

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

MYRIANT CORPORATION

AI # 171315

PROCEEDINGS UNDER THE LOUISIANA

ENVIRONMENTAL QUALITY ACT

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

\* Settlement Tracking No.  
\* SA-WE-18-0067  
\*  
\* Enforcement Tracking No.  
\* WE-CN-15-01074  
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SETTLEMENT

The following Settlement is hereby agreed to between PTTGC Innovation America Corp. (formerly known as Myriant Corporation) (“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 corporation that owns and/or operates a succinic acid biorefinery facility located in Lake Providence, East Carroll Parish, Louisiana (“the Facility”).

II

On October 20, 2016, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-15-01074 (Exhibit 1).

After issuance of Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-15-01074, the Respondent performed a review of its data and submitted revised and previously not submitted DMRs. Based on the DMRs submitted, the Respondent requested to include and resolve in this Settlement Agreement the following additional violations:

The Respondent failed to report parameters on Discharge Monitoring Reports (DMRs)

and/or failed to monitor/sample parameters as follows:

<b>Date</b>	<b>Outfall</b>	<b>Parameter values not reported on DMR</b>	<b>Comment</b>
February 2014	001	Oil and Grease	data not available
March 2014	001	Oil and Grease	data not available
June 2014	001	Oil and Grease	data not available
July 2014	001	Oil and Grease	data not available
August 2014	001	Flow	flow meter inoperable
July 2015	002	Temperature, pH	analysis not conducted
August 2015	002	Temperature	analysis not conducted
October 2015	002	Flow	data not available
November 2015	002	Flow	data not available

Each failure to report parameter values on Discharge Monitoring Reports (DMRs) is a violation of LPDES permit LA0122882 (Part III, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.d. Each failure to monitor/sample parameters is a violation of LPDES permit LA0122882 (Effluent Limitations and Monitoring Requirements, pages 1, 2, 3, and 4 of 6 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

The Respondent failed to comply with LPDES permit LA0122882. Specifically, the Respondent reported exceedances of permit effluent limitations on DMRs as follows:

<b>Date</b>	<b>Outfall</b>	<b>Parameter</b>	<b>Permit Limit</b>	<b>Sample Value</b>
May 2014	001	TSS (monthly average)	49 mg/l	53.3 mg/l
August 2014	001	TSS (monthly average)	49 mg/l	78.0 mg/l
		BOD <sub>5</sub> (monthly average)	34 mg/l	50.8 mg/l
		TOC (daily maximum)	50 mg/l	62.2 mg/l
January 2015	001	pH (instantaneous minimum)	6.0 Standard Units	5.1 Standard Units

Each exceedance of a permit effluent limitation is a violation of LPDES permit LA0122882 (Effluent Limitations and Monitoring Requirements, pages 1, 2, 3, and 4 of 6; Narrative Requirements, Condition No. T-2; and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.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 SIXTEEN THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$16,700.00), of which One Thousand Nine Hundred Ninety-Five and 13/100 Dollars (\$1,995.13) represents the Department's enforcement costs, in settlement of the claims and allegations made in Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-15-01074 and the violations and deviations included in Paragraph II above, as 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 East Carroll 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.

PTTGC INNOVATION AMERICA CORP.  
(FORMERLY KNOWN AS MYRIANT  
CORPORATION)

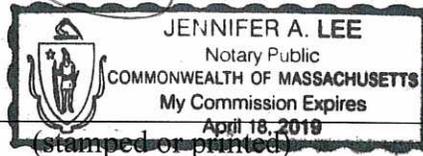
BY: [Signature]  
(Signature)

Eric J. Conlin  
(Printed)

TITLE: VP Finance

THIS DONE AND SIGNED in duplicate original before me this 1st day of April, 20 19, at Woburn, MA.

[Signature]  
NOTARY PUBLIC (ID # \_\_\_\_\_)



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

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

THIS DONE AND SIGNED in duplicate original before me this 19th day of June, 20 19, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 19181)

Perry Theriot  
(stamped or printed)

Approved: [Signature]  
Lourdes Iturralde, Assistant Secretary

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312				<b>CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY</b>			
Enforcement Tracking No.	WE-CN-15-01074	Certified Mail No.	7004 2510 0006 3853 2905				
Agency Interest (AI) No.	171315	Contact Name	Richard Ober, Jr.				
Alternate ID No.	LA0122882	Contact Phone No.	(225) 219-3135				
Respondent:	<b>Myriant Corporation</b>	Facility Name:	Myriant Succinic Acid Biorefinery				
	c/o C T Corporation System	Physical Location:	525 Port Road				
	Agent for Service of Process	City, State, Zip:	Lake Providence, Louisiana 71254				
	5615 Corporate Boulevard, Suite 400B Baton Rouge, Louisiana 70808	Parish:	East Carroll Parish				
This <b>CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY</b> 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. 30:2025(C), 30:2050.2 and 30:2050.3(B).							
<b>FINDINGS OF FACT</b>							
<i>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>							
I.	The Respondent owns and/or operates a succinic acid biorefinery facility located at or near 525 Port Road in Lake Providence, East Carroll Parish, Louisiana. The Respondent was issued LPDES Permit LA0122882 with an effective date of July 25, 2012, and an expiration date of July 24, 2017. Under the terms and conditions of LPDES Permit LA0122882, the Respondent is permitted to discharge treated process wastewater, process area stormwater, process area washwater, cooling tower blowdown, boiler blowdown, RO reject water and post first-flush process area stormwater into the Mississippi River, waters of the state. LPDES Permit LAG670146 was issued to the Respondent on May 30, 2012. LAG670146 was automatically reissued to the Respondent on February 1, 2013, and will expire on January 31, 2018. Under the terms and conditions of LAG670146, the Respondent is permitted to discharge hydrostatic test wastewater to the Mississippi River, waters of the state.						
	<b>Date of Violation</b>	<b>Description of Violation</b>					
II.	Inspection(s) 7/28/2015 File Review 8/24/2016	The Respondent failed to comply with LPDES permit LA0122882. Specifically, the Respondent failed to submit Discharge Monitoring Reports (DMRs). The Respondent failed to submit the monthly DMR for Outfall 001 for the month of August 2014. The Respondent failed to submit the monthly DMRs for Outfall 002 for the months of September 2012, October 2012, November 2012, December 2012, January 2013, February 2013, March 2013, and January 2014. Additionally, the Respondent failed to submit quarterly DMRs for Outfall 003 for the third quarter of 2012, the fourth quarter of 2012 and the first quarter of 2013. (LPDES permit LA0122882 (Submittal/Action Requirements, Condition No. S-1, pages 4, 5, and 6 of 6 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a)					
III.	Inspection(s) 7/28/2015 File Review 8/24/2016	The Respondent failed to comply with LPDES permit LA0122882. Specifically, the Respondent reported exceedances of permit effluent limitations. (LPDES permit LA0122882 (Effluent Limitations and Monitoring Requirements, pages 1, 2, 3, and 4 of 6; Narrative Requirements, Condition No. T-2; and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A) <b>See Attachment 1</b>					
IV.	Inspection(s) 7/28/2015	The Respondent failed to maintain monitoring records as required by LPDES permit LA0122882. Specifically, there was no calibration log for the hand held pH meter. (LPDES permit LA0122882 (Part III, Sections A.2, C.3, and C.5.b), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.J.2)					
V.	Inspection(s) 7/28/2015 File Review 8/24/2016	The Respondent failed to report parameters on Discharge Monitoring Reports (DMRs). Specifically, flow, temperature, pH, TSS and/or TRC were not reported for Outfalls 001 and 002 on DMRs. (LPDES permit LA0122882 (Part III, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.d) <b>See Attachment 2</b>					
VI.	Inspection(s) 7/28/2015	The Respondent failed to implement the Stormwater Pollution Prevention Plan (SWPPP). Specifically, no annual site inspections were performed or annual site inspection reports generated. (LPDES permit LA0122882 (Narrative Requirements, Condition Nos. T-8 and T-9 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A)					
VII.	Inspection(s) 7/28/2015	The Respondent failed to prepare and implement a Spill Prevention and Control (SPC) plan. Specifically, there is a 20,000 gallon sulfuric acid tank on the facility site, and the Respondent does not have an SPC plan. (LAC 33:IX.905 and La. R.S. 30:2076(A)(3))					
VIII.	File Review 8/24/2016	The Respondent failed to comply with LPDES permit LAG670146. Specifically, the Respondent failed to submit Discharge Monitoring Reports (DMRs). Specifically, monthly DMRs were not submitted for Outfall 001 for the months of August 2012 through November 2012. Quarterly DMRs were not submitted for Outfall 001 for the quarterly monitoring periods during the timeframe of April 2013 through December 2015. (LPDES permit LAG670146 (Narrative Requirements, page 3 of 5 prior to February 1, 2013; Monitoring and Reporting Requirements No. 8, page 12 of 13, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a)					
<b>ORDER</b>							
Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:							
I.	To take, immediately upon receipt of this <b>COMPLIANCE ORDER</b> , any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting <u>all</u> of the violations described in the "Findings of Fact" portion.						
II.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> , 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 "Order" portion of this <b>COMPLIANCE ORDER</b> . This report and all other reports or information required to be submitted to the Enforcement Division by this <b>COMPLIANCE ORDER</b> shall be submitted to the Department at the address specified in this document.						

III.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> , properly completed DMRs for the monitoring periods of the last three (3) years mentioned in Paragraphs II, V and VIII 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 certified. 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."
IV.	To develop and implement, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> , an adequate Spill Prevention and Control Plan (SPC) as outlined in LAC 33:IX.907 and submit a copy to the Enforcement Division within forty-five (45) days after receipt of this <b>COMPLIANCE ORDER</b> .
V.	To immediately implement the SWPPP and to submit a copy of the last annual site inspection report to the Enforcement Division within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> .
VI.	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 <b>COMPLIANCE ORDER</b> . 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:deqnetdmr@la.gov">deqnetdmr@la.gov</a> .)
VII.	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.

#### RIGHT TO APPEAL

I.	The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this <b>COMPLIANCE ORDER</b> . This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> .
II.	The request for an adjudicatory hearing shall specify the provisions of the <b>COMPLIANCE ORDER</b> 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.
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 <b>COMPLIANCE ORDER</b> 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.). The Department may amend or supplement this <b>COMPLIANCE ORDER</b> prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.
IV.	This <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> becoming a permanent part of its compliance history.
VI.	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 <b>COMPLIANCE ORDER</b> 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 Richard Ober, Jr. at (225) 219-3135 within ten (10) days of receipt of this <b>NOTICE OF POTENTIAL PENALTY</b> .
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 <b>NOTICE OF POTENTIAL PENALTY</b> . 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 <b>CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY</b> is effective upon receipt.

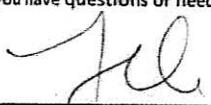
### CONTACTS AND SUBMITTAL OF INFORMATION

<b>Enforcement Division:</b> Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Richard Ober, Jr.	<b>Hearing Requests:</b> 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-15-01074 Agency Interest No. 171315
<b>Permit Division (if necessary):</b> Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	<b>Physical Address (if hand delivered):</b> 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.
  - 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](mailto:_DEQ-WWWFinancialServices@la.gov) to determine if you owe outstanding fees.
- To expedite closure of 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.
  - The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7.
  - 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.
  - 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.
  - **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.
  - 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](mailto:_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](mailto:richard.ober@la.gov).

  
 \_\_\_\_\_  
 Lourdes Iturralde  
 Assistant Secretary  
 Office of Environmental Compliance

Date: 10-30-16

- Attachment(s)
- Request to Close
  - Attachment 1
  - Attachment 2
  - NetDMR brochure
  - Settlement Brochure

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION  
POST OFFICE BOX 4312

CONSOLIDATED COMPLIANCE ORDER &  
NOTICE OF POTENTIAL PENALTY

BATON ROUGE, LOUISIANA 70821-4312

REQUEST TO CLOSE



Enforcement Tracking No.	WE-CN-15-01074	Contact Name	Richard Ober, Jr.
Agency Interest (AI) No.	171315	Contact Phone No.	(225) 219-3135
Alternate ID No.	LA0122882		
Respondent:	Myriant Corporation	Facility Name:	Myriant Succinic Acid Biorefinery
	c/o C T Corporation System	Physical Location:	525 Port Road
	Agent for Service of Process		
	5615 Corporate Boulevard, Suite 400B Baton Rouge, Louisiana 70808	City, State, Zip:	Lake Providence, Louisiana 71254
		Parish:	East Carroll Parish

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
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 Paragraph(s) III, V, and VI 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(s) IV of the "Order" portion of the COMPLIANCE ORDER.		
Submitted DMRs and associated reports electronically using NetDMR in accordance with Paragraph VII 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)

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-15-01074), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-15-01074), 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. <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional) = \$ _____</li> </ul> • 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.
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-15-01074) 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 1

## Effluent Exceedances

Date	Outfall	Parameter	Permit Limit	Sample Value	
April 2013	001	BOD <sub>5</sub> (monthly average)	34 mg/l	211 mg/l	
		BOD <sub>5</sub> (daily maximum)	92 mg/l	211 mg/l	
June 2013	001	pH (instantaneous maximum)	9.0 Standard Units	9.2 Standard Units	
		BOD <sub>5</sub> (monthly average)	34 mg/l	57 mg/l	
July 2013	002	pH (instantaneous maximum)	9.0 Standard Units	9.6 Standard Units	
		BOD <sub>5</sub> (monthly average)	34 mg/l	47 mg/l	
	001	pH (instantaneous maximum)	9.0 Standard Units	9.1 Standard Units	
		TSS (monthly average)	49 mg/l	64 mg/l	
August 2013	002	pH (instantaneous maximum)	9.0 Standard Units	9.4 Standard Units	
		TSS (monthly average)	30 mg/l	42 mg/l	
September 2013	001	BOD <sub>5</sub> (monthly average)	34 mg/l	64 mg/l	
		BOD <sub>5</sub> (daily maximum)	92 mg/l	132 mg/l	
September 2013	001	TSS (monthly average)	49 mg/l	84 mg/l	
		002	Oil & Grease (monthly average)	10 mg/l	15.6 mg/l
			Oil & Grease (daily maximum)	15 mg/l	15.6 mg/l
December 2013	001	BOD <sub>5</sub> (monthly average)	34 mg/l	320 mg/l	
		BOD <sub>5</sub> (daily maximum)	92 mg/l	320 mg/l	
		TOC (daily maximum)	50 mg/l	223 mg/l	
February 2014	001	BOD <sub>5</sub> (monthly average)	34 mg/l	962 mg/l	
		BOD <sub>5</sub> (daily maximum)	92 mg/l	962 mg/l	
		TOC (daily maximum)	50 mg/l	157 mg/l	
		TSS (monthly average)	49 mg/l	380 mg/l	
		TSS (daily maximum)	159 mg/l	380 mg/l	
March 2014	002	pH (instantaneous maximum)	9.0 Standard Units	9.4 Standard Units	
March 2014	001	TOC (daily maximum)	50 mg/l	82 mg/l	
April 2014	001	BOD <sub>5</sub> (monthly average)	34 mg/l	1520 mg/l	
		BOD <sub>5</sub> (daily maximum)	92 mg/l	1520 mg/l	
		TOC (daily maximum)	50 mg/l	366 mg/l	
		Oil & Grease (daily maximum)	15 mg/l	15.7 mg/l	
		TSS (monthly average)	49 mg/l	1030 mg/l	
		TSS (daily maximum)	159 mg/l	1030 mg/l	
May 2014	001	TOC (daily maximum)	50 mg/l	60.9 mg/l	
June 2014	001	TOC (daily maximum)	50 mg/l	114 mg/l	
		pH (instantaneous maximum)	9.0 Standard Units	9.1 Standard Units	
		TSS (monthly average)	49 mg/l	140 mg/l	
July 2014	002	TSS (monthly average)	30 mg/l	75.5 mg/l	
		001	BOD <sub>5</sub> (monthly average)	34 mg/l	203 mg/l
			BOD <sub>5</sub> (daily maximum)	92 mg/l	203 mg/l
			TSS (monthly average)	49 mg/l	173 mg/l
			TSS (daily maximum)	159 mg/l	173 mg/l
September 2014	001	TOC (daily maximum)	50 mg/l	99.2 mg/l	
		002	BOD <sub>5</sub> (monthly average)	34 mg/l	39.4 mg/l
			pH (instantaneous maximum)	9.0 Standard Units	11.9 Standard Units
September 2014	002	TSS (monthly average)	30 mg/l	52 mg/l	

October 2014	002	pH (instantaneous maximum)	9.0 Standard Units	11.9 Standard Units
		TSS (monthly average)	30 mg/l	146 mg/l
		TSS (daily maximum)	100 mg/l	146 mg/l
November 2014	001	TOC (daily maximum)	50 mg/l	68 mg/l
		pH (instantaneous minimum)	6.0 Standard Units	5.9 Standard Units
		TSS (monthly average)	49 mg/l	175 mg/l
	002	TSS (daily maximum)	159 mg/l	175 mg/l
December 2014	001	pH (instantaneous maximum)	9.0 Standard Units	11.2 Standard Units
		pH (instantaneous minimum)	6.0 Standard Units	5.8 Standard Units
January 2015	002	pH (instantaneous maximum)	9.0 Standard Units	11.7 Standard Units
		TSS (monthly average)	30 mg/l	60 mg/l
February 2015	002	pH (instantaneous maximum)	9.0 Standard Units	9.9 Standard Units
		TSS (monthly average)	30 mg/l	53.3 mg/l
March 2015	002	pH (instantaneous maximum)	9.0 Standard Units	9.4 Standard Units
		TSS (monthly average)	30 mg/l	640 mg/l
		TSS (daily maximum)	100 mg/l	640 mg/l
April 2015	001	pH (instantaneous minimum)	6.0 Standard Units	4.8 Standard Units
May 2015	002	Total Residual Chlorine	0.2 mg/l	9.95 mg/l
June 2015	001	pH (instantaneous minimum)	6.0 Standard Units	4.3 Standard Units
July 2015	001	pH (instantaneous maximum)	9.0 Standard Units	9.4 Standard Units
August 2015	002	pH (instantaneous maximum)	9.0 Standard Units	10.5 Standard Units
		TSS (monthly average)	30 mg/l	60 mg/l
		pH (instantaneous maximum)	9.0 Standard Units	11.5 Standard Units
September 2015	002	TSS (monthly average)	30 mg/l	238 mg/l
		TSS (daily maximum)	100 mg/l	238 mg/l
		pH (instantaneous maximum)	9.0 Standard Units	10.4 Standard Units
November 2015	002	pH (instantaneous maximum)	9.0 Standard Units	10.4 Standard Units

## Attachment 2

## Parameters Not Reported on Discharge Monitoring Reports

Date	Outfall	Parameters not reported on DMR
April 2014	001	Flow
	002	Flow, pH
May 2014	001	Flow
	002	Flow
June 2014	001	Flow
	002	Flow, Temperature
July 2014	001	Flow
	002	Flow, pH
August 2014	002	Flow, pH
September 2014	001	Flow
	002	Flow
October 2014	001	Flow
	002	Flow, Temperature
November 2014	001	Flow
	002	Flow, Temperature
December 2014	001	Flow
	002	Flow, TRC, pH, TSS, Temperature
January 2015	001	Flow
	002	Flow, Temperature
February 2015	001	Flow
	002	Flow, Temperature
March 2015	001	Flow
	002	Flow, Temperature
April 2015	001	Flow
	002	Flow, Temperature
May 2015	001	Flow
	002	Flow, Temperature
June 2015	001	Flow
July 2015	002	Flow (no daily maximum)
August 2015	002	Flow (no daily maximum)
September 2015	002	Flow (no daily maximum), Temperature
October 2015	002	Temperature
November 2015	002	Temperature



**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](http://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](mailto:deqnetdmr@la.gov).



# SETTLEMENT AGREEMENTS

## 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.

	NATURE AND GRAVITY OF THE VIOLATION		
	MAJOR	MODERATE	MINOR
MAJOR	\$32,500	\$20,000	\$15,000
	to \$20,000	to \$15,000	to \$11,000
MODERATE	\$11,000	\$8,000	\$5,000
	to \$8,000	to \$5,000	to \$3,000
MINOR	\$3,000	\$1,500	\$500
	to \$1,500	to \$500	to \$100

### 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.



# SETTLEMENT AGREEMENTS

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, environmental compliance promotion, 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?

- Settlement Offers ..... searchable in EDMS using the following filters  
Media: Air Quality, Function: Enforcement, Description: Settlement
- Settlement Agreements ..... Enforcement Division's website  
specific examples can be provided upon request
- Penalty Determination Method ..... LAC 33:I Chapter 7
- Beneficial Environmental Projects ..... LAC 33:I Chapter 25
- ..... FAQs
- Judicial Interest..... provided by the Louisiana State Bar Association



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