

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

FIBERGLASS SOLUTIONS, LLC

AI # 39973

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

- * **Settlement Tracking No.**
- * **SA-AE-09-0005**
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- * **Enforcement Tracking No.**
- * **AE-CN-07-0098**
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SETTLEMENT

The following Settlement is hereby agreed to between Fiberglass Solutions, 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 owned and/or operated a fiberglass tank manufacturing facility located at 111 WPA Road in Belle Chasse, Plaquemines Parish, Louisiana (“the Facility”). Respondent ceased operations at this facility on March 7, 2008.

II

On July 18, 2007, the Department issued to Respondent a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. AE-CN-07-0098, which was based upon the following findings of fact:

The Respondent owns and/or operates a fiberglass tank manufacturing facility located at 111 WPA Road in Belle Chase, Plaquemines Parish, Louisiana. The facility currently operates under Air

Permit No. 2240-00303-01 issued April 30, 2007. The Respondent intends to transfer operations to a new location, operating under a Title V permit in the near future.

On or about July 10, 2007, a file review was conducted as a result of self reported deviations by letter dated July 5, 2007 submitted to the Department.

While the Department's investigation is not yet complete, the following violations were noted at the time of the file review:

By letter dated July 5, 2007, the Respondent reported to the Department excess emissions beyond permitted limits for emission point identification ARE001 (Entire Facility Emissions). The exceedances were reported to be caused by increased resin usage per tank based upon process refinement and an increase in tank production due to market demand. The reported exceedances were 10.28 tons of volatile organic compounds (VOC) and 9.77 tons of styrene. The Respondent is currently permitted for 8.46 tons per year (tpy) of VOC and 7.65 tpy of styrene. The Respondent also reported a maximum hourly emission of 43.75 lbs/hr styrene for ARE001. The maximum hourly emission rate for ARE001 was later revised by letter to the Department dated July 16, 2007 to 36.54 lbs/hr styrene due to overestimation of resin drum volume from 65 gallons to 55 gallons. The current permit limit is 3.19 lbs/hr styrene for ARE001. According to General Condition III of Air Permit No. 2240-00303-01, each exceedance is a violation of Air Permit No. 2240-00303-01, LAC 33:III.501.C4, Sections 2057(A)(1) and 2057(A)(2) of the Act.

Upon learning of the exceedances, the Respondent ceased operations and notified the Department, and requested a meeting, held on July 10, 2007.

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

SEVEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$7,500.00), of which One Thousand Two Hundred Seventy-Two and 78/100 Dollars (\$1,272.78) 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 DEQ 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 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.

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 LSA- 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 Plaquemines 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 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.

IX

Payment is to be made within fifteen (15) 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.

FIBERGLASS SOLUTIONS, LLC

BY: [Signature]
(Signature)

CHRIS SLINKARD
(Print)

TITLE: GENERAL MANAGER

THUS DONE AND SIGNED in duplicate original before me this 18 day of May, 2009, at 10:55 Am.



[Signature]
NOTARY PUBLIC (ID #C97165804)

LYNN R. Ball
(Print)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Harold Leggett, Ph.D., Secretary

BY: [Signature]
Peggy M. Hatch, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 4th day of September, 2009, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID #10149)

Christopher A. Rateliff
(Print)

Approved: [Signature]
Peggy M. Hatch, Assistant Secretary