

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CORRPRO COMPANIES, INC.  
AI # 51779

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

\* Settlement Tracking No.  
\* SA-WE-04-0002  
\*  
\*  
\* Enforcement Tracking No  
\* WE-CN-01-0387  
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SETTLEMENT

The following Settlement is hereby agreed to between Corrpro Companies, 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 who owned and/or operated Corrtherm, Inc, a wholly owned subsidiary of Corrpro, Inc., the lessee of an aluminum and zinc anode storage facility located at 9491 La. Highway 23 South in Belle Chasse, Plaquemines Parish, Louisiana ("the Facility").

II

On January 23, 2003, the Department issued a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-01-0387, to Respondent, which was based upon the following findings of fact:

The Respondent's wholly owned subsidiary, Corrtherm, Inc., applied for a Louisiana Water Discharge Permit on or about May 16, 1995, and was issued Louisiana Pollutant Discharge

Elimination System (LPDES) permit LA0099252, effective October 1, 1999, with an expiration date of September 30, 2004. In March 1999, prior to the issuance of the permit, the Respondent's wholly owned subsidiary, Corrtherm, Inc., liquidated its assets to Galvatec, and no longer was a foundry or anode manufacturing operation as stated in the application. There is an addendum to the Statement of Basis for LPDES permit LA0099252 stating the name of the facility is Corrpro, Inc., not Corrtherm, Inc. as stated in the application. Corrpro Inc. is the name on LPDES permit LA0099252. Corrpro Companies, Inc. is the name registered with the Secretary of State. LPDES permit LA0099252 to Corrpro, Inc. authorizes the discharge of stormwater runoff via drainage conveyances to Bayou Barriere, all waters of the state.

An inspection conducted by the Department on or about June 2, 2000, and a subsequent file review conducted on or about July 15, 2002, revealed the Respondent has failed to submit Discharge Monitoring Reports (DMRs) since the issuance of its permit. Each failure to submit DMRs constitutes a violation of LPDES permit LA0099252 (Part II, Section J; Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.L.4.

An inspection conducted by the Department on or about June 2, 2000, revealed that the Respondent failed to monitor and sample its discharge as specified in its permit. Specifically, both outfalls, 002 and 003, are to be monitored quarterly. Each failure to monitor and sample effluent constitutes a violation of LPDES permit LA0099252 (Part I, Pages 3-4; Part III, Section A.2), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.

An inspection conducted by the Department on or about June 2, 2000, revealed that the Respondent failed to notify the Department of a change in operation. Specifically, the inspector

was informed at the time of inspection that the facility was sold and would no longer manufacture anodes at the site. The failure to notify the Department of a change in operation constitutes a violation of LPDES permit LA0099252 (Part III, Sections A.2 and D.1.b), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.L.1.b.

An inspection conducted by the Department on or about June 2, 2000, revealed that the Respondent was storing aluminum anodes in the yard. According to the Respondent's permit, all equipment, parts and other materials shall be maintained in a manner which prevents contamination of stormwater by pollutants. Without proper shelter and containment, the aluminum anodes have the potential to contaminate stormwater runoff. The Respondent's failure to properly store aluminum anodes constitutes a violation of LPDES permit LA0099252 (Part II, Section H.5.c; and Part III, Section A.2), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.

The Respondent was issued Warning Letter We-L-01-0387 on or about December 14, 2001, regarding an inspection conducted by the Department on or about June 2, 2000. The warning letter stated that the Respondent should take any and all steps to ensure compliance with all environmental regulations at the facility.

### III

In response to the Consolidated Compliance Order and Notice of Potential Penalty, Respondent made a timely request for a hearing.

### IV

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

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FIFTY- ONE THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$51,250.00), of which Six Hundred Seventy-Six and 69/100 Dollars (\$676.69) represents DEQ'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 DEQ as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

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

VII

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

## VIII

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

## IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Plaquemines Parish. 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 a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

## X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Penalties are to be made payable to the Department of Environmental Quality and mailed to the attention of Darryl Serio, Office of Management and Finance, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303.

XI

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

XII

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

CORRPRO COMPANIES, INC.

BY: Robert M. Mayer  
(Signature)

Robert M. Mayer  
(Print)

TITLE: Senior Vice President

THUS DONE AND SIGNED in duplicate original before me this 31 day of October, 20 05, at Medina Ohio.

John D. Moran  
NOTARY PUBLIC (ID # \_\_\_\_\_)

**JOHN D. MORAN, Attorney**  
**NOTARY PUBLIC - STATE OF OHIO**  
(My commission has no expiration date. Section 147.22 R.C.)  
(Print)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
Mike, D. McDaniel, Ph.D., Secretary

BY: Harold Leggett  
Harold Leggett, Ph.D., Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 27<sup>th</sup> day of February, 20 06, at Baton Rouge, Louisiana.

C. Allen Krumpal  
NOTARY PUBLIC (ID # 21673)  
C. Allen Krumpal  
(Print)

Approved: Harold Leggett  
Harold Leggett, Ph.D., Assistant Secretary