 33:III.905. The CONOPP also cited ACI Louisiana, Inc. for failing to allow authorized Departmental employees to have access to records required to be kept under the terms and conditions of the permit, Air Permit No. 0520-00041-01. Compliance Order & Notice of Potential Penalty AE-CN-06-0203 is a final action of the Department and not subject to further review.

On or about June 11, 2007, an inspection of the North Lake Charles Facility (Agency Interest No. 40586) was performed to determine the degree of compliance with the Act and the Air Quality Regulations in response to a citizen's complaint alleging that dust from mixing concrete at night was resulting in offsite impact. Warning Letter (WL), Enforcement Tracking No. AE-L-07-0120, was issued to the Respondent on or about August 20, 2007.

The following violations were noted during the course of the inspection:

- A. During cement transfer from a barge to the Cement Silo Main S.L.C. (Emission Point No. 7-03/EQT009), fugitive dust was being released from equipment on top of the silo. Weekly maintenance reports from the weeks prior to the Department's inspection indicate that maintenance was needed on the baghouses; however, records

indicating that the indicated maintenance had been completed were unavailable. The Respondent's failure to use and diligently maintain control facilities in proper working order whenever emissions are being made which can be controlled by the facilities is a violation of LAC 33:III.905, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). According to the Respondent's response to the WL dated September 5, 2007, pin holes were detected in the dust collection system at the top of the Cement Silo Main S.L.C. at the time of the Department's inspection. These holes have been welded.

- B. The facility has not developed standard operating procedures (SOPs) designed to control particulate emissions. The failure to develop an SOP is a violation of Specific Requirement No. 26 of Air Permit No. 0520-00041-01, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). According to the Respondent's response to the WL dated September 5, 2007, SOPs are now in place at the facility, and the Respondent's employees have been trained.
- C. During the course of the inspection, the inspector noted as an area of concern that the Respondent failed to conduct daily visible emissions inspections of the baghouse vents in Baghouse 5-03, 6-03 and 8-03/8A-03 (Emission Point No. GRP005) and Baghouse 7-03/8A-03 (Emission Point No. GRP006) per Specific Requirement Nos. 29, 30, 34, and 35 of Air Permit No. 0520-00041-01. In a letter dated September 5, 2007, in response to WL, Enforcement Tracking No. AE-L-07-0120, the Respondent stated that daily visible emission inspections of the baghouses were performed; however, records of these inspections were not available at the facility at the time of the Department's inspection. The failure to keep records of daily visible emissions inspections at the facility and available for inspection by the Department is a violation of Specific Requirement Nos. 30 and 35 of Air Permit No. 0520-00041-01, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). A copy of these records was submitted to the Department on or about September 27, 2007.

The Respondent owned and/or operated the Ready-Mix Concrete (Plant No. 365) Facility, a ready-mix batch concrete plant located at 2701 Homer J. Hebert Road in New Iberia, Iberia Parish, Louisiana. The ready-mix plant operated under Air Permit No. 1260-00093-00, issued on May 8, 1998. On or about September 28, 2000, the Department granted the Respondent permission to relocate the ready-mix plant to 2280 Parish Lane in Port Allen, West Baton Rouge Parish, Louisiana.

The move combined the ready-mix plant with a cement loading and handling plant to become the Westport Terminal (Agency Interest No. 151945). As a result of the approval to relocate, the ready-mix plant currently operates under Air Permit No. 1260-00093-00. The cement loading and handling plant is currently operating without an air permit. The Respondent submitted a modification permit application dated September 28, 2007, which was received by the Department on or about October 9, 2007, to include these emission points and additional information with updated air emissions estimates dated November 7, 2007, which was received by the Department on or about November 28, 2007. When issued, both the ready-mix plant and the cement terminal will operate under Air Permit No. 3120-00091-00.

On or about October 25, 2007, a file review of the Westport Terminal (Agency Interest No. 151945) was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

The following violations were noted during the course of the file review:

According to an email dated October 21, 2007, the Respondent began construction of the cement loading and handling plant (Emission Point Nos. 7-07, 8-07, 9-07, 10-07, 11-07, and 12-07) during August 2000 and began operation of the cement loading and handling plant during December 2000. The facility's current air permit, Air Permit No. 1260-00093-00, does not include these emission points. The Respondent's failure to obtain permit approval before construction, modification and/or operation of each emission point is a violation of LAC 33:III.501.C.1, LAC 33:III.501.C.2, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

On November 7, 2008, the Department issued to Angelle Concrete Group, LLC, a Notice of Potential Penalty, Enforcement No. WE-PP-07-0597, which was based upon the following findings of fact:

Inspections and file reviews of concrete ready mix plants owned and/or operated by Angelle Concrete Group, LLC (Respondent), were performed by the Department to determine the degree of

compliance with the Louisiana Environmental Quality Act (the Act) and the Water Quality Regulations. In July 2007, the Respondent conducted voluntary self-audits of its concrete plants throughout the state of Louisiana. On or about August 20, 2007, and September 19, 2007, the Respondent submitted audit reports which detailed the findings of the voluntary self-audits. On or about October 25, 2007, and April 3, 2008, the Respondent had subsequent meetings with the Department to discuss corrective actions, and submitted updates to the audits. The facilities, Agency Interest (AI) numbers, LPDES permit numbers and locations are as follows:

Facility Name	AI Number/Permit Number	Location
Fitzenrieter Plant	AI # 40586/ LAG110016	1725 Fitzenreiter Road in Lake Charles
Airport Plant	AI # 43609/ LAG110178	2620 SW Evangeline Thruway in Lafayette
Leesville Plant	AI # 42108/ LAG110048	566 Red Towne Road in Leesville
Prairieville Plant	AI # 5768/ LAG110068	17437 Airline Highway in Prairieville
North Lafayette Plant	AI # 40588/ LAG110017	800 West Pont Des Mouton Road in Lafayette
Lakeway Plant	AI # 42105/ LAG110045	63 Layfield Road in Many
Kinder Plant	AI # 147659/ LAG110197	3404 Lauderdale Woodyard Road in Kinder
Oakdale Plant	AI # 103632/ LAG110198	517 Highway 1152 in Oakdale
Abbeville Plant	AI # 103635/ LAG110184	317 Cattle Festival Road in Abbeville
New Iberia Plant	AI # 8018/ LAG110188	417 Highway 90 in New Iberia
Eunice Plant	AI # 103633/ LAG110186	523 Beck Miller Road in Eunice
Nuba Plant	AI # 9309/ LAG110183	877 Highway 167 in Opelousas
Bunkie Plant	AI # 8 /LAG110189	132 Pawn Shop Road in Bunkie
Marksville Plant	AI # 87309 /LAG110121	5065 Highway 1 in Marksville
Alexandria Plant	AI # 132062 /LAG110187	3329 Bolton Avenue in Alexandria
Bayou D'Inde Plant	AI # 151882/ LAG110194	2606 Frederick Road in Westlake
Lincoln Road Plant	AI # 51585/ LAG110200	821 W Lincoln Road in Lake Charles
Jennings Plant	AI # 1639/ LAG110196	1623 Highway 90 West in Jennings
Deridder Plant	AI # 31544/ LAG110075	225 Lemon Street in Deridder
Crowley Plant	AI # 2736/ LAG110185	1934 West Mill Street in Crowley
Opelousas Plant	AI# 52279 / LAG110201	15071 Hwy. 190 East in Opelousas
Geismar Plant	AI# 43618 / LAG110040	4095 Highway 73 in Geismar
Westport Plant	AI # 151945/ LAG110199	2210 Inland Rivers Road in Port Allen
Choctaw Plant	AI# 141717 / LAG110195	9525 South Choctaw Drive in Baton Rouge

- The above facilities are located in multiple parishes throughout Louisiana.
- Notice of Potential Penalty WE-PP-07-0597 will address twenty-four (24) of the Respondent's facilities.

The following violation(s) were noted during the course of inspections, file reviews, and self-audits conducted for each of the above-mentioned facilities:

A. Fitzenrieter Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 40586) located at 1725 Fitzenreiter Road in Lake Charles, Calcasieu Parish, Louisiana.

Angelle Concrete Inc. was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on January 12, 1999, and specifically was assigned Permit Number LAG110016. LPDES permit LAG110016 expired on December 31, 2003, and was administratively continued until it was reissued to Angelle Concrete Inc. with an effective date of March 15, 2004 and an expiration date of March 14, 2009. On or about July 16, 2007, the Respondent notified the Department of the ownership change from Angelle Concrete, Inc. and Angelle Concrete of Louisiana to Angelle Concrete Group, LLC. The ownership change became effective on November 30, 2004 and LPDES permit LAG110016 was transferred to the Respondent with an initial coverage date of November 30, 2004 and an expiration date of March 14, 2009. LPDES permit LAG110016 authorizes the Respondent to discharge process wastewater and process area stormwater runoff through Outfall 001A, Outfall 001B, and Outfall 001C, thence into a roadside ditch, thence into the Calcasieu River, waters of the state.

In a letter dated August 20, 2007, the Respondent self-disclosed that a Pollution Prevention Plan (PPP) was not prepared for this facility as required by LPDES permit LAG110016. The Respondent's failure to prepare a PPP is in violation of LPDES permit LAG110016 (Part II, Section M and Part III, Sections A.2), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A. On or about December 21, 2007, the Respondent submitted correspondence to the Department indicating that a PPP was prepared for the facility.

In a letter dated August 20, 2007, the Respondent self-disclosed that a Spill Prevention and Control plan (SPC plan) was not developed for this facility as required by LAC 33:IX.903. The Respondent's failure to develop a SPC plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B. On or about December 21, 2007, the Respondent submitted correspondence to the Department indicating that an SPC plan was prepared for the facility.

A file review conducted by the Department on or about September 22, 2008, revealed the Respondent failed to submit Discharge Monitoring Reports (DMRs) to the Department in a timely manner. Specifically, the Respondent failed to submit DMRs for Outfall 001A, Outfall 001B and Outfall 001C in a timely manner for the following monitoring periods: monthly DMRs for December 2004, January 2005 through December 2005, January 2006 through August 2006, October 2006 through December 2006 and January 2007 through May 2007. Each failure to submit DMRs in a timely manner for Outfall 001A, Outfall 001B and Outfall 001C is a violation of LPDES permit LAG110016 (Part I, Section C.6 and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC33:IX.2701.A, and LAC 33:IX.2701.L.4.a. The Respondent submitted the aforementioned DMRs to the Department on or about August 8, 2008 and September 23, 2008.

A file review conducted by the Department on or about September 22, 2008, revealed the Respondent failed to monitor its effluent as required by LAG110016. Specifically, the Respondent failed to monitor its effluent at Outfall 001A, Outfall 001B and Outfall 001C for the following monthly monitoring periods: December 2004 through March 2005, July 2005 through August 2005, February 2006 through May 2007. Each failure to sample the effluent is a violation of LPDES permit LAG110016 Part I, Part III, Sections A.2, and C.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A. On or about August 8, 2008, the Respondent submitted Discharge Monitoring Reports for the aforementioned monitoring periods which indicated that no sampling was conducted.

A file review conducted by the Department on or about September 22, 2008, revealed the Respondent failed to provide timely written notification of the ownership change of Angelle Concrete, Inc. and Angelle Concrete of Louisiana to Angelle Concrete Group, LLC. This is in violation of La. R.S. 30:1907.B.

B. Airport Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 43609) located at 2620 SW Evangeline Thruway in Lafayette, Lafayette Parish, Louisiana.

Angelle Concrete, Inc. was issued LPDES permit LAG110178 with an effective date of February 23, 2007, and expiration date of March 14, 2009. LPDES permit LAG110178 authorized Angelle Concrete, Inc. to discharge of treated process wastewater and process area stormwater through Outfall 001 and treated stormwater, aggregate spray from sand and gravel unloading areas and stockpiles of washed sand and gravel through Outfall 003 into Lively Bayou, waters of the state.

On or about July 16, 2007, the Respondent notified the Department of the ownership change from Angelle Concrete, Inc. and Angelle Concrete of Louisiana to Angelle Concrete Group, LLC. The ownership change became effective on November 30, 2004. On or about October 29, 2007, the Department received the Respondent's LPDES permit modification and the permit was modified on or about December 5, 2007, to remove Outfall 003. LPDES permit LAG110178 authorizes the Respondent to discharge treated process wastewater and process area stormwater through Outfall 001 into Lively Bayou, waters of the state.

An inspection conducted by the Department on or about September 12, 2006 revealed the Respondent had unauthorized discharges of process waste water into waters of the state. Photographs taken during the inspection show evidence of lime sedimentation in the roadside ditch along LA. Highway 939. Additionally, pH measurements taken by the inspector revealed that the process

wastewater discharging to the roadside ditch was greater than 11.0 S.U. This is in violation of La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1. On or about December 5, 2007, the Department modified LPDES permit LAG110178. LPDES permit LAG110178 authorizes the Respondent to discharge treated process wastewater and process area stormwater through Outfall 001 into Lively Bayou, waters of the state.

A file review conducted by the Department on or about July 9, 2008, revealed that the Respondent exceeded the effluent limitations set forth in LPDES permit LAG110178, as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Outfall	Parameter	Parameter Limits	Reported Result
July 2007	001	TSS Daily Maximum	50 mg/L	98 mg/L
July 2007	001	pH Maximum	9.0 S.U.	10.8 S.U.
September 2007	001	TSS Daily Maximum	50 mg/L	128 mg/L
September 2007	001	pH maximum	9.0 S.U.	9.34 S.U.

Each exceedance of the permit effluent limitations constitutes a violation of LPDES permit LAG110178 (Part I, and Part III, Section A.2), La. R.S. 30:2075, La. R. S. 2076 (A)(1), La. R. S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about September 22, 2008, revealed the Respondent failed to provide timely written notification of the ownership change of Angelle Concrete, Inc. and Angelle Concrete of Louisiana to Angelle Concrete Group, LLC. This is in violation of La. R.S. 30:1907.B.

C. Leesville Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 42108) located at 566 Red Towne Road in Leesville, Vernon Parish, Louisiana.

LA Industries, a Division of TXI, was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on January 12, 1999, and specifically was assigned Permit Number LAG110048. LPDES permit LAG110048 was transferred to Angelle Concrete Incorporated on or about November 30, 2001 which authorized process wastewater and process area stormwater through Outfall 001 and stormwater and aggregate spray from sand and gravel unloading areas and stockpiles of washed sand and gravel via Outfall 002. LPDES permit LAG110048 expired on December 31, 2003, and was administratively continued until it was reissued to Angelle Concrete of Louisiana, with an effective date of March 15, 2004 and an expiration date of March 14, 2009. On or about July 16, 2007, the Respondent notified the Department of the ownership change from Angelle Concrete, Inc. and Angelle Concrete of Louisiana to Angelle Concrete Group, LLC. The ownership change became effective on November 30, 2004, and LPDES permit LAG110048 was transferred to the Respondent with an initial coverage date of November 30, 2004 and an expiration date of March 14, 2009. LPDES permit LAG110048 authorizes the Respondent to discharge process wastewater and process area stormwater runoff through Outfall 001 and stormwater, aggregate spray from sand and gravel unloading areas and stock piles of washed sand and gravel through Outfall 003, thence into an unnamed ditch, thence into Bayou Castor, waters of the state. On or about April 30, 2008, the Department received the Respondent's LPDES permit modification and the permit was modified on or about June 4, 2008, to remove Outfall 003 and to add Outfall 001B. LPDES permit LAG110048 authorizes the Respondent to discharge through process wastewater and process area stormwater runoff through Outfall 001A, thence into a Parish Drainage ditch, thence into Bayou Castor and process area stormwater runoff through Outfall 001B, thence into an unnamed ditch, thence into Bayou Castor, waters of the state.

An inspection conducted by the Department on or about October 5, 2006, revealed the Respondent discharges process wastewater from a breach in the levee of the settling pond (for Outfall 001) thence into a roadside ditch, waters of the state. Additionally, the inspection revealed the Respondent discharges process wastewater from the west end of the property thence to an unnamed ditch, waters of the state. This is in violation of La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1. In a letter dated August 20, 2007, the Respondent indicated that the breach in the levee was repaired in January 2007. On or about June 4, 2008, the Respondent's LPDES permit was modified to remove Outfall 003 and to add Outfall 001B.

An inspection conducted by the Department on or about October 5, 2006, revealed that the Respondent was submitting Discharge Monitoring Reports (DMRs) to the Department indicating "no discharge" although discharges occurred at the site. At the time of the inspection, a facility representative indicated to the inspector that he was advised to indicate "no discharge" on the DMRs although discharges occurred. A file review conducted by the Department revealed that the Respondent submitted DMRs to the Department from the time period of December 2004 through September 2006 indicating "no discharge." This is in violation of permit LAG110048 (Part III, Section A.2 and A.9, and Part III, Section D.10.d and E.1.d.) La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2503.D, LAC 33:IX.2701.A and LAC 33:IX.2701.K.2.

An inspection conducted the Department on or about October 5, 2006 and the Respondent's self-disclosed audit report revealed the Respondent failed to develop and/ or implement a Spill Prevention and Control Plan (SPC Plan). Specifically, the inspection revealed the Respondent's secondary containment for an 8,000 gallon above ground diesel storage tank was inadequate. Photographs taken during the inspection show evidence of gaps and/or cracks in the diesel tank's

secondary containment wall. Additionally, at the time of the inspection the Respondent had not developed a SPC plan. In a letter dated August 20, 2007, the Respondent self-disclosed that secondary containment for an above-ground diesel storage tank was inadequate. Specifically, the secondary containment wall was not sealed and the height of the wall needed to be raised. The Respondent's failure to develop and/or implement a SPC plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B, and LAC 33:IX.907. On or about December 21, 2007, the Respondent submitted a correspondence to the Department indicating that this was corrected.

An inspection conducted by the Department on or about October 5, 2006, revealed the Respondent failed to implement an adequate Pollution Prevention Plan (PPP). Specifically, the inspection revealed the Respondent has several admixture tanks without secondary containment. The Respondent's failure to implement an adequate PPP is in violation of LPDES permit LAG110048 (Part II, Section M and Part III, Section A.2.) La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A. On or about December 21, 2007, the Respondent submitted a correspondence to the Department indicating that this was corrected.

A file review conducted by the Department on or about July 9, 2008, revealed that the Respondent had exceeded the permit effluent limitations set forth in LPDES permit LAG1 10048 as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Outfall	Parameter	Parameter Limits	Reported Result
October 2006	001	TSS Daily Maximum	50 mg/L	368 mg/L

Each exceedance of the permit effluent limitations constitutes a violation of LPDES permit LAG110048 (Part I, and Part III, Section A.2), La. R.S. 30:2075, La. R. S. 2076 (A)(1), La. R. S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about September 22, 2008, revealed the Respondent failed to provide timely written notification of the ownership change of Angelle

Concrete, Inc. and Angelle Concrete of Louisiana to Angelle Concrete Group, LLC. This is in violation of La. R.S. 30:1907.B.

D. Prairieville Plant

The Respondent owned and/or operated a ready-mix concrete plant (AI# 5768) located at 17437 Airline Highway in Prairieville, Ascension Parish, Louisiana.

Transit Mix Concrete & Materials Company was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on January 12, 1999, and specifically was assigned Permit Number LAG110068. LPDES permit LAG110068 was transferred to Angelle Concrete, Inc. on or about June 10, 1999 and expired on December 31, 2003. LPDES permit LAG110068 was administratively continued until it was reissued with an effective date of March 15, 2004 and an expiration date of March 14, 2009. On or about July 16, 2007, the Respondent notified the Department of the ownership change from Angelle Concrete, Inc. and Angelle Concrete of Louisiana to Angelle Concrete Group, LLC. The ownership change became effective on November 30, 2004 and LPDES permit LAG110068 was transferred to the Respondent with an initial coverage date of November 30, 2004 and an expiration date of March 14, 2009. LPDES permit LAG110068 authorized the Respondent to discharge through Outfall 001, Outfall 002, Outfall 003, Outfall 004, and Outfall 005, thence into a roadside ditch, thence into Bayou Manchac, waters of the state. On or about December 7, 2007, the Department received the Respondent's request to terminate LPDES permit LAG110068 and the permit was terminated by the Department on or about January 11, 2008.

In a letter dated August 20, 2007, the Respondent self-disclosed that a Pollution Prevention Plan (PPP) was not prepared for this facility as required by LPDES permit LAG110168. The Respondent's failure to prepare a PPP is in violation of LPDES permit LAG110168 (Part II, Section

M and Part III, Sections A.2), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A. The Respondent closed the Prairieville Ready-Mix Concrete Plant on or about December 5, 2007.

In a letter dated August 20, 2007, the Respondent self-disclosed that a Spill Prevention and Control plan (SPC plan) was not developed for this facility as required by LAC 33:IX.903. The Respondent's failure to develop a SPC plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B. The Respondent closed the Prairieville Ready-Mix Concrete Plant on or about December 5, 2007.

A file review conducted by the Department on or about July 9, 2008, revealed the Respondent failed to submit Discharge Monitoring Reports (DMRs) to the Department in a timely manner. Specifically, the Respondent failed to submit DMRs for Outfall 001, Outfall 003 and Outfall 005 in a timely manner for the following monitoring periods: monthly DMRs for December 2004, February 2005, March 2005, May 2005, July 2005 through September 2005, December 2005 through March 2006, and May 2006 through August 2006 (Outfall 001); monthly DMRs for December 2004 through August 2007 (Outfall 003); and one semi-annual DMR for July through December of 2006 (Outfall 005). Each failure to submit DMRs for Outfalls 001, 003 and 005 in a timely manner is in violation of LPDES permit LAG110168 (Part I, Section C.6 and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC33:IX.2701.A, and LAC 33:IX.2701.L.4.a. The Respondent submitted the aforementioned DMRs to the Department on or about August 8, 2008 and September 23, 2008.

A file review conducted by the Department on or about September 24, 2008, revealed the Respondent submitted incomplete and/or inaccurate DMRs for Outfall 001 and Outfall 003. Specifically, the Respondent failed to report the pH parameter on DMRs submitted for Outfall 001. Additionally, the Respondent failed to report the flow on DMRs submitted to the Department for

Outfall 003 for the following monthly monitoring periods: December 2004 through August 2007. The failure to submit a complete and/or accurate DMR for Outfall 001 and Outfall 003 is in violation of LPDES permit LAG110168 (Part I, Section C and Part III, Section A.2), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4. On or about August 11, 2008, and September 23, 2008, the Department received the Respondent's revised DMRs for the aforementioned monitoring periods.

A file review conducted by the Department on or about September 24, 2008, revealed the Respondent failed to monitor its effluent as required by LAG110168. Specifically, the Respondent failed to monitor its effluent at Outfall 001 for the following monthly monitoring periods: December 2004, February 2005 through March 2005, May 2005, July 2005 through September 2005, December 2005 through March 2006, and May 2006 through August 2006. Each failure to sample the effluent is a violation of LPDES permit LAG110016 Part I, Part III, Sections A.2, and C.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A. On or about August 8, 2008, the Respondent submitted Discharge Monitoring Reports for the aforementioned monitoring periods which indicated that no sampling was conducted.

A file review conducted by the Department on or about September 22, 2008, revealed the Respondent failed to provide timely written notification of the ownership change of Angelle Concrete, Inc. and Angelle Concrete of Louisiana to Angelle Concrete Group, LLC. This is in violation of La. R.S. 30:1907.B.

E. North Lafayette Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 40588) located at 800 West Pont Des Mouton Road in Lafayette, Lafayette Parish, Louisiana.

Angelle Concrete Inc. was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on January 12, 1999, and specifically was assigned Permit Number LAG110017. LPDES permit LAG110017 was administratively continued until it was reissued to Angelle Concrete Inc. with an effective date of March 15, 2004 and an expiration date of March 14, 2009. On or about July 16, 2007, the Respondent notified the Department of the ownership change from Angelle Concrete, Inc. and Angelle Concrete of Louisiana to Angelle Concrete Group, LLC. The ownership change became effective on November 30, 2004 and LPDES permit LAG110017 was transferred to the Respondent with an initial coverage date of November 30, 2004 and an expiration date of March 14, 2009. LPDES permit LAG110017 authorizes the Respondent to discharge stormwater, aggregate spray from sand and gravel unloading areas and stock piles of washed sand and gravel through Outfall 003, and sanitary wastewater through Outfall 005, thence into local drainage, thence into Gaston Coulee, waters of the state. On or about May 30, 2008, the Department received the Respondent's LPDES permit modification and the permit was modified on or about June 24, 2008, to add process wastewater and process area stormwater through Outfall 001 and to eliminate Outfall 003. LPDES permit LAG110017 authorizes the Respondent to discharge treated process wastewater and process area stormwater through Outfall 001 and treated sanitary wastewater through Outfall 005, waters of the state.

Inspections conducted by the Department on or about September 12, 2006 and April 26, 2007, documented discharges of process waste water, into a roadside ditch, waters of the state. A file review conducted by the Department on or about June 3, 2008, revealed the Respondent had unauthorized discharges of process waster and process area stormwater since November 30, 2004, the date the Respondent began operating the facility until June 24, 2008, the date LPDES permit LAG110017 was modified to authorize process wastewater and process area stormwater through

Outfall 001. The Respondent's discharges from November 30, 2004, through June 24, 2008, were unauthorized and in violation of La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D and LAC 33:IX.2311.A.1.

A file review conducted by the Department on or about July 9, 2008, revealed the Respondent had exceeded the permit effluent limitations set forth in LPDES permit LAG110017 as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Outfall	Parameter	Parameter Limits	Reported Result
November 2005	001	pH Maximum	9.0 S.U.	9.7 S.U.
June 2007	002	pH Maximum	9.0 S.U.	10.88 S.U.
June 2007	005	Fecal Coliform, Weekly Average	400 colonies/100 mL	3,500 colonies/100 mL
August 2007	005	BOD ₅ , Weekly Average	45 mg/L	49 mg/L

Each exceedance of the permit effluent limitations constitutes a violation of LPDES permit LAG110017 (Part I, and Part III, Section A.2), La. R.S. 30:2075, La. R. S. 2076 (A)(1), La. R. S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about September 22, 2008, revealed the Respondent failed to submit Discharge Monitoring Reports (DMRs) in a timely manner. Specifically, the Respondent failed to submit DMRs for Outfall 005 in a timely manner as follows: semiannual DMRs for January through June 2005, July through December 2005, January through June 2006, and July through December 2006. Each failure to submit DMRs in a timely manner for Outfall 005 is a violation of LPDES permit LAG110017 (Part I, Section C.6 and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC33:IX.2701.A, and LAC 33:IX.2701.L.4.a. On or about August 11, 2008, the Respondent submitted the aforementioned DMRs to the Department.

A file review conducted by the Department on or about July 9, 2008, revealed the Respondent submitted incomplete and/or inaccurate DMRs for Outfall 005. Specifically, the Respondent

submitted DMRs for Outfall 005, with an invalid monitoring period of June 1, 2007 through June 30, 2007, August 1, 2007 through August 31, 2007, and November 1, 2007 through November 30, 2007. LPDES permit LAG110017 requires semiannual submission of DMRs for Outfall 005, with a monitoring period of January through June and July through December. The failure to submit a complete and/or accurate DMR is in violation of LPDES permit LAG110017 (Part I, Section C and Part III, Section A.2), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4. On or about August 11, 2008, the Department received the Respondent's revised DMRs which indicated the correct monitoring period for Outfall 005.

A file review conducted by the Department on or about September 22, 2008, revealed the Respondent failed to monitor its effluent as required by LAG110017. Specifically, the Respondent failed to monitor its effluent at Outfall 005 for the following semiannual monitoring periods: January through June 2005, July through December 2005, January through June 2006, and July through December 2006. Each failure to sample the effluent is a violation of LPDES permit LAG110017 Part I, Part III, Sections A.2, and C.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A. On or about August 11, 2008, the Respondent submitted Discharge Monitoring Reports for the aforementioned monitoring periods which indicated that no sampling was conducted.

A file review conducted by the Department on or about September 22, 2008, revealed the Respondent failed to provide timely written notification of the ownership change of Angelle Concrete, Inc. and Angelle Concrete of Louisiana to Angellè Concrete Group, LLC. This is in violation of La. R.S. 30:1907.B.

F. Lakeway Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 42105) located at 63 Layfield Road in Many, Sabin Parish, Louisiana.

Louisiana Industries was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on January 12, 1999, and specifically was assigned Permit Number LAG110045. LPDES permit LAG110045 was transferred to the Angelle Concrete of Louisiana on or about July 10, 2002 and was administratively continued until it was reissued to Angelle Concrete of Louisiana with an effective date of March 15, 2004, and expiration date of March 14, 2009. On or about July 16, 2007, the Respondent notified the Department of the ownership change from Angelle Concrete, Inc. and Angelle Concrete of Louisiana to Angelle Concrete Group, LLC. The ownership change became effective on November 30, 2004 and LPDES permit LAG110045 was transferred to the Respondent with an initial coverage date of November 30, 2004 and an expiration date of March 14, 2009. LPDES permit LAG110045 authorized the Respondent to discharge through Outfall 001, Outfall 003, Outfall 004, and Outfall 005, thence into an unnamed ditch, thence to Toledo Bend Reservoir, waters of the state. On or about November 13, 2007, the Department received the Respondent's LPDES permit modification and the permit was modified on or about January 11, 2008, to remove Outfall 003, and Outfall 004. LPDES permit LAG110045 authorized the Respondent to discharge process wastewater and process area stormwater through Outfall 001, and treated sanitary wastewater through Outfall 005, thence into an unnamed ditch, thence to Toledo Bend Reservoir, waters of the state. On or about May 20, 2008, the Department received the Respondent's request to terminate LPDES permit LAG110045 and the Respondent indicated in the termination request that the facility closed on or about April 15, 2008. LPDES permit LAG110045 was terminated by the Department on or about June 10, 2008.

An inspection conducted by the Department on or about September 26, 2006, revealed that the Respondent was submitting Discharge Monitoring Reports (DMRs) to the Department indicating "no discharge" although discharges occurred at the site. At the time of the inspection, a facility

representative indicated to the inspector that he was advised to indicate “no discharge” on the DMRs although discharges occurred. This is in violation of permit LAG110045 (Part III, Section A.2 and A.9, and Part III, Section D.10.d and E.1.d.) La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2503.D, LAC 33:IX.2701.A and LAC 33:IX.2701.K.2.

An inspection conducted by the Department on or about September 26, 2006 and the Respondent’s self-disclosed audit report revealed the Respondent failed to develop and/or implement a Spill Prevention and Control Plan (SPC Plan). Specifically, the inspection revealed the Respondent had not developed a SPC plan for a 2,000 gallon above ground diesel storage tank. In a letter dated August 20, 2007, the Respondent self-disclosed that the diesel tank secondary containment area was not sealed adequately. The Respondent’s failure to develop and/or implement a SPC plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905, and LAC 33:IX.907. On or about December 21, 2007, the Respondent submitted a correspondence to the Department indicating that a SPC plan was developed for the facility.

In a letter dated August 20, 2007, the Respondent self-disclosed that a Pollution Prevention Plan (PPP) was not prepared for the facility as required by LPDES permit LAG110045. The Respondent’s failure to prepare a PPP is in violation of LPDES permit LAG110045 (Part II, Section M and Part III, Sections A.2), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A. On or about December 21, 2007, the Respondent submitted a correspondence to the Department indicating that a PPP was developed for the facility.

A file review conducted by the Department on or about June 4, 2008, revealed the Respondent submitted DMRs for the monitoring period of August 2007 for Outfall 001A, Outfall 001B, and Outfall 001C, indicating unauthorized discharges occurred. This is in violation of La.

R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1. On or about April 15, 2008, the Respondent closed the Lakeway ready-mix concrete plant.

A file review conducted by the Department on or about September 22, 2008, revealed the Respondent failed to provide timely written notification of the ownership change of Angelle Concrete, Inc. and Angelle Concrete of Louisiana to Angelle Concrete Group, LLC. This is in violation of La. R.S. 30:1907.B.

G. Kinder Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 147659) located at 3404 Lauderdale Woodyard Road in Kinder, Allen Parish, Louisiana.

The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on September 21, 2007, and specifically was assigned Permit Number LAG110197, with an expiration date of March 14, 2009. LPDES permit LAG110197 authorized the Respondent to discharge through Outfall 001A, Outfall 001B, Outfall 003 and Outfall 005, thence into local drainage, then into a parish drainage ditch, thence into an unnamed tributary, waters of the state. On or about October 25 2007, the Department received the Respondent's LPDES permit modification and the permit was modified on or about December 5, 2007, to remove Outfall 003. LPDES permit LAG110197 authorizes the Respondent to discharge process wastewater and process area stormwater through Outfall 001A, Outfall 001B, and treated sanitary wastewater through Outfall 005, thence into local drainage, then into a parish drainage ditch, thence into an unnamed tributary, waters of the state.

An inspection conducted by the Department on or about September 13, 2006, revealed an unauthorized discharge of process wastewater occurring from the truck loading area, into a roadside ditch, waters of the state. The Respondent was granted authorization to discharge from the facility

on or about September 21, 2007. Each discharge into waters of the state by the Respondent were unauthorized and are in violation of La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1.

An inspection conducted the Department on or about September 13, 2006 and the Respondent's self-disclosed audit report revealed the Respondent failed to develop and/ or implement a Spill Prevention and Control Plan (SPC Plan). Specifically, the inspection revealed the Respondent had not developed a SPC plan for a 1,000 gallon above ground diesel storage tank and that secondary containment surrounding the diesel tank was inadequate. In a letter dated August 20, 2007, the Respondent self-disclosed that a SPC plan had not been developed and that secondary containment was built around the diesel tank in July 2007. The Respondent's failure to develop and/or implement a SPC plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B, and LAC 33:IX.907. On or about December 21, 2007, the Respondent submitted a correspondence to the Department indicating that a SPC plan was developed for the facility.

A file review conducted by the Department on or about April 30, 2008, revealed that the Respondent had exceeded the permit effluent limitations set forth in LPDES permit LAG110197 as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Outfall	Parameter	Parameter Limits	Reported Result
March 2008	001A	TSS Daily Maximum	50 mg/L	54 mg/L

Each exceedance of the permit effluent limitations constitutes a violation of LPDES permit LAG110197 (Part I, and Part III, Section A.2), La. R.S. 30:2075, La. R. S. 2076 (A)(1), La. R. S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

H. Oakdale Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 103632) located at 517 Highway 1152 in Oakdale, Allen Parish, Louisiana.

The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on September 12, 2007, and specifically was assigned Permit Number LAG110198, with an expiration date of March 14, 2009. The September 12, 2007 permit authorized the Respondent to discharge process wastewater and process area stormwater (from the far east ditch) through Outfall 001, thence into local drainage, then into an unnamed tributary, thence into the Calcasieu River, waters of the state. On or about November 30, 2007, the Department received the Respondent's LPDES permit modification and the permit was modified on or about January 11, 2008, to change the location of Outfall 001. LPDES permit LAG110198 authorizes the Respondent to discharge process wastewater and process area stormwater (from the west corner of yard, near Frontal Road) through Outfall 001, thence into local drainage, then into an unnamed tributary, thence into the Calcasieu River, waters of the state.

An inspection conducted the Department on or about September 13, 2006 and the Respondent's self-disclosed audit report revealed the Respondent failed to develop and/or implement a Spill Prevention and Control Plan (SPC Plan). Specifically, the inspection revealed the Respondent had not developed a SPC plan for a 2,000 gallon above ground diesel storage tank and that secondary containment had not been built for the diesel tank. In a letter dated August 20, 2007, the Respondent self-disclosed that a SPC plan was not developed for the facility. However, secondary containment was built around the diesel tank in July 2007. The Respondent's failure to develop and/or implement a SPC plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B, and LAC 33:IX.907. On or about December 21, 2007, the Respondent submitted correspondence to the Department indicating that a SPC plan was developed for the facility.

I. Abbeville Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 103635) located at

317 Cattle Festival Road in Abbeville, Vermilion Parish, Louisiana.

The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on August 30, 2007, and specifically was assigned Permit Number LAG110184. LPDES permit LAG110184 expires on March 14, 2009. LPDES permit LAG110184 authorizes the Respondent to discharge process wastewater and process area stormwater through Outfall 001A and Outfall 001B, thence into local drainage, then into Young's North Coulee, thence into the Vermilion River, waters of the state.

An inspection conducted by the Department on or about May 11, 2006, revealed stormwater drainage was occurring from the Respondent's wash water pit on the east side of the facility, thence into a roadside ditch along the east side of the facility. Photographs taken by the Department of the roadside ditch along the east side of the facility show evidence of lime sedimentation. All discharges into waters of the state by the Respondent were unauthorized discharges and are in violation of La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1. The Respondent was granted LPDES permit coverage on August 30, 2007, authorizing the discharge process wastewater and process area stormwater through Outfall 001A and Outfall 001B.

A file review conducted by the Department on or about July 9, 2008, revealed the Respondent had exceeded the permit effluent limitations set forth in LPDES permit LAG110184 as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Outfall	Parameter	Parameter Limits	Reported Result
October 2007	001B	pH Maximum	9.0 S.U.	9.25 S.U.

Each exceedance of the permit effluent limitations constitutes a violation of LPDES permit LAG110184 (Part I, and Part III, Section A.2), La. R.S. 30:2075, La. R. S. 2076 (A)(1), La. R. S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

An inspection conducted by the Department on or about May 11, 2006, revealed the Respondent failed to provide secondary containment for a 10,500 gallon above ground diesel storage tank. The Respondent's failure to provide secondary containment is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B, and LAC 33:IX.907. In a letter dated August 20, 2007, the Respondent self-disclosed that the tank was emptied and taken out of service.

J. New Iberia Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 8018) located at 417 Highway 90 in New Iberia, Iberia Parish, Louisiana.

The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on August 22, 2007, and specifically was assigned Permit Number LAG110188. LPDES permit LAG110188 expires on March 14, 2009. LPDES permit LAG110188 authorizes the Respondent to discharge process wastewater and process area stormwater through Outfall 001A, Outfall 001B, Outfall 001C, and treated sanitary wastewater through Outfall 005, thence into local drainage, thence into the Rodere Canal, waters of the state.

An inspection conducted by the Department on or about May 25, 2007, revealed several unauthorized discharges were occurring from the facility, including but not limited to an unauthorized discharge of truck wash water, into waters of the state. Each discharge into waters of the state prior to August 22, 2007, were unauthorized and in violation of La. R.S. 30:2075, La. R.S. 30:2076 (A) (1) (a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1.

An inspection conducted by the Department on or about May 25, 2007 and the Respondent's self-disclosed audit report revealed the Respondent failed to develop and/ or implement a Spill

Prevention and Control Plan (SPC Plan). Specifically, the inspection revealed the Respondent had not developed a SPC plan for a 10,000 gallon above ground diesel storage tank. In a letter dated August 20, 2007, the Respondent self-disclosed that the diesel tank secondary containment area was not sealed adequately and that a SPC Plan was not developed for the facility. The Respondent's failure to develop and/or implement a SPC plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B, and LAC 33:IX.907. On or about December 21, 2007, the Respondent submitted a correspondence to the Department indicating that a SPC plan was developed for the facility.

A file review conducted by the Department on or about July 9, 2008, revealed that the Respondent failed to collect representative samples at Outfall 001A, Outfall 001B, and Outfall 001C for the monitoring period of August 2007. Specifically, the Respondent indicated on their Discharge Monitoring reports (DMRs) that sampling was conducted at the wrong sample location. The Respondent's failure to collect representative samples is a violation of LPDES permit LAG110188 (Part III, Sections A.2 and C.2), La. R.S. 30:2075, La. R. S. 2076 (A)(1), La. R. S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.J.1.

K. Eunice Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 103633) located at 523 Beck Miller Road in Eunice, St. Landry Parish, Louisiana.

The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on August 7, 2007, and specifically was assigned Permit Number LAG110186, with an expiration date of March 14, 2009. The August 7, 2007 permit authorized the Respondent to discharge through Outfall 001, and Outfall 003, thence into local drainage, thence into Bayou des Cannes, waters of the state. On or about August 16, 2007, the

Department received the Respondent's LPDES permit modification request and the permit was modified on or about September 12, 2007, to remove Outfall 003 and to add process wastewater and process area stormwater. LPDES permit LAG110186 authorizes the Respondent to discharge through Outfall 001A, and Outfall 001B, thence into local drainage, thence into Bayou des Cannes, waters of the state.

An inspection conducted by the Department on or about September 13, 2006, revealed the Respondent had two process wastewater discharges occurring from the truck washout area, thence into a roadside along Beck Miller Road, waters of the state. The inspection also revealed the Respondent discharges process wastewater from the truck washout pit, thence into a roadside ditch along Louisiana Highway 190, waters of the state. Photographs taken by the Department of the roadside ditch along Beck Miller Road and La. Highway 190 show evidence of lime sedimentation. Each discharge into waters of the state by the Respondent prior to August 7, 2007, were unauthorized discharges and are in violation of La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1.

An inspection conducted by the Department on or about September 13, 2006 and the Respondent's self-disclosed audit report revealed the Respondent failed to develop and/ or implement a Spill Prevention and Control Plan (SPC Plan). Specifically, the inspection revealed the Respondent has an aboveground storage tank of greater than 660 gallons on site, without secondary containment. In a letter dated August 20, 2007, the Respondent self-disclosed that a SPC Plan was not developed for the facility and that secondary containment was not provided for the diesel tank at the time of the internal audit. The Respondent's failure to develop and/or implement a SPC plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B, and LAC 33:IX.907. On or about December 21, 2007, the Respondent submitted a correspondence to the Department

indicating that secondary containment was completed and that a SPC plan was developed for the facility.

L. Nuba Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 9309) located at 877 La Highway 167 in Opelousas, St. Landry Parish, Louisiana.

The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on August 7, 2007, and specifically was assigned Permit Number LAG110183, with an expiration date of March 14, 2009. The August 7, 2007 permit authorized the Respondent to discharge process wastewater and process area stormwater through Outfall 001, stormwater and aggregate spray from sand and gravel unloading areas and stock piles of washed sand and gravel through Outfall 003 and treated sanitary wastewater through Outfall 005. On or about August 10, 2007, the Respondent requested modification of its LPDES permit. The modification became effective September 12, 2007, to remove Outfall 001 and Outfall 003 and to add Outfall 004. On or about March 6, 2008, the Respondent requested modification of its LPDES permit and the modification became effective May 14, 2008, to restore process wastewater and process area stormwater through Outfall 001. LPDES permit LAG110183 authorizes the Respondent to discharge process wastewater and process area stormwater through Outfall 001, treated sanitary wastewater through Outfall 005, and nonprocess area stormwater through Outfall 004 into local drainage, thence into parish drainage, thence into Bayou Belleview, all waters of the state.

An inspection conducted by the Department on or about September 12, 2006, revealed the unauthorized discharge of process wastewater occurring from the truck loading area and the truck wash area, into an unnamed ditch, thence into Bayou Belleview. Each discharge into waters of the state by the Respondent prior to August 7, 2007, were unauthorized discharges and are in violation of

La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1.

An inspection conducted by the Department on or about September 13, 2006 and the Respondent's self-disclosed audit report revealed the Respondent failed to develop and/ or implement a Spill Prevention and Control Plan (SPC Plan). Specifically, the inspection revealed the Respondent has not developed a SPC plan to address the 10,000 gallon above ground diesel tank on site. In a letter dated August 20, 2007, the Respondent self-disclosed that a SPC plan was not developed for the facility and that secondary containment for the diesel tank would be rebuilt and sealed. The Respondent's failure to develop and/or implement a SPC plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B, and LAC 33:IX.907. On or about December 21, 2007, the Respondent submitted a correspondence to the Department indicating the diesel tank was removed from the facility.

A file review conducted by the Department on or about July 9, 2008, revealed the Respondent exceeded the permit effluent limitations set forth in LPDES permit LAG110183 as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Outfall	Parameter	Parameter Limits	Reported Result
August 2007	001	TSS, Daily Maximum	50 mg/L	131 mg/L
August 2007	001	pH (maximum)	9.0 S.U.	10.9 S.U.
September 2007	001	TSS, Daily Maximum	50 mg/L	125 mg/L
September 2007	001	pH (maximum)	9.0 S.U.	10.67 S.U.
October 2007	001	TSS, Daily Maximum	50 mg/L	53 mg/L
October 2007	001	pH (maximum)	9.0 S.U.	9.84 S.U.

Each exceedance of the permit effluent limitations constitutes a violation of LPDES permit LAG110183 (Part I, and Part III, Section A.2), La. R.S. 30:2075, La. R. S. 2076 (A)(1), La. R. S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about July 9, 2008, revealed the Respondent submitted incomplete and/ or inaccurate DMRs for Outfall 005. Specifically, the Respondent submitted a DMR for Outfall 005 with an invalid monitoring period of April 1, 2008 through April 30, 2008. LPDES permit LAG110183 requires semiannual submission of DMRs for Outfall 005, with a monitoring period of January through June and July through December. The failure to submit a complete and/ or accurate DMR is in violation of LPDES permit LAG110183 (Part I, Section C and Part III, Section A.2), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4. On or about September 23, 2008, the Department received the Respondent's revised DMR which indicated the correct monitoring period.

M. Bunkie Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 8) located at 132 Pawn Shop Road in Bunkie, Avoyelles Parish, Louisiana.

The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on August 22, 2007, and specifically was assigned Permit Number LAG110189, with an expiration date of March 14, 2009. The August 22, 2007 permit LAG110189 authorized the Respondent to discharge through Outfall 001, and Outfall 005, thence into local drainage, thence into an unnamed tributary, thence into Tanner Lake, waters of the state. On or about November 30, 2007, the Department received the Respondent's LPDES permit modification and the permit was modified on or about December 5, 2007, to correct the location of Outfall 001 and to remove Outfall 005. LPDES permit LAG110189 authorizes the Respondent to

discharge treated process wastewater and process area stormwater through Outfall 001, thence into local drainage, thence into an unnamed tributary, thence into Tanner Lake, waters of the state.

An inspection conducted by the Department on or about August 30 2006, revealed unauthorized discharges of process wastewater from the truck loading area, and unauthorized discharges of sanitary wastewater into an unnamed tributary, waters of the state. Each discharge into waters of the state by the Respondent prior to August 22, 2007, were unauthorized discharges and are in violation of La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1.

An inspection conducted by the Department on or about August 30, 2006 and the Respondent's self-disclosed audit report revealed the Respondent failed to develop and/ or implement a Spill Prevention and Control Plan (SPC Plan). Specifically, the inspection revealed the Respondent has (2) two diesel storage tanks (stored within a common area) of greater than 1,320 gallons, without secondary containment. Additionally, the inspection revealed the Respondent has not developed a SPC plan. In a letter dated August 20, 2007, the Respondent self-disclosed that a SPC Plan was not developed for the facility and that secondary containment was built following the Department's inspection. The Respondent's failure to develop and/or implement a SPC plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B, and LAC 33:IX.907. On or about December 21, 2007, the Respondent submitted a correspondence to the Department indicating that a SPC plan was developed for the facility.

A file review conducted by the Department on or about July 9, 2008, revealed the Respondent exceeded the permit effluent limitations set forth in LPDES permit LAG110189 as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Outfall	Parameter	Parameter Limits	Reported Result
August 2007	001	pH	9.0 S.U.	9.2 S.U.

Each exceedance of the permit effluent limitations constitutes a violation of LPDES permit LAG110189 (Part I, and Part III, Section A.2), La. R.S. 30:2075, La. R. S. 2076 (A)(1), La. R. S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

N. Marksville Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI # 87309) located at 5065 La. Highway 1 in Marksville, Avoyelles Parish, Louisiana.

Angelle Concrete of Louisiana, Inc. was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on January 26, 2001, and specifically was assigned Permit Number LAG110121. LPDES permit LAG110121 expired on December 31, 2003, and was administratively continued until it was reissued to Angelle Concrete of Louisiana, with an effective date of May 07, 2004 and an expiration date of March 14, 2009. LPDES permit LAG110121 authorized Angelle Concrete of Louisiana, Inc. to discharge process wastewater and process area stormwater runoff through Outfall 001 and nonprocess area stormwater through Outfall 004, thence into an unnamed ditch, thence into a roadside ditch, waters of the state. On or about July 16, 2007, the Respondent notified the Department of the ownership change from Angelle Concrete, Inc. and Angelle Concrete of Louisiana to Angelle Concrete Group, LLC. The ownership change became effective on November 30, 2004 and LPDES permit LAG110121 was transferred to the Respondent with an effective date of November 30, 2004 and an expiration date of March 14, 2009. On or about May 27, 2008, the Department received the Respondent's permit modification request to add Outfall 005. The permit modification became effective June 10, 2008. LPDES permit LAG110121 authorizes the Respondent to discharge process wastewater and process area stormwater runoff through Outfall 001, nonprocess area stormwater through Outfall 004, sanitary wastewater

through Outfall 005, by an internal drainage ditch thence into a parish drainage ditch, thence into Spring Bayou, waters of the state.

An inspection conducted by the Department on or about August 30, 2006, revealed the Respondent had an unauthorized discharge of sanitary wastewater into a roadside ditch, waters of the state. Additionally, a file review conducted by the Department on or about July 9, 2008, revealed the Respondent submitted Discharge Monitoring Reports for sanitary discharges which occurred in February 2007, June 2007 and December 2007. This is in violation of La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1. A permit modification became effective on June 10, 2008, authorizing the discharge of sanitary wastewater through Outfall 005.

An inspection conducted by the Department on or about August 30, 2006 and the Respondent's self-disclosed audit report revealed the Respondent failed to develop and/ or implement a Spill Prevention and Control Plan (SPC Plan). Specifically, the inspection revealed cracks in the Respondent's secondary containment for a 2,000 gallon above ground diesel storage tank and contaminated soil was observed outside of the diesel tank containment area. Additionally, at the time of the inspection the Respondent had not developed a SPC plan to address the tank. In a letter dated August 20, 2007, the Respondent self-disclosed that a SPC Plan was not developed for the facility. The Respondent's failure to develop and/or implement a SPC plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B, and LAC 33:IX.907. On or about December 21, 2007, the Respondent submitted a correspondence to the Department indicating that the diesel storage tank was removed from the facility.

In a letter dated August 20, 2007, the Respondent self-disclosed that an acid cleaner tank and concrete additive mixture tanks were not in secondary containment. The Respondent's failure to

implement an adequate Pollution Prevention Plan is in violation of LPDES permit LAG110048 (Part II, Section M and Part III, Section A.2.) La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A. On or about December 21, 2007, the Respondent submitted correspondence to the Department indicating that this was corrected.

A file review conducted by the Department on or about July 9, 2008, revealed the Respondent submitted monthly Discharge Monitoring Reports for Outfall 001 from January 2005 through June 2006 untimely. Specifically, the Department received these DMRs on October 30, 2006. The Respondent's failure to submit DMRs in a timely manner is a violation of LPDES permit LAG110048 (Part I, Section C.6, and Part III, Section A.2.), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.

A file review conducted by the Department on or about September 22, 2008, revealed the Respondent failed to monitor its effluent as required by LAG110048. Specifically, the Respondent failed to monitor its effluent at Outfall 001A, for the following monthly monitoring periods: January 2007 through May 2007. Each failure to sample the effluent is a violation of LPDES permit LAG110048 Part I, Part III, Sections A.2, and C.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A. On or about September 26, 2008, the Respondent submitted Discharge Monitoring Reports for the aforementioned monitoring periods which indicated that no sampling was conducted.

A file review conducted by the Department on or about September 22, 2008, revealed the Respondent failed to provide timely written notification of the ownership change of Angelle Concrete, Inc. and Angelle Concrete of Louisiana to Angelle Concrete Group, LLC. This is in violation of La. R.S. 30:1907.B.

O. Alexandria Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 132062) located at 3329 Bolton Avenue in Alexandria, Rapides Parish, Louisiana.

The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on August 22, 2007, and specifically was assigned Permit Number LAG110187. LPDES permit LAG110187 expires on March 14, 2009. LPDES permit LAG110187 authorizes the Respondent to through Outfall 001, and Outfall 005, thence into local drainage, thence into Bayou Rapides, waters of the state. On or about November 30, 2007, the Department received the Respondent's LPDES permit modification application, to correct the location of Outfall 001 and to remove Outfall 005. The permit was modified on or about January 11, 2008 to reflect the changes. LPDES permit LAG110187 authorizes the Respondent to discharge process wastewater and process area stormwater through Outfall 001 by an internal ditch, thence into a parish drainage ditch, thence into Bayou Rapides, waters of the state.

In a letter dated August 20, 2007, the Respondent self-disclosed that a Spill Prevention and Control plan (SPC plan) was not developed for this facility as required by LAC 33:IX.903. The Respondent's failure to develop a SPC plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B. On or about December 21, 2007, the Respondent submitted correspondence to the Department indicating that an SPC plan was prepared for the facility.

A file review conducted by the Department on or about July 9, 2008, revealed the facility had unauthorized discharges since July 2005, the date the Respondent began operating until August 22 2007, the date an LPDES permit was issued to the Respondent. The Respondent's discharges from July 2005 through August 22 2007, were unauthorized and in violation of La. R.S. 30:2075, La. R.S.

30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D and LAC 33:IX.2311.A.1.

P. Bayou d'Inde Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 151882) located at 2606 Frederick Road in West Lake, Calcasieu Parish, Louisiana.

In a letter dated August 20, 2007, the Respondent voluntarily self-disclosed to the Department that it owns and/or operates a ready-mix concrete plant known as the Bayou D' Inde Plant (AI #151882) for which a Louisiana Pollutant Discharge Elimination System (LPDES) permit had not been issued. A file review conducted by the Department on or about October 15, 2007, revealed that on or about July 17, 2007, the Department received the Respondent's LPDES Notice of Intent (NOI) to discharge process wastewater and process area stormwater and sanitary wastewater from its facility. The application was determined to be administratively complete on or about July 25, 2007. On or about August 10, 2007, the Respondent submitted an updated NOI to the Department. The Respondent was issued LPDES General Permit number LAG110194 with an effective date of September 12, 2007, and an expiration date of March 14, 2009. LPDES permit LAG110194 authorizes the Respondent to discharge treated process wastewater and process area stormwater through Outfall 001A and 001B, and treated sanitary wastewater through Outfall 005A and Outfall 005B, thence into an internal ditch, thence into a Parish drainage ditch, thence into Bayou D'Inde, waters of the state.

In a letter dated August 20, 2007, the Respondent self-disclosed that a Spill Prevention and Control Plan (SPC plan) was not developed for this facility as required by LAC 33:IX.903. The Respondent's failure to develop a SPC plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B, and LAC 33:IX. 907.A. On or about December 21, 2007, the

Respondent submitted a correspondence to the Department indicating that a SPC plan was developed for the facility.

A file review conducted by the Department on or about July 9, 2008, revealed the Respondent had unauthorized discharges since November 30, 2004, the date the Respondent began operating the facility, until September 12, 2007, the date an LPDES permit was issued to the Respondent. The Respondent's discharges from November 30, 2004 through September 12, 2007, were unauthorized and in violation of La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D and LAC 33:IX.2311.A.1.

Q. Lincoln Road Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 51585) located at 821 West Lincoln Road in Lake Charles, Calcasieu Parish, Louisiana.

In a letter dated August 20, 2007, the Respondent voluntarily self-disclosed to the Department that it owns and/or operates a ready-mix concrete plant known as the Lincoln Road Plant (AI # 51585) for which a Louisiana Pollutant Discharge Elimination System (LPDES) permit had not been issued. A file review conducted by the Department on or about October 15, 2007, revealed that on or about July 16, 2007, the Department received the Respondent's LPDES Notice of Intent (NOI) to discharge process wastewater and process area stormwater from its facility. The application was determined to be administratively complete on or about July 27, 2007. The Respondent was granted coverage under LPDES General Permit LAG110000 on or about September 12, 2007, and was specifically assigned permit number LAG110200, with an expiration date of March 14, 2009. LPDES permit LAG110200 authorizes the Respondent to discharge treated process wastewater and process area stormwater through Outfall 001, thence into an internal ditch, thence into a parish drainage ditch, thence into Coulee Hippolyte, waters of the state.

An inspection conducted by the Department on or about June 14, 2007, revealed the Respondent had unauthorized discharges of process wastewater and process area stormwater occurring from the facility, thence into an unnamed ditch, waters of the state. All discharges to waters of the state were unauthorized and in violation of La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D and LAC 33:IX.2311.A.1.

An inspection conducted by the Department on or about June 14, 2007 and the Respondent's self-disclosed audit report revealed the Respondent failed to develop a Spill Prevention and Control Plan (SPC Plan). Specifically, the inspection revealed the Respondent had not developed a SPC plan to address the above ground fuel storage tanks stored within a common secondary containment of greater than 1,320 gallons. The Respondent's failure to develop a SPC plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905B. On or about December 21, 2007, the Respondent submitted a correspondence to the Department indicating that a SPC plan was developed for the facility.

R. Jennings Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 1639) located at 1623 La. Highway 90 West in Jennings, Jefferson Davis Parish, Louisiana.

In a letter dated August 20, 2007, the Respondent voluntarily self-disclosed to the Department that it owns and/or operates a ready-mix concrete plant known as the Jennings Plant (AI # 1639) for which a Louisiana Pollutant Discharge Elimination System (LPDES) permit had not been issued. A file review conducted by the Department on or about October 15, 2007, revealed that on or about July 25, 2007, the Department received the Respondent's LPDES Notice of Intent (NOI) to discharge process wastewater and process area stormwater from its facility. The application was

determined to be administratively complete on or about July 26, 2007. The Respondent was granted coverage under LPDES General Permit LAG110000 on or about September 20, 2007, and was specifically assigned permit number LAG110196, with an expiration date of March 14, 2009. On or about October 19 2007, and October 29, 2007, the Department received the Respondent's LPDES permit modification requests and the permit was modified on or about December 5, 2007, to change the location of Outfall 001B. LPDES permit LAG110196 authorizes the Respondent to discharge treated process wastewater and process area stormwater through Outfall 001A and Outfall 001B, thence into an internal ditch, thence into a parish drainage ditch, thence into East Bayou Grand Marals, waters of the state.

A file review conducted by the Department on or about October 15, 2007, revealed the Respondent had unauthorized discharges since November 30, 2004, the date the Respondent began operating until September 20, 2007, the date an LPDES permit was issued to the Respondent. The Respondent's discharges from November 30, 2004 through September 20, 2007 were unauthorized and in violation of La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D and LAC 33:IX.2311.A.1. R

In a letter dated August 20, 2007, the Respondent self-disclosed that a Spill Prevention and Control Plan (SPC plan) was not developed for this facility as required by LAC 33:IX.903. The Respondent's failure to develop a SPC plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B, and LAC 33:IX. 907.A. On or about December 21, 2007, the Respondent submitted a correspondence to the Department indicating that a SPC plan was developed for the facility.

S. Deridder Plant

The Respondent owns and/or operates a ready mix concrete plant (AI# 31544) located at 225

Lemon Street in DeRidder, Beauregard Parish, Louisiana.

Louisiana Industries, A Division of TXI Operations, LP, was granted coverage under the Louisiana Pollution Discharge Elimination System (LPDES) General Permit LAG110000 on or about February 8, 1999, and was specifically assigned permit number LAG110075 with an expiration date of December 31, 2003. On or about June 19, 2002, Angelle Concrete, Inc. notified the Department of the ownership change from Texas Industries to Angelle Concrete, Inc. LPDES permit LAG110075 was transferred to Angelle Concrete, Inc. on or about November 30, 2001, and was administratively continued until it was reissued on or about March 15, 2004 to Angelle Concrete of Louisiana. LPDES permit LAG110075 authorized Angelle Concrete of Louisiana to discharge washrack and shop floor washdown wastewater through Outfall 006, thence into local drainage, thence into Hickory Branch. On or about July 16, 2007, the Respondent notified the Department of the ownership change from Angelle Concrete, Inc. and Angelle Concrete of Louisiana to Angelle Concrete Group, LLC. The ownership change became effective on November 30, 2004 and LPDES permit LAG110075 was transferred to the Respondent with an initial coverage date of November 30, 2004 and an expiration date of March 14, 2009. On or about March 18, 2008, the Department received the Respondent's LPDES permit modification requests and the permit was modified on or about June 10, 2008. LPDES permit LAG110075 authorizes the Respondent to discharge process wastewater and process area stormwater through Outfall 001, thence into local drainage, thence into Hickory Branch.

An inspection conducted by the Department on or about November 30, 2006, revealed the Respondent failed to prepare a Pollution Prevention Plan (PPP). Additionally, in a letter dated August 20, 2007, the Respondent self-disclosed that a PPP was not prepared as required by LAG110075. The Respondent's failure to prepare a PPP is in violation of LPDES permit

LAG110075 (Part II, Section M and Part III, Sections A.2), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A. On or about December 21, 2007, the Respondent submitted a correspondence to the Department indicating that a PPP was developed for the facility.

An inspection conducted on or about November 30, 2006 revealed the Respondent exceeded the holding times for a pH sample collected on October 17, 2006. This is in violation of LPDES permit LAG110075 (Part III, Sections A.2 and C.5.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.J.4.

An inspection conducted by the Department on or about November 30, 2006 and the Respondent's self-disclosed audit report revealed the Respondent failed to develop and/ or implement a Spill Prevention and Control Plan (SPC Plan). Specifically, the inspection revealed a portion of the Respondent's secondary containment for a 1,200 gallon diesel tank was broken. According to a facility representative the containment wall broke on September 24, 2005, during Hurricane Rita. In a letter dated September 19, 2007, the Respondent self-disclosed that a Spill Prevention and Control Plan (SPC plan) was not developed for the facility. The Respondent's failure to develop and/or implement a SPC plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B, and LAC 33:IX.907. On or about December 21, 2007, the Respondent submitted a correspondence to the Department indicating that a SPC plan was developed for the facility.

An inspection conducted by the Department on or about November 30, 2006, and a subsequent file review conducted by the Department on or about September 22, 2008, revealed the Respondent submitted incomplete and/or inaccurate DMRs for Outfall 006. Specifically, the inspection and subsequent file review revealed the Respondent was reporting Outfall 001 as the permitted outfall number and not recording all of the required parameters on its DMRs. A

subsequent file review conducted by the Department revealed the Respondent submitted incomplete and/or inaccurate DMRs from December 2005 through June 2007. The failure to submit a complete and/or accurate DMRs is in violation of LPDES permit LAG110075 (Part I, Section C and Part III, Section A.2), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4. On or about October 21, 2008, the Respondent submitted correspondence to the Department indicating that the facility did not discharge washrack and shop floor washdown wastewater (Outfall 006) during the period of May 2004 through May 2008. Revised DMRs were submitted to the Department for Outfall 006 from August 2007 through September 2008.

A file review conducted by the Department on or about September 22, 2008, revealed the Respondent failed to provide timely written notification of the ownership change of Angelle Concrete, Inc. and Angelle Concrete of Louisiana to Angelle Concrete Group, LLC. This is in violation of La. R.S. 30:1907.B.

T. Crowley Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI # 2736) located at 1934 West Mill Street in Crowley, Acadia Parish, Louisiana.

In a letter dated August 20, 2007, the Respondent voluntarily self-disclosed to the Department that it owns and/or operates a ready-mix concrete plant known as the Crowley Plant (AI # 2736) for which a Louisiana Pollutant Discharge Elimination System (LPDES) permit had not been issued. A file review conducted by the Department on or about October 15, 2007, revealed that on or about July 9, 2007, the Department received the Respondent's LPDES Notice of Intent (NOI) to discharge treated process wastewater and process area stormwater and stormwater and aggregate spray from sand and gravel unloading areas and stormwater from stock piles of washed sand and gravel from its facility. The application was determined to be administratively complete on or about

July 11, 2007. The Respondent was granted coverage under LPDES General Permit LAG110000 on or about August 07, 2007, and was specifically assigned permit number LAG110185, with an expiration date of March 14, 2009. The August 7, 2007 permit authorized the Respondent to discharge treated process wastewater and process area stormwater through Outfall 001A and stormwater and aggregate spray from sand and gravel unloading areas and stock piles of washed sand and gravel through Outfall 003, thence into an internal ditch, thence into a parish drainage ditch, thence into Bayou Blanc, waters of the state. On or about August 16, 2007, the Department received the Respondent's LPDES permit modification and the permit was modified on or about September 12, 2007, to remove Outfall 003 and to add treated process wastewater and process area stormwater from the southwest corner of the facility through Outfall 001B. LPDES permit LAG110185 authorizes the Respondent to discharge treated process wastewater and process area stormwater through Outfall 001A and Outfall 001B, thence into an internal ditch, thence into a parish drainage ditch, thence into Bayou Blanc, waters of the state.

A file review conducted by the Department on or about October 15, 2007, revealed the Respondent had unauthorized discharges since November 30, 2004, the date the Respondent began operating the facility until August 07, 2007, the date an LPDES permit was issued to the Respondent. The Respondent's discharges from November 30, 2004 through August 7, 2007, were unauthorized and in violation of La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D and LAC 33:IX.2311.A.1.

In a letter dated August 20, 2007, the Respondent self-disclosed that the drain valve for an above ground diesel storage tank was in the open position and extensive hydrocarbon staining was present around the diesel tank containment area and the diesel tank drain valve. The Respondent's failure to implement an adequate Spill Prevention and Control Plan (SPC) plan is in violation of La.

R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B, and LAC 33:IX. 907. On or about December 21, 2007, the Respondent submitted a correspondence indicating that this was corrected.

A file review conducted by the Department on or about July 9, 2008, revealed the Respondent had exceeded the permit effluent limitations set forth in LPDES permit LAG110185 as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Outfall	Parameter	Parameter Limits	Reported Result
October 2007	001A	pH (maximum)	9.0 S.U.	11.3 S.U.
November 2007	001A	pH (maximum)	9.0 S.U.	9.8 S.U.

Each exceedance of the permit effluent limitations constitutes a violation of LPDES permit LAG110185 (Part I, and Part III, Section A.2), La. R.S. 30:2075, La. R. S. 2076 (A)(1), La. R. S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

U. Opelousas Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 52279) located at 15071 La. Highway 190 East in Opelousas, St. Landry Parish, Louisiana.

In a letter dated August 20, 2007, the Respondent voluntarily self-disclosed to the Department that it owns and/or operates a ready-mix concrete plant known as the Opelousas Plant (AI# 52279) for which a Louisiana Pollutant Discharge Elimination System (LPDES) permit had not been issued. A file review conducted by the Department on or about October 15, 2007, revealed that on or about July 17, 2007, the Department received the Respondent's LPDES Notice of Intent (NOI) to discharge process wastewater and process area stormwater from its facility. The application was determined to be administratively complete on or about July 30, 2007. The Respondent was granted coverage under LPDES General Permit LAG110000 on or about September 12, 2007 and was specifically assigned permit number LAG110201, with an expiration date of March 14, 2009. On or

about December 5, 2007, LPDES permit LAG110201 was terminated by the Department at the Respondent's request. LPDES permit LAG110201 authorized the Respondent to discharge treated process wastewater and process area stormwater through Outfall 001, thence into an internal ditch, thence into parish drainage, thence into Bayou Del Puent, waters of the state.

In a letter dated September 19, 2007, the Respondent self-disclosed that a Spill Prevention and Control Plan (SPC plan) was not developed for this facility as required by LAC 33:IX.903. The Respondent's failure to develop a SPC plan is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.905.B, and LAC 33:IX. 907.A. On or about December 21, 2007, the Respondent submitted a correspondence to the Department indicating that the diesel tanks were removed from the site.

A file review conducted by the Department on or about October 15, 2007, revealed the facility had unauthorized discharges since November 30, 2004, the date the Respondent began operating until September 12, 2007, the date an LPDES permit was issued to the Respondent. The Respondent's discharges from November 30, 2004 through September 12, 2007 were unauthorized and in violation of La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D and LAC 33:IX.2311.A.1.

V. Geismar Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 43618) located at 4095 La. Highway 73 in Geismar, Ascension Parish, Louisiana.

Transit Mix Concrete & Materials Company was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG110000 on January 11, 1999, and specifically was assigned Permit Number LAG110040. LPDES permit LAG110040 was transferred to Angelle Concrete, Inc. on or about June 10, 1999. LPDES permit LAG110040 expired on

December 31, 2003, and was administratively continued. LPDES permit LAG110040 was reissued with an effective date of March 15, 2004 and an expiration date of March 14, 2009. On or about July 16, 2007, the Respondent notified the Department of the ownership change from Angelle Concrete, Inc. and Angelle Concrete of Louisiana to Angelle Concrete Group, LLC. The name change became effective on November 30, 2004. LPDES permit LAG110040 authorized the Respondent to discharge treated process wastewater and process area stormwater runoff through Outfall 001 into a roadside ditch, thence into New River, waters of the state. On or about July 15, 2008, the Department received the Respondent's request to terminate LPDES permit LAG110040. The Respondent's termination request indicated that the facility closed on June 31, 2008. LPDES permit LAG110040 was terminated on or about September 9, 2008.

In a letter dated September 19, 2007, the Respondent self-disclosed that a Pollution Prevention Plan (PPP) was not prepared for this facility as required by LPDES permit LAG110040. The Respondent's failure to prepare a Pollution Prevention Plan (PPP) is in violation of LPDES permit LAG110040 (Part II, Section M and Part III, Sections A.2), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A. On or about December 21, 2007, the Respondent submitted a correspondence to the Department indicating that a PPP was developed for the facility.

A file review conducted by the Department on or about September 24, 2008, revealed the Respondent submitted incomplete and/or inaccurate DMRs for Outfall 001. Specifically, the Respondent failed to report the pH parameter on DMRs submitted for the following monthly monitoring periods: December 2004, January 2005 through April 2005, June 2005, October 2005 through December 2005, March 2006 through May 2006, June 2006 through July 2006, October 2006 through December 2006, and February 2007 through August 2007. The failure to submit a complete and/or accurate DMR is in violation of LPDES permit LAG110017 (Part I, Section C and

Part III, Section A.2), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC33:IX.2701.L.4. On or about August 11, 2008, the Department received the Respondent's revised DMRs and the ph parameters were included on the revised for the aforementioned monitoring periods.

A file review conducted by the Department on or about September 24, 2008, revealed the Respondent failed to monitor its effluent as required by LAG110040. Specifically, the Respondent failed to monitor its effluent at Outfall 001 for the monthly monitoring periods of August 2005 and September 2005. Each failure to sample the effluent at Outfall 001 is a violation of LPDES permit LAG110040 Part I, Part III, Sections A.2, and C.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A. On or about August 8, 2008, the Respondent submitted Discharge Monitoring Reports for the aforementioned monitoring periods which indicated that no sampling was conducted.

A file review conducted by the Department on or about September 24, 2008, revealed the Respondent submitted DMRs for the monitoring period of August 2007 for Outfall 005 indicating unauthorized discharges occurred. This is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1. The Respondent closed its Geismar facility on or about June 31, 2008 and LPDES permit LAG110040 was terminated on or about September 9, 2008.

A file review conducted by the Department on or about September 24, 2008, revealed the Respondent failed to provide timely written notification of the ownership change of Angelle Concrete, Inc. and Angelle Concrete of Louisiana to Angelle Concrete Group, LLC. This is in violation of La. R.S. 30:1907.B.

W. Westport Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 151945) located at

2210 Parish Lane Road in Port Allen, West Baton Rouge Parish, Louisiana.

In a letter dated August 20, 2007, the Respondent voluntarily self-disclosed to the Department that it owns and/or operates a ready-mix concrete plant known as the Westport Plant (AI # 151945) for which a Louisiana Pollutant Discharge Elimination System (LPDES) permit had not been issued. A file review conducted by the Department on or about November 11, 2007, revealed that on or about July 25, 2007, the Department received the Respondent's LPDES Notice of Intent (NOI) to discharge treated process wastewater and process area stormwater, and stormwater and aggregate spray from its facility. The application was determined to be administratively complete on or about July 26, 2007. The Respondent was issued LPDES General Permit number LAG110199 with an effective date of September 12, 2007, and an expiration date of March 14, 2009. On or about November 30, 2007, the Department received the Respondent's LPDES permit modification and the permit was modified on or about January 11, 2008, to remove Outfall 003. In accordance with the Respondent's written request received January 28, 2008, a final permit modification was granted to the Respondent on or about March 6, 2008, to add nonprocess area stormwater through Outfall 004. LPDES permit LAG110199 authorizes the Respondent to discharge treated process wastewater and process area stormwater through Outfall 001, thence into an internal ditch, thence into a parish drainage ditch, thence into the Intercoastal Waterway, waters of the state. LPDES permit LAG110199 also authorizes the Respondent to discharge nonprocess area stormwater through Outfall 004 from the catch basin on the southside of the property before combining with Outfall 005; treated sanitary wastewater through Outfall 005A, thence into a Parish drainage ditch, thence into the Intercoastal Waterway, and treated sanitary wastewater through 005B, thence into a slip, thence into the Intercoastal Waterway, all waters of the state.

A file review conducted by the Department on or about October 15, 2007, revealed the facility had unauthorized discharges since November 30, 2004, the date the Respondent began operating the facility until September 12, 2007, the date an LPDES permit was issued to the Respondent. The Respondent's discharges from November 30, 2004, through September 12, 2007, were unauthorized and are in violation of La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D and LAC 33:IX.2311.A.1.

A file review conducted by the Department on or about July 9, 2008, revealed the Respondent had exceeded the permit effluent limitations set forth in LPDES permit LAG110199 as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Outfall	Parameter	Parameter Limits	Reported Result
March 2008	005A	BOD ₅ , Weekly Average	45 mg/L	55.6 mg/L
March 2008	005A	Fecal Coliform, Weekly Average	400 colonies/100 ml	1,100 colonies/100 ml

Each exceedance of the permit effluent limitations constitutes a violation of LPDES permit LAG110199 (Part I, and Part III, Section A.2), La. R.S. 30:2075, La. R. S. 2076 (A)(1), La. R. S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

X. Choctaw Plant

The Respondent owns and/or operates a ready-mix concrete plant (AI# 141717) located at 9525 South Choctaw Drive in Baton Rouge, East Baton Rouge Parish, Louisiana.

In a letter dated August 20, 2007, the Respondent voluntarily self-disclosed to the Department that it owns and/or operates a ready-mix concrete plant known as the Choctaw Plant (AI #141717) for which a Louisiana Pollutant Discharge Elimination System (LPDES) permit had not been issued. A file review conducted by the Department on or about October 15, 2007, revealed that on or about July 25, 2007, the Department received the Respondent's LPDES Notice of Intent (NOI) to discharge process wastewater, process area stormwater and stormwater and aggregate spray

from sand and gravel unloading areas and stockpiles of washed sand and gravel from its facility. The application was determined to be administratively complete on or about July 26, 2007. The Respondent was granted coverage under LPDES General Permit LAG110000 on or about September 17, 2007, and was specifically assigned permit number LAG110195, with an expiration date of March 14, 2009. The September 17, 2007 permit authorized the Respondent to discharge process wastewater and process area stormwater through Outfall 001A and Outfall 001B, and stormwater, aggregate spray from sand and gravel unloading areas and stormwater from stockpiles of washed sand and gravel through Outfalls 003A, 003B and Outfall 003C, thence into local drainage, thence into Jones Creek, waters of the state. On or November 30, 2007, the Department received the Respondent's LPDES permit modification requests and the permit was modified on or about January 11, 2008, to remove Outfall 001B and to remove Outfall 003A, Outfall 003B, and Outfall 003C. LPDES permit LAG110195 authorizes the Respondent to discharges process wastewater and process area stormwater through Outfall 001A, thence into local drainage, thence into Jones Creek, waters of the state.

A file review conducted by the Department on or about October 15, 2007, revealed the facility had unauthorized discharges prior to September 17, 2007, the date an LPDES permit was issued to the Respondent. The Respondent's discharges prior to September 17, 2007, were unauthorized and in violation of La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D and LAC 33:IX.2311.A.1.

The following violations, although not cited in any enforcement action issued to the Respondent, are included herein and made a part of this settlement agreement.

On or about September 12, 2006, and November 30, 2006, inspections at facilities owned and or operated by Angelle Concrete Group, LLC, along with an internal audit conducted in July of 2007

revealed the following violations:

- A. The Respondent failed to store used oil in containers or above ground tanks labeled or marked clearly with the words "used oil", in violation of LAC 33:V.4013.D.1. Specifically, three sites (AI 43609, AI9309, and AI31544) were found to be storing used oil in unlabeled containers or tanks.
- B. The Respondent failed to respond to releases of used oil as specified in LAC 33:V.4013.E.1-4, in violation of LAC 33:V.4013.E. Specifically, the following facilities were noted to have releases of used oil that had not been cleaned up or addressed: AI 43609, AI 40587, AI 42108, AI 8018, AI 103633, AI 9309, AI 87309, AI 31544, and AI 42105.
- C. The Respondent disposed of solid waste without a permit or other authorization from the Department, in violation of LAC 33:VII.315.C. Specifically, wash waters and diesel type hydrocarbons were released to the ground or placed in unlined pits at a number of facilities. The sites noted to have one or more of these issues are as follows: AI 43609, AI 40586, AI 5768, AI 40588, AI 103632, AI 103635, AI 8018, AI 103633, AI 9309, AI 8, AI 87309, AI 132062, AI 105139, AI 1639, AI 31544, AI 2736, AI 5768, AI 11372, AI 92815, AI 141717, AI 1343, AI 13159, AI 41234, AI 31544, AI 17314, and AI 40587.
- D. The Respondent disposed or allowed the disposal of solid waste without a permit or other authorization from the Department, in violation of LAC 33:VII.315.C. Specifically, trash, scrap metal and used building materials, tires and general commercial trash were disposed at a number of different sites. The sites noted to have disposed one or more of the above are as follows: AI 43609, AI 42105, AI 42108, AI 103635, AI 8018, AI 9309, AI 87309, AI 31544, AI 40586, AI 2736, AI 52279, and AI 11372.

- E. The Respondent failed to determine whether the solid waste generated at a number of different sites were a hazardous waste, in violation of LAC 33:V.1103. Specifically, the following undetermined wastes were sent for disposal without the appropriate determination being conducted: dark stained soils and materials at AI 42105; a large spill of unknown material near tanks holding additives at AI 17314; unknown spilled material near the gate on the southeast side of site AI 17314; unknown spilled material located behind the warehouse observed to be leaking to the ground during an inspection at AI 31544; hydrocarbon stained soil at fuel dispensers and in the parking area at AI 42108; and, hydrocarbon stained soil between the shop and office at AI 9309.
- F. The Respondent failed to store containers of used oil closed except when adding or removing oil, in violation of LAC 33:V.4013.B. Specifically, a fifty-five (55) gallon drum of used oil was noted to be full to overflowing and left open to the environment in the November 30, 2006, inspection at AI 31544.

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-06-0269, and the Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-07-0120, 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

TWO HUNDRED SEVENTEEN THOUSAND SEVEN HUNDRED EIGHTY-THREE AND NO/100 DOLLARS (\$217,783.00), of which Six Thousand Nine Hundred Seventy-Six and 89/100 Dollars (\$6,976.89) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement.

VI

Respondent, in addition to the penalty amount specified in Paragraph V above and as part of this Settlement, agrees to expend the amount of \$45,000.00 to fund the following beneficial environmental project:

A. The Environmental Training Program -

1. The City of Gretna has partnered with Jefferson Parish and the Jefferson Parish School System to implement the Environmental Training Program, a Water and Wastewater Operator Training Program utilizing a combination of training resources. The Office of Water Programs at the California State University, Sacramento, College of Engineering and Computer Science provides distance learning courses for persons interested in the operation and maintenance of drinking water and wastewater facilities, through its Operation and Maintenance of Wastewater Collection System, Volume 1 and 2 courses, along with its Water Treatment Plant Operator Volume 1 and 2 courses.
2. The City of Gretna Public Utilities Department and the Jefferson Parish Public Utilities Department provide on the job training to the participants. High school students will be employed as interns at these facilities 3 hours per day, 5 days per week for 2 semesters.

3. The Jefferson Parish Public School System through their Process Technology curriculum provides the Process Technician I and II classes. The first course is designed to introduce students to various Process Technician industries, identify process drawings, describe and identify process equipment including pumps, vessels, compressors, turbines, heat exchangers, cooling towers, furnaces, boilers and distillation towers. Emphasis is placed on gaining experience working as a team. This course introduces individuals to basic chemistry, physics, electrical and instrumentation concepts. This course reinforces mathematic, communication, and critical thinking skills. A combination of mathematics and science skills will be incorporated into lab/class activities. Field trips, projects, and teamwork provide opportunities for application of instructional competencies. This course and Technology Student Association (TSA) technical and leadership activities enhance skills essential for students interested in technical and engineering career fields.
4. The second course offers various types of plant hazards, safety and environmental systems and equipment, and the regulations under which plants are governed and operated. Topics of study include recognizing and understanding hazardous material symbols, understanding the effects of severe weather conditions at plant sites, methods for containing hazardous environments, interpreting environmental monitoring device readings and recognizing fire, rescue and emergency response equipment. This course reinforces communication and critical thinking skills. Activities, meetings,

conferences, and field trips provide opportunities for application of instructional competencies. This course and Technology Student Association (TSA) technical and leadership activities enhance skills essential for students interested in technical and engineering career fields.

5. Upon completion of the on the job training, Jefferson Parish School System course work, and the Sacramento State course work, these students are ready to take the state competency test that qualifies them as an Operator I.
- B. As set forth in Par. XI, Respondent shall pay \$45,000.00 directly to the City of Gretna in full payment of the Beneficial Environmental Project. Respondent will submit proof of the payment to LDEQ. After submitting the proof of payment to the LDEQ, Respondent's duties and obligations regarding the Beneficial Environmental Project are fulfilled. Angelle is not responsible for the City of Gretna's implementation, or lack of implementation, of the Beneficial Environmental Project.
 - C. If Respondent does not spend the amount of \$45,000.00, then it shall, in its final report, propose additional projects for the Department's approval in an amount equal to the difference between the amount of money agreed to be spent and the amount of money actually spent.
 - D. The total amount of money expended by Respondent on cash payments to the Department and on beneficial environmental projects, as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VII

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Orders & Notices of Potential, the 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.

VIII

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.

IX

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 LSA- R. S. 30:2025(E) of the Act and the rules relating to beneficial environmental projects set forth in LAC 33:I.Chapter 25.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Acadia, Allen, Ascension, Avoyelles, Beauregard, Calcasieu, East Baton Rouge, Iberia, Jefferson Davis, Lafayette, Rapides, Sabine, St. Landry, Vermillion, Vernon, and West Baton Rouge Parishes, Louisiana. The advertisement, in form, wording, and size 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 in 4 annual installments as follows: the first payment of \$65,695.75, which includes \$45,000.00 to be paid directly to the City of Gretna in full payment of the Beneficial Environmental Project and the first year penalty payment of \$20,695.75 to be paid to the LDEQ, is to be made within ten (10) days from notice of the Secretary's signature. The three (3) payments to follow are to be paid one each year for three (3) years in the amount of \$65,695.75 each to the LDEQ by the 5th of the month in which the 1st payment was made. 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.

ANGELLE CONCRETE GROUP, L. L. C.

BY: _____
(Signature)

(Print)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at _____.

NOTARY PUBLIC (ID # _____)

(Print)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Peggy M. Hatch, Secretary

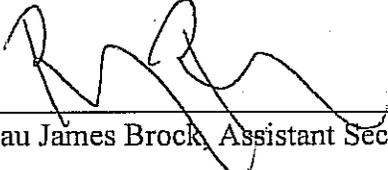
BY: _____

Cheryl Sonnier Nolan, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # _____)

(Print)

Approved: 
Beau James Brock, Assistant Secretary