

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

INDUSTRIAL INSULATION GROUP, LLC

AI # 1562

PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT

LA. R.S. 30:2001, ET SEQ.

\* Settlement Tracking No.  
\* SA-WE-17-0028  
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\* Enforcement Tracking No.  
\* WE-CN-11-00195  
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SETTLEMENT

The following Settlement is hereby agreed to between Industrial Insulation Group, 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 owns and/or operates a calcium silicate insulation manufacturing facility located in Grambling, Lincoln Parish, Louisiana (“the Facility”).

II

On August 28, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No WE-CN-11-00195, which was based upon the following findings of fact:

“The Respondent owns and/or operates a calcium silicate insulation manufacturing facility located at 276 Fiberboard Road, Grambling, Lincoln Parish, and Louisiana. Under the terms and conditions of LPDES Permit LA0046281, the Respondent is permitted to discharge rinse water from mold stations, steam curing condensate, boiler blowdown, miscellaneous utility wastewater defined

as shop floor washdown, facility washdown, eyewash and safety showers, air compressor condensate, small amounts of non-process area stormwater; treated sanitary wastewater; stormwater, steam trap condensate, fire system test water, eyewash and safety shower station water, general facility washwater, irrigation water, and dust control water into local drainage, thence into Madden Creek (Subsegment 081401), all waters of the state.”

On or about August 18, 2010 and July 16, 2015, inspection(s) were conducted by the Department. The inspection(s) revealed the following violation(s):

“The Respondent failed to furnish to the state administrative authority upon request, copies of records required to be kept by LPDES permit LA0046281. Specifically, the Respondent failed to present a Storm Water Pollution Prevention Plan (SWP3) and associated implementation and maintenance records at the time of inspection on August 18, 2010. During the July 16, 2015, inspection, the Respondent presented the SWP3; however, the annual report and site evaluations were not available. (LA0046281 (Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.H)”

On or about July 16, 2015, an inspection was conducted, along with a subsequent file review conducted by the Department on or about August 18, 2015. The inspection and file review revealed the following violation(s):

“The Respondent failed to comply with LPDES permit LA0046281. Specifically, between July 2011 and June 2015, the Respondent reported exceedences of permit effluent limitations for TSS, COD, BOD5, and fecal coliform [see attachment **Table 1**]. From July 2011 to March 2012, the Respondent was in violation of LA0046281 (Part I and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. From April 2012 to June 2015, the Respondent was in violation of LA0046281 (Effluent Limitations and Monitoring Requirements (Pages 1 through 6) and

Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

The Respondent failed to submit Discharge Monitoring Reports (DMRs) in a timely manner. The Respondent is required to submit monthly and semiannual DMRs no later than the 28th day of the month following each monitoring period. Specifically, the Respondent did not submit timely DMRs for the monthly and semiannual monitoring periods from October to December 2012. The DMRs were received on February 5, 2015. (LA0046281 (Submittal/Action Requirements, Pages 4 through 6 of 6 and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4)

The Respondent failed to report sample values on monthly DMRs as required by LPDES permit LA0046281. Specifically, the Respondent failed to report monthly average TSS for Outfall 001 in April and September 2013. The Respondent also failed to report monthly average COD for Outfall 002 in January 2012. (LA0046281 (Effluent Limitations and Monitoring Requirements and Standard Conditions (Pages 1 through 6), Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a)

The Respondent failed to comply with LPDES permit LA0046281. Specifically, the Respondent failed to submit monthly and semiannual Discharge Monitoring Reports (DMRs) for November and December 2014. (LA0046281 (Effluent Limitations and Monitoring Requirements and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a)”

### 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 TWELVE THOUSAND EIGHT HUNDRED FORTY AND NO/100 DOLLARS (\$12,840.00), of which One Thousand Three Hundred Eighty-Three and 15/100 Dollars (\$1,383.15) 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), permit record(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 Lincoln 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 thirty (30) 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.

**INDUSTRIAL INSULATION GROUP, LLC**

BY: [Signature]  
(Signature)

John F. Brown, Jr  
(Printed)

TITLE: PLANT MANAGER

THUS DONE AND SIGNED in duplicate original before me this 31<sup>st</sup> day of October, 20 17, at Ruston, LA.



Jennie M. Cole  
NOTARY PUBLIC (ID # 41299)

Jennie M. Cole  
(stamped or printed)

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

BY: [Signature]  
Lourdes Iturralde, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 28<sup>th</sup> day of Feb, 20 18, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 19181)

Perry Theriot  
(stamped or printed)

Approved: [Signature]  
Lourdes Iturralde, Assistant Secretary

TABLE 1					
DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE	UNITS
January 2011	002	Fecal Coliform	400 col/100 ml (Weekly Average)	840	col/100 ml
July 2011	002	TSS	45 mg/l (Weekly Average)	55	mg/l
August 2011	001	COD	200 mg/l (Monthly Average)	277	mg/l
October 2011	002	COD	200 mg/l (Monthly Average)	352	mg/l
	002	COD	300 mg/l (Daily Maximum)	352	mg/l
April 2012	002	BOD <sub>5</sub>	30 mg/l (Monthly Average)	39.6	mg/l
	002	Fecal Coliform	200 col/100 ml (Monthly Average)	1,730	col/100 ml
	002	Fecal Coliform	400 col/100 ml (Daily Maximum)	1,730	col/100 ml
	002	TSS	30 mg/l (Monthly Average)	102	mg/l
	002	TSS	45 mg/l (Daily Maximum)	102	mg/l
April 2013	001	COD	200 mg/l (Monthly Average)	252	mg/l
May 2013	002	Fecal Coliform	200 col/100 ml (Monthly Average)	1,078	col/100 ml
	002	Fecal Coliform	400 col/100 ml (Daily Maximum)	1,078	col/100 ml
	002	TSS	30 mg/l (Monthly Average)	148	mg/l
	002	TSS	45 mg/l (Daily Maximum)	148	mg/l
September 2013	001	COD	200 mg/l (Monthly Average)	217	mg/l
October 2013	001	COD	200 mg/l (Monthly Average)	336	mg/l
	001	COD	300 mg/l (Daily Maximum)	336	mg/l
February 2014	001	COD	200 mg/l (Monthly Average)	215	mg/l
March 2014	001	COD	200 mg/l (Monthly Average)	250	mg/l
May 2014	001	COD	200 mg/l (Monthly Average)	226	mg/l
June 2014	001	COD	200 mg/l (Monthly Average)	263	mg/l
July 2014	001	COD	200 mg/l (Monthly Average)	246	mg/l
August 2014	001	COD	200 mg/l (Monthly Average)	220	mg/l
October 2014	001	COD	200 mg/l (Monthly Average)	232	mg/l
February 2015	001	COD	200 mg/l (Monthly Average)	232	mg/l
March 2015	001	COD	200 mg/l (Monthly Average)	222	mg/l
April 2015	001	COD	200 mg/l (Monthly Average)	268	mg/l
May 2015	001	COD	200 mg/l (Monthly Average)	218	mg/l
	002	TSS	30 mg/l (Monthly Average)	65	mg/l
	002	TSS	45 mg/l (Daily Maximum)	65	mg/l
June 2015	001	COD	200 mg/l (Monthly Average)	207	mg/l