STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

NORTHSHORE CHEMICAL, LLC

AI # 41239

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

SETTLEMENT

The following Settlement is hereby agreed to between Northshore Chemical, 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 chemical packing and distribution facility located in St. Tammany Parish, Louisiana ("the Facility").

II

On December 7, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-10-01605, attached as Exhibit A.

On June 22, 2016, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-15-01302, attached as Exhibit B.

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 FIVE HUNDRED AND NO/100 DOLLARS ($18,500.00), of which Two Thousand Ninety-Three and 93/100 Dollars ($2,093.93) 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 Orders & Notices 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 St. Tammany 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 C).

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.
Northshore Chemical, LLC

BY:  
(Signature)  
Patrick Beurry
(Printed)

TITLE:  
Member

THUS DONE AND SIGNED in duplicate original before me this 9th day of April, 2019, at Pointe-du-Chene.

(PATRICK G. BERRY)  
NOTARY PUBLIC  
BAR/NOTARIAL #3022  
STATE OF LOUISIANA  
MY COMMISSION IS FOR LIFE
(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 19th day of June, 2019, at Baton Rouge, Louisiana.

(PERRY THERIOIT)  
NOTARY PUBLIC (ID # 1978)
(stamped or printed)

Approved:
Lourdes Iturralde, Assistant Secretary

SA-WE-18-0050
CERTIFIED MAIL (7004 2510 0005 5763 2267)
RETURN RECEIPT REQUESTED

NORTHSHORE CHEMICAL, LLC
 c/o Patrick J. Berrigan
 Agent of Service
 202 Village Circle, Suite 2
 Slidell, LA 70458

RE: CONSOLIDATED COMPLIANCE ORDER
 & NOTICE OF POTENTIAL PENALTY
 ENFORCEMENT TRACKING NO. WE-CN-10-01605
 AGENCY INTEREST NO. 41239

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is hereby served on NORTHSHORE CHEMICAL, LLC (RESPONDENT) for the violations described therein.

Compliance is expected within the maximum time period established by each part of the COMPLIANCE ORDER. The violations cited in the CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Maggie Bluntschi at (225) 219-3770.

Sincerely,

Celeste J. Cage
Administrator
Enforcement Division

CJC/MRB/mrb
Alt ID No. LA0122439
Attachment

e-copy: George Robicheaux-Sanitarian
STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

NORTHSHORE CHEMICAL, LLC
ST. TAMMANY PARISH
ALT ID NO. LA0122459

PROCEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is issued to NORTHSHORE CHEMICAL, LLC (RESPONDENT) by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates a chemical packing and distribution facility located at 61134 St. Tammany Avenue in Slidell, St. Tammany Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0122459 on or about March 9, 2007, with an effective date of April 1, 2007, and an expiration date of March 31, 2012. Under the terms and conditions of LPDES permit LA0122459, the Respondent is authorized to discharge wastewater from the contained chemical transfer area and storm water from Outfall 001 and treated sanitary wastewater from Outfall 002 to local drainage, thence to Bayou Vincent, waters of the state.
II.

An inspection conducted by the Department on or about December 10, 2009, revealed that the Respondent failed to sample. Specifically, a representative for the Respondent stated that the sewage treatment plant is not sampled semi-annually as required. The failure to sample the effluent is a violation of LPDES permit LA0122459 (Monitoring and Reporting Requirements, page 3 of 6; Narrative, page 5 of 6; and Standard Conditions for LPDES permits, Section A.2), La. R.S. 30:2076 (A) (3), and LAC 33:IX.501.A.

III.

An inspection conducted by the Department on or about December 10, 2009, and a subsequent file review conducted on or about October 25, 2011, revealed that the Respondent failed to submit Discharge Monitoring Reports (DMRs). Specifically, the Respondent is required to submit monthly DMRs for Outfall 001 and semi-annual DMRs for Outfall 002. The Respondent has not submitted any DMRs since the effective date of the permit, April 1, 2007. Each failure to submit a DMR is a violation of LPDES permit LA0122459 (Monitoring and Reporting Requirements, pages 1 through 4 of 6; Narrative, page 4 of 6; and Standard Conditions for LPDES permits, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.L.4.a.

IV.

An inspection conducted by the Department on or about December 10, 2009, revealed that the Respondent failed to provide records upon request by the Department. Specifically, the Respondent could not provide records of inspection reports or logs associated with the Spill Prevention Control and Countermeasure (SPCC) plan developed by the Respondent or the Storm Water Pollution and Prevention Plan (SWP3) when asked by the inspector. In addition, the Respondent could not provide records of laboratory data for either of the outfalls. The failure to provide records upon request by the Department is a violation of LPDES permit LA0122459 (Standard Conditions' for LPDES permits, Sections A.2 and A.8), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.J.2.

V.

A file review conducted by the Department on or about October 25, 2011, revealed that the Respondent failed to develop an adequate SWP3. Specifically, the Respondent told the inspector that the SWP3 was incorporated into the SPCC plan. A copy of the SPCC plan was
included in the inspection report. The SPCC plan does not allow for annual storm water inspections which would identify areas contributing to the storm water discharge from developed areas of the facility and evaluate whether measures to reduce pollutant loadings identified in the SWP3 are adequate and have been properly implemented in accordance with the terms of the permit or whether additional control measures are needed. The failure to develop an adequate SWP3 is a violation of LPDES permit LA0122459 (Narrative, page 5 of 6, and Standard Conditions for LPDES permits, Section A.2), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.A.

VI.

An inspection conducted by the Department on or about December 10, 2009, revealed that the Respondent failed to properly operate and maintain the sewage treatment plant. Specifically, there was no chlorine for disinfection present in the chlorinator at the time of the inspection. The failure to properly operate and maintain the facility is a violation of LPDES permit LA0122459 (Standard Conditions for LPDES permits, Sections A.2 and B.3.a), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.E.

VII.

An inspection conducted by the Department on or about December 10, 2009, revealed that there was a layer of water present in the bottom of the diked area and the ends of transfer hoses were hanging on the inside of the containment area.

- COMPLIANCE ORDER -

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately take, upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the limitations set forth in LPDES permit LA0122459 and the Water Quality Regulations including, but not limited to, sampling the effluent, submitting DMRs, providing records upon request, and properly operating and maintaining the facility.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, properly completed Discharge Monitoring Reports (DMRs) for the monitoring periods of the last three years mentioned in Paragraph III of the Findings of Fact
portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and dated with an original signature. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."

III.

To prepare, implement, and submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, an adequate SWP3 which meets all of the requirements of LPDES permit LA0122459.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this COMPLIANCE ORDER. This report and all other reports or information required to be submitted to the Enforcement Division by this COMPLIANCE ORDER shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Maggie Blunschi
Enforcement Tracking No. WE-CN-10-01605
Agency Interest No. 41239

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this COMPLIANCE ORDER. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this COMPLIANCE ORDER.

II.

The request for an adjudicatory hearing shall specify the provisions of the COMPLIANCE ORDER on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency.
Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. WE-CN-10-01605
Agency Interest No. 41239

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars ($27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more that thirty-two thousand five hundred dollars ($32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this COMPLIANCE ORDER and the provisions herein will
subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars ($50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Maggie Blunschi at (225) 219-3770 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent’s most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.
IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 07 day of December, 2011.

Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Maggie Blunschi
**CONSORTIUM COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

**ENTRANCE DIVISION**

**POST OFFICE BOX 4312**

**TATOU ROUGE, LOUISIANA 70821-4312**

**Enforcement Tracking No.**

WE-CN-15-01302

**Agency Interest (AI) No.**

41239

**Alternate ID No.**

LA0122459

**Certified Mail No.**

7004 2510 0006 3853 4787

**Contact Name**

Richard Obar, Jr.

**Contact Phone No.**

(225) 219-3135

**Facility Name:**

Northshore Chemical, LLC

**Physical Location:**

61134 St. Tammany Avenue

**Agent for Service of Process:**

c/o Patrick J. Berigan

204 Village Street #3

Slidell, Louisiana 70458

This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is issued by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2002(4), 30:2050.2, and 30:2050.3(B).

**FINDINGS OF FACT**

An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below:

I. The Respondent owns and/or operates a chemical packing and distribution facility located at or near 61134 St. Tammany Avenue in Slidell, St. Tammany Parish, Louisiana. Under the terms and conditions of LPDES Permit LA0122459, the Respondent is permitted to discharge treated sanitary wastewater, wastewater from a contained chemical transfer area and stormwater into local drainage, thence into Bayou Vincent, thence into Lake Pontchartrain, all waters of the state. The Respondent was issued CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-10-01605 on or about December 7, 2011. The Department received a written response from the Respondent dated February 17, 2012. CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-10-01605 is a final action of the Department and not subject to further review.

<table>
<thead>
<tr>
<th>Date of Violation</th>
<th>Description of Violation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I.</strong> Inspection(s) 6/22/2012 6/3/2015 File Review 3/11/2016</td>
<td>The Respondent failed to submit Discharge Monitoring Reports (DMRs) in a timely manner. The Respondent is required to submit monthly DMRs (Outfall 001) and semiannual DMRs (Outfall 002) no later than the 25th day of the month following each quarter and semiannual reporting period for Outfall 001 and Outfall 002, respectively. Specifically, the Respondent did not submit timely DMRs for Outfall 001 for each of the months from July 2011 through December 2011 and for Outfall 002 for the semiannual period of July 2011 through December 2011. The DMRs were received by the Department on or about February 27, 2012. The Respondent failed to submit timely DMRs for Outfall 001 for the months of January 2012, February 2012, April 2012, May 2012, and June 2012. The DMRs were received on or about August 31, 2012. Additionally, the Respondent did not submit timely DMRs for Outfall 001 for each of the months from August 2012 through June 2015. The DMRs for Outfall 001 for the months of August 2012 through June 2015 were received on or about September 17, 2015. The Respondent did not submit timely DMRs for Outfall 002 for the semiannual monitoring period of July 2012 through December 2012, both semiannual periods in 2013, and the first semiannual period of 2015. The DMRs were received by the Department on or about September 15, 2015. LPDES Permit LA0122459 (Monitoring and Reporting Requirements, pages 1 through 4 of 6 and Narrative, page 4 of 6 prior to August 1, 2012; Part I, Effluent Limitations and Monitoring Requirements (Outfall 001), page 2 of 4 on and after August 1, 2012 and Interim Limitations and Monitoring Requirements (Outfall 002), page 3 of 4 on and after August 1, 2012; Part II, Section K on and after August 1, 2012; and Standard Conditions for LPDES Permits, Sections A.2 and D.4, La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4).</td>
</tr>
<tr>
<td><strong>II.</strong> Inspection(s) 6/3/2015</td>
<td>The Respondent failed to comply with LPDES permit LA0122459. Specifically, the Respondent failed to submit semiannual Discharge Monitoring Reports (DMRs) for Outfall 002 for the semiannual monitoring periods of January 2014 through June 2014 and July 2014 through December 2014. LPDES permit LA0122459 (Part I, Interim Limitations and Monitoring Requirements (Outfall 002), page 3 of 4; Part II, Section K, and Part III, Section A.2, LAC 33:IX.50.1A, La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4).</td>
</tr>
<tr>
<td><strong>III.</strong> Inspection(s) 6/22/2012 File Review 3/31/2016</td>
<td>The Respondent failed to properly operate and maintain its sewage treatment plant. Specifically, there were no chlorine tablets present in the contact chamber. Laboratory data attached to the DMR for the monitoring period following the inspection, July 2012 through December 2012, indicated Fecal Coliform results of 5,000 colonies/100 ml for the sampling event on August 23, 2012. LPDES permit LA0122459 (Standard Conditions for LPDES Permits, Sections A.2 and B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4).</td>
</tr>
<tr>
<td><strong>IV.</strong> Inspection(s) 6/22/2012 File Review 3/31/2016</td>
<td>The Respondent failed to comply with LPDES permit LA0122459 and/or the Water Quality Regulations. Specifically, the Respondent failed to provide records upon request by the Department. The following records were not provided when requested by the inspector: (1) DMRs for January 2012 and February 2012 for Outfall 001; (2) laboratory data for Outfall 001 for the most recent sampling events; and (3) documentation required by the Spill Prevention and Control (SPC) Plan including tank inspections, any drainage of storm water from containment, and employee training records. LPDES permit LA0122459 (Standard Conditions for LPDES Permits, Sections A.2 and A.8), La. R.S. 30:2076(A)(3), LAC 33:IX.6513.A.2 and LAC 33:IX.2701.L.2).</td>
</tr>
<tr>
<td>VI.</td>
<td>Inspection(s)</td>
</tr>
<tr>
<td>VII.</td>
<td>File Review</td>
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<tr>
<td>VIII.</td>
<td>Inspection(s)</td>
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<tr>
<td>IX.</td>
<td>Inspection(s)</td>
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<tr>
<td>X.</td>
<td>Inspection(s)</td>
</tr>
<tr>
<td>XI.</td>
<td>Inspection(s)</td>
</tr>
</tbody>
</table>

ORDER

Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:

1. To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting all of the violations described in the "Findings of Fact" portion.

WS-CN-15-01302 Page 2 CONOPP FORM 1
<table>
<thead>
<tr>
<th>Section</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>II.</td>
<td>To submit to the Enforcement Division, within thirty (30) days after receipt of this <strong>COMPLIANCE ORDER</strong>, a written report that includes a detailed description of the circumstances surrounding the cited violation(s) and actions taken or to be taken to achieve compliance with the &quot;Order&quot; portion of this <strong>COMPLIANCE ORDER</strong>. This report and all other reports or information required to be submitted to the Enforcement Division by this <strong>COMPLIANCE ORDER</strong> shall be submitted to the Department at the address specified in this document.</td>
</tr>
<tr>
<td>III.</td>
<td>To submit to the Enforcement Division, within thirty (30) days after receipt of this <strong>COMPLIANCE ORDER</strong>, properly completed DMRs for the monitoring periods of the last three (3) years mentioned in Paragraphs III, X, and XI of the &quot;Findings of Fact&quot; portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and dated. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for &quot;Comment and Explanation of Any Violations.&quot;</td>
</tr>
<tr>
<td>IV.</td>
<td>To develop and implement, within thirty (30) days after receipt of this <strong>COMPLIANCE ORDER</strong>, an adequate and complete SWPPP as outlined in the (Part II, Section 7) and submit a copy to the Enforcement Division within forty-five (45) days after receipt of this <strong>COMPLIANCE ORDER</strong>.</td>
</tr>
<tr>
<td>V.</td>
<td>To submit a completed NetDMR Subscriber Agreement to the Department for approval to submit DMRs electronically using NetDMR, within thirty (30) days after receipt of this <strong>COMPLIANCE ORDER</strong>. The Subscriber Agreement shall be signed and dated with an original signature and submitted to the Enforcement Division. (NetDMR is accessed through: <a href="http://www.epa.gov/netdmr">www.epa.gov/netdmr</a>. For assistance establishing and maintaining a NetDMR account or for NetDMR training, see attached instructions or contact the Permit Compliance Unit at <a href="mailto:degnetdmr@epa.gov">degnetdmr@epa.gov</a>.)</td>
</tr>
<tr>
<td>VI.</td>
<td>To submit DMRs and associated reports electronically using NetDMR beginning with the first monitoring period after approval of the NetDMR Subscriber Agreement unless otherwise notified in writing by the Department.</td>
</tr>
</tbody>
</table>

**RIGHT TO APPEAL**

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the address specified in this document.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 40:950, et seq.), and the Department's rules. The Respondent may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent monetary action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

Civil penalties of not more than thirty-two thousand five hundred dollars ($32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars ($50,000) for each day of continued violation or noncompliance.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

**NOTICE OF POTENTIAL PENALTY**

I. Pursuant to La. R.S. 30:2050 (B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II. Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Richard Ober, Jr. at (225) 219-3135 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III. The Department is required by La. R.S. 30:2025(I)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement.

IV. This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.
CONTACTS AND SUBMITTAL OF INFORMATION

Enforcement Division:
Louisiana Department of Environmental Quality
Office of Environmental Compliance
Water Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821
Attn: Richard Ober, Jr.

Hearing Requests:
Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. WE-CN-15-01302
Agency Interest No. 41239

Permit Division (if necessary):
Department of Environmental Quality
Office of Environmental Services
Post Office Box 4313
Baton Rouge, LA 70821-4313
Attn: Water Permits Division

Physical Address (if hand delivered):
Department of Environmental Quality
602 N Fifth Street
Baton Rouge, LA 70802

HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

• To appeal the CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY, the Respondent must follow the guidelines set forth in the “Right to Appeal” portion of this CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY.

• To request closure of the COMPLIANCE ORDER portion, the Respondent must demonstrate compliance with the “Order” portion of this COMPLIANCE ORDER by completing the attached “CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE” form and returning it to the address specified.
  o The COMPLIANCE ORDER will not be closed if the Respondent owes outstanding fees or penalties to the Department. Please contact the Financial Services Division at 225-219-3865 or email them at DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

• To expeditiously close the NOTICE OF POTENTIAL PENALTY portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.
  o The Department assesses civil penalties based on LAC 33:1 Subpart1 Chapter7.
  o The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
  o The settlement offer amount may be entered on the attached “CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE” form. The Respondent must include a justification of the offer.
  o DO NOT submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
  o The NOTICE OF POTENTIAL PENALTY will not be closed if the Respondent owes outstanding fees to the Department. Please contact the Financial Services Division at 225-219-3865 or email them at DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

If you have questions or need more information, you may contact Richard Ober, Jr. at (225) 219-3135 or richard.ober@la.gov.

Lourdes Hernandez
Assistant Secretary
Office of Environmental Compliance

cc: Michael Herrin, Manager
Northshore Chemical, LLC
6134 St. Tammany Avenue
Sidell, Louisiana 70460

Attachments:
- Request to Close
- Attachment A
- NetDMR Brochure
- Settlement Brochure

[Signature]
Date: 6/28/16

WE-CN-15-01302  Page 4  CONOPP FORM 1
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
ENFORCEMENT DIVISION
POST OFFICE BOX 4312
BATON ROUGE, LOUISIANA 70824-4312

CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
REQUEST TO CLOSE

Enforcement Tracking No.  WE-CN-15-01302
Agency Interest (AI) No.  41739
Alternate ID No.  LA012459

Respondent: Northshore Chemical, LLC
C/o Patrick J. Berginan
Agent for Service of Process
204 Village Street #3
Slidell, Louisiana 70460

Facility Name: Northshore Chemical, LLC
Physical Location: 61134 St. Tammany Avenue
City, State, Zip: Slidell, Louisiana 70460
Parish: St. Tammany

STATEMENT OF COMPLIANCE

A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.

All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs III and V of the "Order" portion of the COMPLIANCE ORDER.

All necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph IV of the "Order" portion of the COMPLIANCE ORDER.

Submitted DMRs and associated reports electronically using NetDMR in accordance with Paragraph VI of the "Order" portion of the COMPLIANCE ORDER.

All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

- In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-15-01302), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.

- The Respondent is interested in entering into settlement negotiations with the Department and offers to pay $, which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.

  - Monetary component = $.
  - Beneficial Environmental Project (BEP) component (optional) = $.
  - DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM - the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-15-01302) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature

Respondent's Printed Name

Respondent's Title

Respondent's Physical Address

Respondent's Phone #

Date

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821
Attn: Richard Ober, Jr.

If you have questions or need more information, you may contact Richard Ober, Jr. at (225) 219-3135 or richard.ober@la.gov.
## Attachment A

### Effluent Exceedances

<table>
<thead>
<tr>
<th>Date</th>
<th>Outfall</th>
<th>Parameter</th>
<th>Permit Limit</th>
<th>Sample Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2013 – June 2013</td>
<td>002</td>
<td>Fecal Coliform (Monthly Average)</td>
<td>200 colonies/100 ml</td>
<td>47,000 colonies/100 ml</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fecal Coliform (Daily Maximum)</td>
<td>400 colonies/100 ml</td>
<td>47,000 colonies/100 ml</td>
</tr>
<tr>
<td>July 1, 2013 – December 21, 2013</td>
<td>002</td>
<td>Fecal Coliform (Monthly Average)</td>
<td>200 colonies/100 ml</td>
<td>14,000 colonies/100 ml</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fecal Coliform (Daily Maximum)</td>
<td>400 colonies/100 ml</td>
<td>14,000 colonies/100 ml</td>
</tr>
<tr>
<td></td>
<td></td>
<td>BOD$_5$ (Monthly Average)</td>
<td>30 mg/l</td>
<td>91 mg/l</td>
</tr>
<tr>
<td></td>
<td></td>
<td>BOD$_5$ (Daily Maximum)</td>
<td>45 mg/l</td>
<td>91 mg/l</td>
</tr>
</tbody>
</table>
WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

<table>
<thead>
<tr>
<th>Degree of Risk to Human Health or Property</th>
<th>Nature and Gravity of the Violation</th>
<th>Major</th>
<th>Moderate</th>
<th>Minor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.</td>
<td>Major</td>
<td>$32,500</td>
<td>$20,000</td>
<td>$15,000</td>
</tr>
<tr>
<td>Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions</td>
<td>Moderate</td>
<td>$20,000</td>
<td>$15,000</td>
<td>$11,000</td>
</tr>
<tr>
<td>Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.</td>
<td>Minor</td>
<td>$11,000</td>
<td>$5,000</td>
<td>$3,000</td>
</tr>
<tr>
<td>Degree of Risk to Human Health or Property</td>
<td>Nature and Gravity of the Violation</td>
<td>Major</td>
<td>Moderate</td>
<td>Minor</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------</td>
<td>-------</td>
<td>----------</td>
<td>-------</td>
</tr>
<tr>
<td>Major</td>
<td>Nature and Gravity of the Violation</td>
<td>Major</td>
<td>$3,000</td>
<td>$1,500</td>
</tr>
<tr>
<td>Moderate</td>
<td>Nature and Gravity of the Violation</td>
<td>Moderate</td>
<td>$1,500</td>
<td>$500</td>
</tr>
</tbody>
</table>

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions.

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

The range is adjusted using the following violator specific factors:

1. History of previous violations or repeated noncompliance;
2. Gross revenues generated by the respondent;
3. Degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. Whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. Whether the violation and the surrounding circumstances were immediately reported to the Department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.
Given the previous information, the following formula is used to obtain a penalty amount.

\[
\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times (\text{Penalty Event Maximum} - \text{Penalty Event Minimum}))
\]

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement. Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

Searchable in EDMS using the following filters:
- Media: Air Quality
- Function: Enforcement
- Description: Settlement

- Enforcement Division’s website
- LAC 33:1 Chapter 7
- LAC 33:1 Chapter 25
- FAQs provided by the Louisiana State Bar Association
The attached enforcement action requires the use of NetDMR

WHAT IS NETDMR?

NetDMR is a Web-based tool that allows facilities to electronically sign and submit LPDES discharge monitoring reports (DMRs) to the LDEQ.

HOW DO I USE NETDMR?

1. Register in NetDMR
2. Submit Subscriber Agreement to LDEQ
3. Receive approval by LDEQ
4. Sign and Submit On-line

Training is offered by both LDEQ and EPA. Please check the LDEQ NetDMR Training website at http://www.deq.louisiana.gov/netdmr for training materials and current information offered by LDEQ. Information about EPA's training can be found at www.epa.gov/netdmr

HOW DO I REGISTER AND SUBMIT A SUBSCRIBER AGREEMENT?

(The first person to register must be an authorized signatory.)

1. Go to NetDMR website at https://netdmr.epa.gov/netdmr
2. Choose “Louisiana DEQ” as the Regulatory Authority from the drop-down list
3. Click the “Create a NetDMR Account” link in the login box
4. Complete the account information as required
   a. Type of user must be “Permittee User”
   b. Security answers must be unique and are case sensitive
5. Click “Submit” and confirm account information
6. Click the link within the verification email that has been sent to your email address
7. Create password by following instructions on the page
8. Login to NetDMR
9. Click “Request Access” link in the top left corner
10. Enter Permit Number and click “Update”
11. Select “Signatory” role and click “Add Request”
12. Click “Submit” and confirm
13. Provide Signatory Information, click “Submit” and confirm
14. Click button to print Subscriber Agreement
15. Mail in signed, original Subscriber Agreement to LDEQ for approval

If you have additional questions, please email deqnetdmr@la.gov.