STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-AE-11-0053**
ASCENSION READY MIX, INC.	*	
	*	**Enforcement Tracking No.**
AI # 95770	*	**AE-CN-10-01454**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between Ascension Ready Mix, Inc. ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I

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

II

On October 28, 2010, the Department issued to Respondent a following Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-10-01454, which was based upon the following findings of fact:

The Respondent owns and/or operates Choctaw Plant (facility), a concrete batching facility. The facility is located at 12048 South Choctaw Drive in Baton Rouge, East Baton Rouge Parish, Louisiana. The facility currently operates under Minor Source Permit No. 7777-00445-00 issued on February 7, 2002.

On or about February 28, 2007, an inspection of the Respondent's facility was performed, in response to a citizen's complaint and to determine the degree of compliance with the Act and the Air Quality regulations. During the inspection, particulate matter was observed being emitted from the ventilation system at the top of a silo. A Notice of Deficiency (NOD) was issued on March 7, 2007. A response to the NOD was received on or about March 28, 2007. A Deficiency Clear Letter was issued to the Respondent on May 2, 2007.

On or about June 10, 2010, an inspection of the Respondent's facility was performed in response to a citizen's complaint and to determine the degree of compliance with the Act and the Air Quality regulations. The following violation was noted during the course of the inspection:

> On June 10, 2010, the Department responded to a citizen's complaint of dust emissions coming from the Respondent's facility. During the inspection, dust particles were observed coming from the top of a loading silo. The dust particles were leaving the property and crossing the roadways. A representative of the Respondent stated that he was aware of the problem and the problem had occurred in the past. The representative also stated that a tool had been fabricated to unclog the vents in the silo to prevent dust from being released to the atmosphere. According to the representative, the tool had been loaned to another location and had been misplaced. At the time of the inspection, the Respondent was having another tool fabricated to unclog the vents. The Respondent failed to keep particulate matter from becoming airborne. This is a violation of Minor Source Permit No. 7777-00455, LAC 33:III.1305, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of ONE THOUSAND TWO HUNDRED AND NO/100 DOLLARS ($1,200.00), of

which Three Hundred Six and 20/100 Dollars ($306.20) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

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

VI

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

VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

VIII

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in East Baton Rouge Parish, Louisiana. The advertisement, in form, 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.

IX

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

X

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

XI

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.

ASCENSION READY MIX, INC.

BY: _____
(Signature)

_____
(Printed)

TITLE: _____

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

_____
NOTARY PUBLIC (ID #_____)

_____
(stamped or printed)

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 # _____)

_____
(stamped or printed)

Approved: _____
Cheryl Sonnier Nolan, Assistant Secretary