

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

MARTCO L.L.C.

AI # 32484

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

\* Settlement Tracking No.  
\* SA-AE-15-0067  
\*  
\* Enforcement Tracking No.  
\* AE-CN-13-01285  
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SETTLEMENT

The following Settlement is hereby agreed to between Martco 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 located in Chopin, Natchitoches Parish, Louisiana (“the Facility”).

II

On February 10, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-13-01285, which was based upon the following findings of fact:

“The Respondent owns and/or operates **CHOPIN PLYWOOD MILL** (the facility), a plywood mill, located at 1695 Louisiana Highway 890 in Chopin, Natchitoches Parish, Louisiana. The facility operates, or has operated, under the permits shown in Table A:

**TABLE A**

<b>Title V Permit No.</b>	<b>Permit Issue Date</b>	<b>Permit Expiration Date</b>
1980-000247-V5	January 1, 2007	August 19, 2008
1980-000247-V6	April 20, 2010	
1980-000247-V7	June 4, 2010	April 20, 2015
1980-000247-V8	August 28, 2010	
1980-000247-V8AA	October 28, 2010	
1980-000247-V9	January 27, 2012	
1980-000247-V10	October 3, 2012	
1980-000247-11	June 11, 2013	

On or about December 19, 2014, a file review of the facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

While the investigation by the Department is not yet complete, the following violations were noted during the course of the file review:

- A. The Respondent submitted quarterly deviation reports listing Total Hydrocarbon (THC) emissions of greater than 20 parts per million by volume, for Thermal Oil Heating Unit A 9-94 (EQT0009)/Thermal Oil Heating Unit B 9A-94 (EQT0010), and Thermal Oil Heating Unit C 3-05 (EQT0029) as shown in Table B:

**TABLE B**

<b>Emission Source</b>	<b>Deviation Date</b>	<b>Deviation Period</b>	<b>Duration, hrs</b>	<b>Deviation Cause</b>
9-94, 9A-94	August 8, 2011	15:00 – 21:00	6	Wet fuel, operator error
	March 21, 2012	13:58 – 18:58	5	
	June 1, 2012	08:54 - 14:54	6	
	June 16, 2012	14:53 – 17:53	3	
	June 17, 2012	12:53 – 15:53	3	
	June 17, 2012	09:53 – 12:53	3	
	July 15, 2012	12:51 – 16:52	4	
	February 13, 2013	06:52 – 15:52	9	
	April 8, 2013	07:48 -10:48	3	
	April 27, 2013	11:46 – 14:46	3	
	May 1, 2013	09:46 – 16:46	7	
	May 11, 2013	12:45 – 15:45	3	
	May 26, 2013	18:44 – 21:44	3	
	June 29, 2013	11:42 – 15:42	4	
	July 22, 2013	11:40 – 15:40	4	
April 2, 2014	16:05 – 19:05	3		

**TABLE B**

<b>Emission Source</b>	<b>Deviation Date</b>	<b>Deviation Period</b>	<b>Duration, hrs</b>	<b>Deviation Cause</b>
	April, 12, 2014	15:04 – 14:04	23	
	April 13, 2014	22:04 – 16:04	18	
	April 15, 2014	20:03 – 02:03	6	
	April 18, 2014	01:03 – 03:03	26	
	April 19, 2014	08:03 – 17:03	33	
	April 20, 2014	20:03 – 12:03	16	
	April 26, 2014	09:02 – 19:02	10	
	April 27, 2014	09:02 – 22:02	13	
	May 6, 2014	23:01 – 11:01	12	
	May 12, 2014	05:01 – 07:01	26	
	May 15, 2014	02:01 – 15:01	37	
	May 24, 2014	10:00 – 15:00	5	
	May 24, 2014	17:00 – 21:00	4	
	May 25, 2014	10:00 – 15:00	5	
	3-05	July 22, 2013	13:05 – 22:05	
April 2, 2014		09:07 – 12:07	3	
		17:07 – 20:07	3	
		18:07 – 21:07	3	
May 2, 2014		08:07 – 11:07	3	
May 19, 2014		0708 – 01:08	18	
May 22, 2014		1708 – 20:08	3	
May 25, 2014		1108 – 20:08	9	
June 9, 2014		0308 – 12:08	9	
June 10, 2014		2008 – 08:17	4	
June 11, 2014		0308 – 09:08	30	
June 12, 2014	1008 – 20:08	10		

Each failure to restrict THC emissions to less than 20 parts per million volume is a violation of LAC 33:III.905.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- B. The Respondent failed to submit the facility’s annual Toxic Emissions Data Inventory (TEDI) for the reporting years 2010, 2011, and 2012 by April 30<sup>th</sup> of the year following the reporting year. The submissions were submitted and signed February 13, 2014. Each failure to timely submit the TEDI is a violation of Specific Requirement (SR) 271 of Title V Permit No. 1980-00027-V8, Specific Requirement (SR) 266 of Title V Permit No. 1980-00027-V9, SR 164 of Title V Permit No. 1980-00027-V10, LAC 33:III.5107.A, 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 EIGHTEEN THOUSAND SIX HUNDRED FIFTY-SIX AND 78/100 DOLLARS (\$18,656.78), of which Seven Hundred Fifty-Seven and 15/100 Dollars (\$757.15) 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

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

## IX

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

## 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. 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).

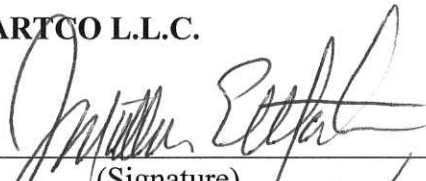
XI

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 or her respective party, and to legally bind such party to its terms and conditions.

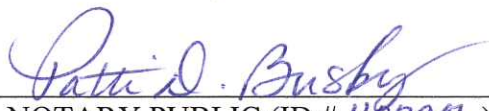
MARTCO L.L.C.

BY:   
(Signature)

JONATHAN E. MARTIN  
(Printed)

TITLE: Manager

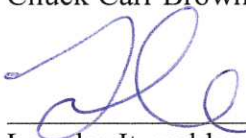
THUS DONE AND SIGNED in duplicate original before me this 16<sup>th</sup> day of May, 20 16, at Alexandria, LA.

  
NOTARY PUBLIC (ID # 42297)

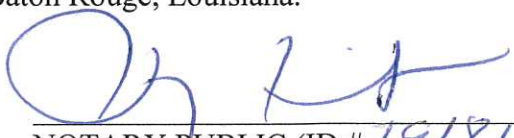
**Patti D. Busby, Notary Public  
Rapides Parish, Louisiana  
Notary No. 42297**

(stamped or printed)

**LOUISIANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY**  
Chuck Carr Brown, Ph.D., Secretary

BY:   
Lourdes Iturralde, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 9<sup>th</sup> day of Aug, 20 16, at Baton Rouge, Louisiana.

  
NOTARY PUBLIC (ID # 19181)

Perry Theriot  
(stamped or printed)

Approved:   
Lourdes Iturralde, Assistant Secretary