

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

WASTEQUIP MANUFACTURING
COMPANY, L.L.C.

AI # 5475

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

* Settlement Tracking No.
* SA-AE-12-0042
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* Enforcement Tracking No.
* AE-CN-09-0477
* AE-CN-09-0477A
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SETTLEMENT

The following Settlement is hereby agreed to between Wastequip Manufacturing Company, L.L.C. (“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 a facility for manufacturing solid waste handling equipment located in Alexandria, Rapides Parish, Louisiana (“the Facility”).

II

On December 8, 2009, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-09-0477, which was based upon the following findings of fact:

The Respondent owns and/or operates Accurate Industries of Louisiana, Inc., a facility for manufacturing solid waste handling equipment, located at 5712 Lower Third Street in

Alexandria, Rapides Parish, Louisiana. The facility currently operates under Air Permit No. 2360-00017-01, issued on May 23, 1996.

On or about July 31, 2009, and November 4, 2009, file reviews of the Respondent's facility were performed to determine the degree of compliance with the Act and Air Quality Regulations.

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

- A. According to Specific Condition No. 3 of Air Permit No. 2360-00017-01, issued on May 23, 1996, the Respondent is required to submit a report to the Department listing the annual emissions of toxic air pollutants (TAPs), speciated by pollutant, by February 15 for the previous calendar year. The Respondent failed to submit the following annual emissions reports by the due date:

Calendar Year	Due Date	Date Received
2000	2/15/2001	8/3/2009
2001	2/15/2002	8/3/2009
2002	2/15/2003	8/3/2009
2003	2/15/2004	8/3/2009
2004	2/15/2005	8/3/2009
2005	2/15/2006	8/3/2009
2006	2/15/2007	8/3/2009
2007	2/15/2008	8/3/2009
2008	2/15/2009	8/3/2009

Each incident of the Respondent's failure to submit an annual emissions report by the due date is a violation of Specific Condition No. 3 of Air Permit No. 2360-00017-01, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- B. On or about August 3, 2009, the Department received the Respondent's annual emissions reports, as required by Specific Condition No. 3 of Air Permit No. 2360-00017-01. According to the reports, the Respondent emitted the following unpermitted TAPs during the period encompassing 2000 through 2008:

Calendar Year	Butanol (lbs)	1,2,4-Trimethyl Benzene (lbs)	Cumene (lbs)	Acetone (lbs)
2000	9.16	1516.75	121.87	1584.66
2001	-	702.10	95.00	1448.09
2002	-	698.95	94.63	1295.26
2003	-	788.89	106.68	283.98
2004	-	843.80	114.39	1008.03
2005	-	365.92	49.02	791.79
2006	4.37	398.55	53.36	739.41
2007	14.99	380.65	48.74	721.69
2008	12.90	294.94	36.87	717.60

Each incident of emissions of each of the unpermitted pollutants is a violation of LAC 33:III.501.C.2, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- C. The file review conducted on or about November 4, 2009, revealed that the Respondent underwent a name change on or about February 15, 1996, and May 7, 2009. The Respondent failed to submit a complete Name/Ownership/Operator Change Form (NOC-1 Form) to the Department within 45 days after the name changes. This is a violation of LAC 33:I.1905.A, and La. R.S. 30:2057(A)(2).

On August 12, 2010, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-09-0477A, amending the Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-09-0477, as follows:

The Department amended Paragraph II.B of the Findings of Fact portion of the Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-09-0477, to read as follows:

“II.B.

On or about August 3, 2009, and February 1, 2010, the Department received the Respondent’s annual emissions reports, as required by Specific Condition No. 3 of Air Permit No. 2360-00017-01. According to these reports, the Respondent reported the unpermitted Toxic Air Pollutant

(TAP) emissions of butanol and cumene during the period encompassing 2000 through 2009:

Calendar Year	Butanol (lbs)	Cumene (lbs)
2000	9.16	121.87
2001	-	95.00
2002	-	94.63
2003	-	106.68
2004	-	114.39
2005	-	49.02
2006	4.37	53.36
2007	14.99	48.74
2008	12.90	36.87
2009	1.8	0.60

Each incident of unpermitted emissions of each TAP is a violation of LAC 33:III.501.C.2, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).”

The Department incorporated all of the remainder of the original Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-09-0477 and Agency Interest No. 5475, as if reiterated therein.

The Amended Consolidated Compliance Order & Notice of Potential Penalty was effective upon receipt.

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 EIGHT THOUSAND AND NO/100 DOLLARS (\$8,000.00), of which Four Hundred Ninety-Four and 74/100 Dollars (\$494.74) 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, the Amended 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 Rapides 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.

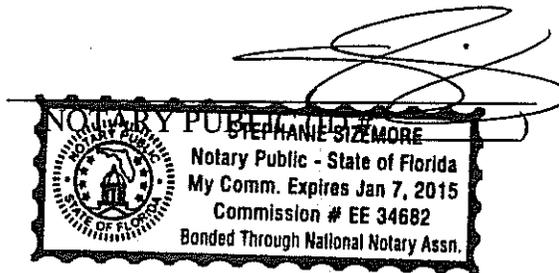
WASTEQUIP MANUFACTURING
COMPANY, L.L.C.

BY: William F. Heynes
(Signature)

William F. Heynes
(Printed)

TITLE: Director

THUS DONE AND SIGNED in duplicate original before me this 12th day of
February, 20 13, at Lakeland, FL.



(stamped or printed)

LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY
Peggy M. Hatch Secretary

BY: Cheryl Sonnier Nolan
Cheryl Sonnier Nolan, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 22nd day of
May, 20 13, at Baton Rouge, Louisiana.

Stephanie Sizemore
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: Cheryl Sonnier Nolan
Cheryl Sonnier Nolan, Assistant Secretary