STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-MM-19-0080**
ALMATIS BURNSIDE, LLC	*	
	*	**Enforcement Tracking Nos.**
AI # 3420	*	**WE-CN-16-00327**
	*	**AE-CN-15-01464**
	*	**AE-CN-15-01464A**
	*	**SE-PP-16-00936**
	*	**WE-L-17-01158**
	*	**AE-L-18-00446**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	**Docket No. 2018-1611-EQ**
LA. R.S. 30:2001, ET SEQ.	*	**Consolidated w/**
	*	**Docket No. 2019-0511-EQ**
	*	

SETTLEMENT

The following Settlement is hereby agreed to between Lalumina LLC f/k/a Almatis Burnside, 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 owned and/or operated an alumina extraction facility located in Burnside, Ascension Parish, Louisiana ("the Facility").

II

On August 31, 2016, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-16-00327 (Exhibit 1).

On December 16, 2016, the Department issued to Respondent a Consolidated Compliance

Order & Notice of Potential Penalty, Enforcement No. AE-CN-15-01464 (Exhibit 2).

On October 31, 2017, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-15-01464A (Exhibit 3).

On December 28, 2016, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. SE-PP-16-00936 (Exhibit 4).

On December 27, 2017, the Department issued to Respondent a Warning Letter, Enforcement No. WE-L-17-01158 (Exhibit 5).

On July 5, 2018, the Department issued to Respondent a Warning Letter, Enforcement No. AE-L-18-00446 (Exhibit 6).

The following violations, although not cited in the foregoing enforcement action(s), are included within the scope of this settlement:

The Department conducted Complaint Investigations at the Burnside Alumina Plant (facility) on or about the following dates in response to multiple citizen's complaints: September 8, 2016, October 4, 2016, October 31, 2016, and February 10, 2017. The Department issued a Warning Letter, Enforcement Tracking No. AE-L-18-00446 dated July 5, 2018, noting areas of concerns discovered during the Complaint Investigations. The Respondent submitted a response to the Warning Letter dated July 17, 2018. A subsequent file review was conducted on or about October 22, 2018.

1. A Complaint Investigation was conducted on or about September 8, 2016, in response to a citizen's complaint received on or about September 6, 2016 [Department Incident No. T172761], of white powder from the facility covering surrounding properties and a second citizen's complainant received on or about September 9, 2016 [Department Incident No. T172864], of a white powdery substance with a noxious odor being released. A site visit to the facility revealed visible emissions from the Electrostatic Precipitator (ESP) stacks (EQT 0008 and EQT 0013) and dust on the paved area around the ESPs. At the time of the site visit,

the Respondent operated all three (3) kilns, which requires the use of both ESPs. There was slight airborne dust from the paved area around the ESPs that was localized to the area. There were visible emissions from the piping around the crow's nest which is used to move alumina from the kiln area to the storage silos. The Respondent was in the process of planning to repair three (3) holes in the piping to prevent the fugitive emissions of alumina. Failure to use and/or diligently maintain a control device in proper working order is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

2. A Complaint Investigation was conducted on or about October 4, 2016, in response to a citizen's complaint received on or about September 21, 2016, [Department Incident No. T173121], of a white powder substance on vehicles.
    a. Based on the observations of particulate matter (dust/alumina) on the paved areas of the facility and alumina piles as well as visible emissions from the ESP 200 (EQT 0013) stack, Baghouse No. 3 (EQT 0016) vent, and from a vacuum truck, the Respondent failed to take all reasonable precautions to prevent particulate matter from becoming airborne. Each failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of LAC 33:III.1305.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
    b. Based on the observations of particulate matter (dust/alumina) on the paved areas of the facility and alumina piles as well as visible emissions from the ESP 200 (EQT 0013) stack, Baghouse No. 3 (EQT 0016) vent, and from a vacuum truck, the Respondent failed to diligently use and/or maintain control equipment in proper working order. Each failure to diligently use and/or maintain control equipment in proper working order is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

3. A Complaint Investigation was conducted on or about October 31, 2016, in response to a citizen's complaint received on or about October 14, 2016, [Department Incident No. T173505], of white dust on a car, house, yard, etc. that appeared to be alumina.
    a. Based on visible emissions from the ESP 200 (EQT 0013) stack and Baghouse #1, the Respondent failed to diligently use and/or maintain control equipment in proper working order. Each failure to diligently use and/or maintain control equipment in proper working order is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
    b. Based on observations of significant alumina on the ground in the kiln area, the Respondent failed to take all reasonable precautions to prevent particulate matter from becoming airborne. Failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of LAC 33:III.1305.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

4. A Complaint Investigation was conducted on or about February 10, 2017, in response to a citizen's complaint received on or about February 5, 2017, [Department Incident No. T175689], of aluminum oxide at a residence.
    a. Based on visible emissions from ESP 100 (EQT 008) and Baghouse No. 2 (EQT 0015), the Respondent failed to diligently use and/or maintain control equipment in proper working order. Each failure to maintain the control device in proper working order is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
    b. Based on the airborne dust from the ground in the kiln area and the off-specification alumina piles, the Respondent failed to take all reasonable precautions to prevent particulate matter from becoming airborne. Failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of LAC 33:III.1305.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

5. A Complaint Investigation was conducted on or about April 13, 2017, in response to a citizen's complaint received on or about March 29, 2017 [Department Incident No. T176808]. The complainant reported clouds of red bauxite dirt blowing through the subdivision.
    a. During the Complaint Investigation, the following compliance issues were noted concerning Particulate Fugitives at the Red Mud Lake Area (FUG 0005):
        i. Piles of waste alumina on Red Mud Lake 3 became airborne.
        ii. There was a lack of sprinklers and partial operation of the sprinkler system for extended periods on Red Mud Lakes 4 and 5.
        iii. Red Mud Lake 2 did not have a sprinkler system for the exposed red mud from dry stacking.
        iv. There were not dust controls for the exposed red mud from the slurry leak in Red Mud Lake 1.
        v. A dust cloud from the area of Red Mud Lakes 1, 2, and/or 3.

    Each failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of Specific Requirement 109 of Title V Permit No. 0180-00001-V2AA, LAC 33:III.1305.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

6. A Complaint Investigation was conducted on or about May 3, 2018, in response to a citizen's complaint received on or about April 3, 2018 [Department Incident No. T183945]. The complainant reported dust from a red dirt road was being released to neighboring properties.
    a. Airborne particulate matter was observed on Red Mud Lake 4. Failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of Specific Requirement 109 of Title V Permit No. 0180-00001-V2AA, LAC 33:III.1305.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

b. Dry alumina became airborne from the dry alumina on the ground west of the kilns. This is a violation of LAC 33:III.1305.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
c. Visible emissions were observed from the crow's nest. This is a violation of LAC 33:III.905.A and La R.S. 30:2057(A)(2).

7. In the 2018 First Semiannual Monitoring Report dated August 31, 2018, the Respondent reported fugitive dusting from the Red Mud Lakes (FUG 0005) on March 26, 2018 due to strong wind gusts. Failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of Specific Requirement 109 of Title V Permit No. 0180-00001-V2AA, LAC 33:III.1305.A, LAC 33:III.501.C4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

8. In the 2018 First Semiannual Monitoring Report dated August 31, 2018, the Respondent reported winds of 10-20 mph on May 17, 2018, which resulted in fugitive dusting from the Red Mud Lakes (FUG 0005). The sprinkler system was locked out for installation of new sprinkler heads. Failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of Specific Requirement 109 of Title V Permit No. 0180-00001-V2AA, LAC 33:III.1305.A, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

The Department conducted a Water Quality Inspection at the Burnside Alumina Plant (facility) on or about October 31, 2017. Subsequent file reviews were conducted on or about January 3, 2018, and October 18, 2018. While the Department's investigation is not complete, the following noncompliance issues were noted during the course of the inspection and/or subsequent file reviews:

1. Effluent limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Non-Compliance Reports (NCRs), are summarized in the following table:

Monitoring Period End Date	Outfall	Parameter	Permit Limit	Sample Value
08/31/2016	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	4 occur/mo
		pH range excursions, monthly total accum Monthly Total	446 min	571 min
09/30/2016	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	5 occur/mo
		pH range excursions, monthly total accum Monthly Total	446 min	1081 min

Monitoring Period End Date	Outfall	Parameter	Permit Limit	Sample Value
	001CE	Whole effluent toxicity 7 Day Minimum	76 %	<24 %
		Whole effluent toxicity Monthly Average Minimum	76 %	<24 %
10/31/2016	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	7 occur/mo
		pH range excursions, monthly total accum Monthly Total	446 min	1631 min
11/30/2016	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	2 occur/mo
12/31/2016	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	2 occur/mo
	001CE	Whole Effluent Toxicity [WET] - C. dubia 7 Day Minimum	72 %	<30 %
		Whole Effluent Toxicity [WET] - C. dubia Monthly Average Minimum	72 %	<30 %
01/31/2017	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	2 occur/mo
06/30/2017	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	1 occur/mo
07/31/2017	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	2 occur/mo
09/30/2017	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	1 occur/mo
10/31/2017	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	1 occur/mo
11/31/2017	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	2 occur/mo
01/31/2018	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	3 occur/mo
		pH range excursions, monthly total accum Monthly Total	446 min	774 min
02/28/2018	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	5 occur/mo
		pH range excursions, monthly total accum Monthly Total	446 min	1146 min
03/31/2018	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	5 occur/mo
		pH range excursions, monthly total accum Monthly Total	446 min	640.4 min
04/30/2018	001A	pH range excursions, > 60	0 occur/mo	2 occur/mo

Monitoring Period End Date	Outfall	Parameter	Permit Limit	Sample Value
		minutes Monthly Total		
		pH range excursions, monthly total accum Monthly Total	446 min	684.3 min
05/31/2018	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	2 occur/mo
06/30/2018	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	3 occur/mo
07/31/2018	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	3 occur/mo
		pH range excursions, monthly total accum Monthly Total	446 min	925.8 min
08/31/2018	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	11 occur/mo
		pH range excursions, monthly total accum Monthly Total	446 min	3286 min
	201A	Coliform, fecal general Daily Maximum	400 #/100mL	1305 #/100mL
		Coliform, fecal general Monthly Average Geometric	200 #/100mL	1305 #/100mL
09/30/2018	001A	pH range excursions, > 60 minutes Monthly Total	0 occur/mo	10 occur/mo
		pH range excursions, monthly total accum Monthly Total	446 min	3996 min

Each effluent exceedance is a violation of LPDES permit LA0005606 (Effluent Limitations and Monitoring Requirements, Page 4 of 11 prior to November 1, 2016; Pages 1, 2, and 4 of 11 after November 1, 2016; and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

2. The Respondent failed to sample in accordance with LPDES permit LA0005606. Specifically, the Respondent is required to conduct biomonitoring sampling once a quarter for Outfall 001-PI. The Respondent failed to conduct biomonitoring sampling for the monitoring periods of the second and fourth quarters of 2016. Each failure to sample is a violation of LPDES permit LA0005606 (Effluent Limitations and Monitoring Requirements, Pages 4 and 5 of 11 prior to November 1, 2016; Pages 1 and 2 of 11 after November 1, 2016; and Part III, Sections A.2, and C.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

3. The Respondent had operation and maintenance deficiencies that resulted in the following spills:

Date	Pollutant	Amount Released	Discharge Point	Cause
April 26, 2018	Sodium Hydroxide	~40.07 lbs.	Outfall 001	Pump failure caused an undetermined amount of sodium hydroxide to overflow containment. The majority was contained on site. Approximately 40.07 pounds discharged through Outfall 001. Permit limitations for pH were exceeded on April 27, 2018, as a result of this release.
July 9, 2018	30% Hydrochloric Acid	Undetermined	Secondary Containment and Ground	A cracked flange on the acid treatment system resulted in a release to secondary containment. Some of the material escaped secondary containment and went to the ground. The spill was contained on site.
July 26, 2018	Bauxite (Red Mud)	Undetermined	Perimeter Ditch	An undetermined amount of bauxite overflowed into the perimeter containment ditch while pumping to the containment lake. All bauxite was contained on-site.

The failure to properly operate and maintain equipment is a violation of LPDES permit LA0005606 (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.

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-15-01464, and Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-15-01464A, Respondent made timely requests for hearings.

IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

V

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 ONE HUNDRED THOUSAND AND NO/100 DOLLARS ($100,000.00), of which Seven

Thousand Ninety-Three and 66/100 Dollars ($7,093.66) 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).

VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Orders & Notices of Potential Penalty, the Amended Consolidated Compliance Order & Notice of Potential Penalty, the Warning Letters, 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.

VII

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.

VIII

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.

IX

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.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Ascension 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.

XI

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).

XII

In consideration of the above, any claims for penalties are hereby compromised and settled

in accordance with the terms of this Settlement.

XIII

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.

LALUMINA LLC F/K/A ALMATIS BURNSIDE, LLC

BY: _____
(Signature)

_____
(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at _____.

_____
NOTARY PUBLIC (ID #_____)

_____
(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 _____ day of _____, 20_____, at Baton Rouge, Louisiana.

_____
NOTARY PUBLIC (ID # _____)

_____
(stamped or printed)

Approved: _____
Lourdes Iturralde, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

August 31, 2016

CERTIFIED MAIL (7004 2510 0006 3854 0818)
RETURN RECEIPT REQUESTED

ALMATIS BURNSIDE, INC.
c/o Corporation Service Company
Agent of Service
501 Louisiana Avenue
Baton Rouge, Louisiana 70802

RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-16-00327
AGENCY INTEREST NO. 3420

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 ALMATIS BURNSIDE, INC. (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 Bernie Boyett at (225) 219-0783.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/BKB/bkb
Alt ID No. LA0005606
Attachment

EXHIBIT
tabbies
1

Post Office Box 4312 • Baton Rouge, Louisiana 70821-4312 • Phone 225-219-3715 • Fax 225-219-3708
www.deq.louisiana.gov

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
ALMATIS BURNSIDE, INC.	*	**ENFORCEMENT TRACKING NO.**
ASCENSION PARISH	*	
ALT ID NO. LA0005606	*	**WE-CN-16-00327**
	*	
	*	**AGENCY INTEREST NO.**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	**3420**
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **ALMATIS BURNSIDE, INC. (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 an alumina extraction facility located at 41237 La. Highway 22 in Burnside, Ascension Parish, Louisiana. The Department transferred Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0005606 to the Respondent on March 1, 2014, with an effective date of December 12, 2013, and an expiration date of May 31, 2015. The Respondent submitted an LPDES permit renewal application to the Department on or about November 20, 2014, and LPDES permit LA0005606 was administratively continued. Under the terms and conditions of LPDES permit LA0005606, the Respondent is authorized to discharge filtration area condensate, caustic heater area steam condensate, power house

once-through non-contact cooling water, low contamination potential stormwater runoff, coal pile stormwater runoff, and treated sanitary wastewater into the Conway Canal, thence into the Panama Canal, thence into the Blind River through Outfall 001; and boiler blowdown, non-chromate cooling tower blowdown, demineralizer regeneration blowdown, river water clarifier underflow, and the overflow discharge of excess process wastewater/stormwater into the Mississippi River through Outfalls 002 and 003. Conway Canal, Panama Canal, Blind River, and the Mississippi River are all waters of the state. The Respondent was granted coverage under Louisiana Sewage Sludge and Biosolids Use or Disposal General Permit LAJ660000 effective January 1, 2013. LPDES permit LAJ660000 expired on January 31, 2015, and was administratively continued. Under the terms and conditions of LPDES permit LAJ660000, the Respondent is authorized to have sewage sludge pumped out or removed from the sanitary wastewater treatment works under the terms and conditions specified in the permit.

II.

A file review conducted by the Department on or about August 4, 2016, revealed that the Respondent exceeded effluent limitations. These effluent limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Non-Compliance Reports (NCRs), are summarized below:

Monthly Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
10/2014	001A	pH Range Excursions, Number of Events >60 Minutes	0	1
11/2014	001A	pH Range Excursions, Number of Events >60 Minutes	0	1
12/2014	001A	pH Range Excursions, Number of Events >60 Minutes	0	2
01/2015	001A	pH Range Excursions, Number of Events >60 Minutes	0	2
02/2015	001A	pH Range Excursions, Number of Events >60 Minutes	0	1
	201B	Total Suspended Solids - (Daily Max.) – mg/L	45	46
03/2015	001A	pH Range Excursions, Number of Events >60 Minutes	0	2
		pH Range Excursions, Monthly Total Accumulated Time in Minutes	446	615
04/2015	001A	pH Range Excursions, Number of Events >60 Minutes	0	9
		pH Range Excursions, Monthly Total Accumulated Time in Minutes	446	1369
	201B	BOD_5 - (Monthly Avg.) – mg/L	30	31.8
		BOD_5 - (Daily Max.) – mg/L	45	53.4
05/2015	001A	pH Range Excursions, Number of Events >60 Minutes	0	4
		pH Range Excursions, Monthly Total Accumulated Time in Minutes	446	849

Monthly Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
07/2015	001A	pH Range Excursions, Number of Events >60 Minutes	0	5
		pH Range Excursions, Monthly Total Accumulated Time in Minutes	446	678
11/2015	001A	pH Range Excursions, Number of Events >60 Minutes	0	2
12/2015	001A	pH Range Excursions, Number of Events >60 Minutes	0	4
		pH Range Excursions, Monthly Total Accumulated Time in Minutes	446	548
02/2016	001A	pH Range Excursions, Number of Events >60 Minutes	0	3
		pH Range Excursions, Monthly Total Accumulated Time in Minutes	446	997
04/2016	001A	pH Range Excursions, Number of Events >60 Minutes	0	1

Each effluent exceedance is a violation of LPDES permit LA0005606 (Part I, Pages 4 and 7 of 11, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

III.

A file review conducted by the Department on or about August 4, 2016, revealed that the Respondent allowed the unauthorized discharges of sodium hydroxide above the reportable quantity of 1,000 pounds on the following dates:

Date	Amount Released	Discharge Point	Cause
November 6, 2014	1,200 lbs.	Outfall 001	Piping gasket failure.
April 19, 2015	37,000 gal.	Outfall 001	Pump gasket failure.
May 27, 2015	7,700 gal.	Outfall 001	Ruptured disc and pressure sensing device failure.
July 20, 2015	25,000 gal.	Outfall 001	Power failure to parts of plant. Continued operations in some areas led to overflows in other areas.
July 27, 2015	9,400 gal.	Outfall 001	Power failure.
November 24, 2015	10,250 lbs.	Outfall 001	Equipment failure.

Each unauthorized discharge of sodium hydroxide is a violation of La. R.S. 30:2076 (A)(1)(a), and LAC 33:IX.501.D.

IV.

A file review conducted by the Department on or about August 4, 2016, revealed that the Respondent failed to submit the annual Sewage Sludge & Biosolids Use or Disposal Reporting Form for 2013, 2014, and 2015, as required by LPDES permit LAJ660000. The form is due by January 28 of the following year. The failure to submit the required reports is a violation of LPDES permit LAJ660000 (Part II, Section C; and Part III, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

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 achieve and maintain compliance with LPDES permit LA0005606 and the Water Quality Regulations including, but not limited to, complying with all effluent limitations, ceasing all unauthorized discharges, and submitting annual Sewage Sludge & Biosolids Use or Disposal Reporting Forms.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, annual Sewage Sludge & Biosolids Use or Disposal Reporting Forms for the monitoring periods referenced in Paragraph IV of the Findings of Fact.

III.

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 **COMPLIANCE ORDER**. The Subscriber Agreement shall be signed and dated with an original signature and submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: NetDMR
Re: Enforcement Tracking No. WE-CN-16-00327
Agency Interest No. 3420

NetDMR is accessed through: www.epa.gov/netdmr. For assistance establishing and maintaining a NetDMR account or for NetDMR training, see attached instructions or contact the Permit Compliance Unit at deqnetdmr@la.gov.

IV.

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.

V.

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: Bernie Boyett
Enforcement Tracking No. WE-CN-16-00327
Agency Interest No. 3420

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-16-00327
Agency Interest No. 3420

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 Bernie Boyett at (225) 219-0783 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 31st day of August, 2016.

Lourdes Iturralde
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: Bernie Boyett

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.

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:I.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.

DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY	NATURE AND GRAVITY OF THE VIOLATION		
	MAJOR	MODERATE	MINOR
MAJOR	$32,500 to $20,000	$20,000 to $15,000	$15,000 to $11,000
MODERATE	$11,000 to $8,000	$8,000 to $5,000	$5,000 to $3,000
MINOR	$3,000 to $1,500	$1,500 to $500	$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.

DEQ LOUISIANA
Louisiana Department of Environmental Quality • Office of Environmental Compliance • Enforcement Division
Post Office Box 4312, Baton Rouge, Louisiana 70821-4312
Phone: 225 | 219 | 3715 Fax: 225 | 219 | 3708

SETTLEMENT AGREEMENTS

Given the previous information, the following formula is used to obtain a penalty amount.

Penalty Event Total = Penalty Event Minimum + (Adjustment Percentage x [Penalty Event Maximum - 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

Louisiana Department of Environmental Quality • Office of Environmental Compliance • Enforcement Division
Post Office Box 4312, Baton Rouge, Louisiana 70821-4312
Phone: 225 | 219 | 3715 Fax: 225 | 219 | 3708

JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 16, 2016

CERTIFIED MAIL (7002 2030 0002 8907 0574)
RETURN RECEIPT REQUESTED

ALMATIS BURNSIDE, LLC
c/o Corporation Service Company
Agent for Service of Process
501 Louisiana Avenue
Baton Rouge, Louisiana 70802

RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-15-01464
AGENCY INTEREST NO. 3420

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 **ALMATIS BURNSIDE, LLC (RESPONDENT)** for the violation(s) described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation(s) 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 Antoinette Cobb at (225) 219-3072 or via email at antoinette.cobb@la.gov.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/AFC/afc
Alt ID No. 0180-00001
Attachment

EXHIBIT
2

Post Office Box 4312 • Baton Rouge, Louisiana 70821-4312 • Phone 225-219-3715 • Fax 225-219-3708
www.deq.louisiana.gov

c: Almatis Burnside, LLC
c/o Mr. Tim Adamowicz, Environmental Manager
P.O. Box 1629
Gonzales, Louisiana 70707

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
ALMATIS BURNSIDE, LLC	*	**ENFORCEMENT TRACKING NO.**
ASCENSION PARISH	*	
ALT ID NO. 0180-00001	*	**AE-CN-15-01464**
	*	
	*	**AGENCY INTEREST NO.**
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	**3420**
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED

COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **ALMATIS BURNSIDE, 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 Burnside Alumina Plant (the Facility), an alumina refining facility, located at 41237 Louisiana Highway 22 in Burnside, Ascension Parish, Louisiana. The Facility operates under the authority of Title V Air Permit No. 0180-00001-V2AA issued on August 17, 2012. The permit was effectively transferred to the Respondent from the previous owner, Ormet Primary Aluminum Corporation, on December 12, 2013.

II.

On or about June 25, 2015 and November 10, 2015, the Department conducted a Full Compliance Evaluation inspection at the facility. A subsequent file review was conducted on October 31, 2016. The inspection and file review were conducted to determine the Respondent's degree of compliance with the Act, the Air Quality Regulations, and all applicable permits from

December 12, 2013 through October 31, 2016. While the review is not complete, the Department noted the violations found in paragraphs III-VIII of the Findings of Fact portion of this enforcement action:

III.

The Respondent reported the following violations from permitted operating parameters:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
A.	2015 1st Semiannual Monitoring Report (09/22/2015)	0180-00001-V2AA	EQT 0025 Alumina Silo Baghouse #1	03/14/2015 (1 day)	Use and/or diligently maintain the control device in proper working order	Process operated while baghouse was down for repair	LAC 33:III.905
B.	2015 1st Semiannual Monitoring Report (09/22/2015)	0180-00001-V2AA	EQT 0016 Baghouse for Kiln #3	03/15/2015-03/25/2015 (10 days)	Filter vents: If visible emissions observed, return the filter to compliance as expeditiously as practicable, but at a maximum within three working days	Corrective action to repair the baghouse was not completed within three (3) working days	Specific Requirement 12
C.	2015 1st Semiannual Monitoring Report (09/22/2015)	0180-00001-V2AA	EQT 0016 Baghouse for Kiln #3	05/16/2015-05/18/2015 (3 days)	Use and/or diligently maintain the control device in proper working order	Process operated while baghouse was down for repair	LAC 33:III.905
D.	2015 1st Semiannual Monitoring Report (09/22/2015)	0180-00001-V2AA	EQT 0025 Alumina Silo Baghouse #1	06/03/2015, 06/05/2015, 06/08/2015	Use and/or diligently maintain the control device in proper working order	Process operated while baghouse was down for repair	LAC 33:III.905

Each failure to operate according to permitted requirements is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

IV.

The Respondent reported the following recordkeeping violations:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE	RECORD REQUIREMENT	REPORTED CAUSE	SPECIFIC REQUIREMENT or REGULATION
A.	2014 2nd Semiannual Monitoring Report (03/24/2015)	0180-00001-V2AA	EQT 0010 Baghouse for Alumina Silos	08/01/2014-08/31/2014 (31 days)	Filter Vents: Equipment/operational data recordkeeping by electronic or hard copy daily	All daily emissions checks were conducted as required, however, the original record was misplaced or could not be found	Specific Requirement 26
B.	2014 2nd Semiannual Monitoring Report (03/24/2015)	0180-00001-V2AA	EQT 0014 Baghouse for Kiln #1	08/01/2014-08/31/2014 (31 days)	Filter Vents: Visible emissions recordkeeping by electronic or hard copy daily.	All daily emissions checks were conducted as required, however, the original record was misplaced or could not be found	Specific Requirement 14

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE	RECORD REQUIREMENT	REPORTED CAUSE	SPECIFIC REQUIREMENT or REGULATION
C.	2014 2nd Semiannual Monitoring Report (03/24/2015)	0180-00001-V2AA	EQT 0015 Baghouse for Kiln #2	08/01/2014-08/31/2014 (31 days)	Filter Vents: Visible emissions recordkeeping by electronic or hard copy daily.	All daily emissions checks were conducted as required, however, the original record was misplaced or could not be found	Specific Requirement 14
D.	2014 2nd Semiannual Monitoring Report (03/24/2015)	0180-00001-V2AA	EQT 0016 Baghouse for Kiln #3	08/01/2014-08/31/2014 (31 days)	Filter Vents: Visible emissions recordkeeping by electronic or hard copy daily.	All daily emissions checks were conducted as required, however, the original record was misplaced or could not be found	Specific Requirement 14
E.	2014 2nd Semiannual Monitoring Report (03/24/2015)	0180-00001-V2AA	EQT 0033 Baghouse for Air Lifts	08/01/2014-08/31/2014 (31 days)	Filter Vents: Equipment/operational data recordkeeping by electronic or hard copy daily	All daily emissions checks were conducted as required, however, the original record was misplaced or could not be found	Specific Requirement 98
F.	2014 2nd Semiannual Monitoring Report (03/24/2015)	0180-00001-V2AA	EQT 0010 Baghouse for Alumina Silos	12/01/2014-12/31/2014 (31 days)	Filter Vents: Equipment/operational data recordkeeping by electronic or hard copy daily	All daily emission checks were conducted as required, however, the original record was lost in intra-plant mail	Specific Requirement 26
G.	2014 2nd Semiannual Monitoring Report (03/24/2015)	0180-00001-V2AA	EQT 0014 Baghouse for Kiln #1	12/01/2014-12/31/2014 (31 days)	Filter Vents: Visible emissions recordkeeping by electronic or hard copy daily.	All daily emission checks were conducted as required, however, the original record was lost in intra-plant mail	Specific Requirement 14
H.	2014 2nd Semiannual Monitoring Report (03/24/2015)	0180-00001-V2AA	EQT 0015 Baghouse for Kiln #2	12/01/2014-12/31/2014 (31 days)	Filter Vents: Visible emissions recordkeeping by electronic or hard copy daily.	All daily emission checks were conducted as required, however, the original record was lost in intra-plant mail	Specific Requirement 14
I.	2014 2nd Semiannual Monitoring Report (03/24/2015)	0180-00001-V2AA	EQT 0016 Baghouse for Kiln #3	12/01/2014-12/31/2014 (31 days)	Filter Vents: Visible emissions recordkeeping by electronic or hard copy daily.	All daily emission checks were conducted as required, however, the original record was lost in intra-plant mail	Specific Requirement 14
J.	2014 2nd Semiannual Monitoring Report (03/24/2015)	0180-00001-V2AA	EQT 0033 Baghouse for Air Lifts	12/01/2014-12/31/2014 (31 days)	Filter Vents: Equipment/operational data recordkeeping by electronic or hard copy daily	All daily emission checks were conducted as required, however, the original record was lost in intra-plant mail	Specific Requirement 98

Each failure to maintain the required records is a violation of the applicable permit and associated permit requirement(s) listed above, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

V.

The Respondent failed to submit a Name/Ownership/Operator Change Form (NOC-1) to the Department within forty-five (45) days after a company name change occurred. According to the Louisiana Secretary of State page, the company changed its name from Almatis Burnside, Inc. to Almatis Burnside, LLC, on August 8, 2016. Failure to submit the NOC-1 within forty-five (45) days after a company name is a violation of LAC 33:I.1905.A, LAC 33:III.517.G, and La. R.S. 30:2057(A)(2).

VI.

A Complaint Investigation was conducted on or about April 6, 2016, in regards to allegations reported on February 22, 2016 [Agency Incident No. T168859], of particulates blowing off-site from the facility to neighboring properties. Subsequent site visits to the facility occurred. During the April 6, 2016 inspection, the inspector observed a spill/release of "liquor" (caustic solution) on the ground near process vessels in the Precipitation Area and in the Cold End Area (Electrostatic Precipitator (ESP) and Kiln Area). A subsequent site visit was conducted on April 11, 2016, to verify cleanup of the previous spill; liquor was still observed on the ground in the areas. On April 29, 2016, the inspector observed emissions from ESP for Kiln #3 and half of Kiln #2 (EQT 0013) and the continued use of the equipment after emissions were discovered. The inspector observed and photographed particulate matter, dust/alumina, on the paved areas, visible emissions from the ESP for Kiln #3 and half of Kiln #2 (EQT 0013) stack, and alumina piles.

VII.

A Complaint Investigation was conducted on or about April 20, 2016, in regards to allegations of caustic materials (alumina and bauxite) hauled and dumped at the facility and white material being blown off-site from to facility to neighboring properties on April 10, 2016 [Agency Incident No. T169828]. The Ascension Parish Sheriff's Office (Sheriff's Office) responded to the incident on April 10, 2016. According to the narrative for the Sheriff's Office case report, case #2016-00014427, a Sheriff's Deputy observed "huge white clouds of dust emitting from a pit surrounded by a levee. The dust was in such large amounts that the field and nearby trees were covered in the white dust." The deputy photographed the mound, dust cloud, and the field/trees. The deputy contacted the facility's plant manager to discuss the dust. The manager stated sprinklers were in place to keep the dust down but full coverage was not provided. While the Department's investigation is not complete, the following violation was noted during the course of the inspection:

> A site visit and tour of the facility's red mud lakes on April 20, 2016, revealed no dust from the red mud lakes. The inspector toured the red mud lakes and noted the condition of the each lake's sprinklers. According to facility correspondence dated April 22, 2016, on April 10, 2016, "...sprayers [sprinklers] were operating and that dust was intermittently coming from the areas where the sprayers did not cover." The Respondent failed to take all reasonable precautions to prevent particulate matter from becoming airborne. This is a violation of Specific Requirement 109 of Title V Permit No. 0180-00001-V2AA, LAC 33:III.1305.A, and La. R.S. 30:2057(A)(1) and 30:20257(A)(2).

VIII.

A Complaint Investigation was conducted on or about May 5, 2016, in regards to allegations reported on April 29, 2016 [Agency Incident No. T170226], of a white material blowing off-site from the facility to neighboring properties. A site visit to the complainant's residence was conducted on May 5, 2016. During the visit, the inspector noted and photographed white material on the concrete around the swimming pool, under a fire pit, and under a small outside table. There was also white material in the solids washed off of the pool filters. During the course of the facility inspection, the inspector observed and photographed particulate matter, dust/alumina, on the paved areas and ground around the Kiln Cold End Area. Airborne particulate matter was observed from a hose connection to a vacuum box and from leaks in the air slide system. The inspector also observed and photographed emissions from ESP for Kiln #1 and half Kiln #2 (EQT 0008). The ESP was still in use after emissions were discovered.

IX.

The Department issued a Warning Letter for Enforcement Tracking Nos. AE-L-16-00870, AE-L-16-00871, and AE-L-16-00872 dated October 10, 2016, to inform the Respondent of the areas of concern noted during the Complaint Investigations conducted on April 6, 2016, April 20, 2016, and May 5, 2016. The Respondent submitted a response to the Warning Letter dated November 9, 2016, providing additional information and/or outlining the corrective actions taken in response to the areas of concern. The corrective actions taken included the clean-up of the spill/release of "liquor" (caustic solution).

X.

The Respondent reported the following deviations:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE	POLLUTANTS INVOLVED	OPERATING PARAMETER	DEVIATION
A.	2014 1st Semiannual Monitoring Report (08/28/2014)	0180-00001-V2AA	EQT 0033 Baghouse for Air Lifts	03/17/2014-03/19/2014 (3 days)	PM	If visible emissions observed, return the filter to compliance as expeditiously as practicable, but at a maximum within three working days	Corrective action to repair the baghouse was not completed within three (3) working days

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE	POLLUTANTS INVOLVED	OPERATING PARAMETER	DEVIATION
B.	2014 2nd Semiannual Monitoring Report (03/24/2015)	0180-00001-V2AA	EQT 0016 Baghouse for Kiln #3	11/27/2014-11/30/2014 (3 days)	PM	If visible emissions observed, return the filter to compliance as expeditiously as practicable, but at a maximum within three working days	Daily visible observations were conducted as required; however, corrective action to repair was not completed within three (3) working days
C.	2015 1st Semiannual Monitoring Report (09/22/2015)	0180-00001-V2AA	EQT 0025 Alumina Silo Baghouse #1	03/14/2015 (1 day)	PM	If visible emissions observed, return the filter to compliance as expeditiously as practicable, but at a maximum within three working days	Process operated while baghouse was down for repair
D.	2015 1st Semiannual Monitoring Report (09/22/2015)	0180-00001-V2AA	EQT 0016 Baghouse for Kiln #3	03/15/2015-03/25/2015 (10 days)	PM	Filter vents: If visible emissions observed, return the filter to compliance as expeditiously as practicable, but at a maximum within three working days	Corrective action to repair the baghouse was not completed within three (3) working days
E.	2015 1st Semiannual Monitoring Report (09/22/2015)	0180-00001-V2AA	EQT 0033 Baghouse for Air Lifts	03/16/2015-03/17/2015 (2 days)	PM	If visible emissions observed, return the filter to compliance as expeditiously as practicable, but at a maximum within three working days	Corrective action to repair the baghouse was not completed within three (3) working days
F.	2015 1st Semiannual Monitoring Report (09/22/2015)	0180-00001-V2AA	EQT 0016 Baghouse for Kiln #3	05/16/2015-05/18/2015 (3 days)	PM	If visible emissions observed, return the filter to compliance as expeditiously as practicable, but at a maximum within three working days	Process operated while baghouse was down for repair
G.	2015 1st Semiannual Monitoring Report (09/22/2015)	0180-00001-V2AA	EQT 0025 Alumina Silo Baghouse #1	06/03/2015, 06/05/2015, 06/08/2015	PM	If visible emissions observed, return the filter to compliance as expeditiously as practicable, but at a maximum within three working days	Process operated while baghouse was down for repair

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Act, the Air Quality Regulations, and all applicable permits.

II.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, precautions to prevent particulate matter from traveling off-site. These precautions shall include, but not be limited to, the methods or techniques described in LAC 33:III.1305.A.1 through 7.

III.

To submit to the Public Participation and Permit Support Services Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a completed Name/Ownership/Operator Change Form (NOC-1). A copy of the NOC-1 shall be submitted to the Enforcement Division.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report describing the chemical composition of the "liquor" (caustic solution) referenced in Paragraph VI of the **FINDINGS OF FACT** portion of this **COMPLIANCE ORDER.**

V.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report describing the operation and status of the equipment, specifically ESP for Kiln #1 and half Kiln #2 (EQT 0008) and ESP for Kiln #3 and half of Kiln #2 (EQT 0013), at the periods referenced in Paragraphs VI and VIII of the **FINDINGS OF FACT** portion of this **COMPLIANCE ORDER**. The information provided should include preventative maintenance procedures and the standard operating procedures implemented in response to visible emissions and/ or a malfunction.

VI.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report of the maximum pounds per hour for the emission points in Paragraph X of the **FINDINGS OF FACT** portion of this **COMPLIANCE ORDER**. The potential exceedances shall be calculated using the calculations utilized to determine the source emissions submitted in the Part 70 Operating Permit Renewal Application dated November 12, 2015.

VII.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, copies of the daily visible emissions records and/or equipment/operations

data records for the equipment and dates listed in Paragraph X of the **FINDINGS OF FACT** portion of this **COMPLIANCE ORDER.**

VIII.

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
Attn: Antoinette Cobb
Re: Enforcement Tracking No. AE-CN-15-01464
Agency Interest No. 3420

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. AE-CN-15-01464
Agency Interest No. 3420

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 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.

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 Antoinette Cobb at (225) 219-3072 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. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **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 Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. 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.

V.

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 via email at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

VI.

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

Baton Rouge, Louisiana, this 16th day of December, 2016.

Lourdes Iturralde
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: Antoinette Cobb

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
ENFORCEMENT DIVISION
POST OFFICE BOX 4312
BATON ROUGE, LOUISIANA 70821-4312

CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
REQUEST TO CLOSE

Enforcement Tracking No.	AE-CN-15-01464	Contact Name	Antoinette Cobb
Agency Interest (AI) No.	3420	Contact Phone No.	(225) 219-3072
Alternate ID No.	0180-00001		
Respondent:	Almatis Burnside, LLC	Facility Name:	Burnside Alumina Plant
	c/o Corporation Service Company	Physical Location:	41237 Highway 22
	Agent for Service of Process		
	501 Louisiana Avenue	City, State, Zip:	Burnside, LA 70738
	Baton Rouge, LA 70802	Parish:	Ascension

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph VIII 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-VII 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) of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 90 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) 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)

____	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:I.Subpart1.Chapter7.
____	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY («Tracking_»), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
____	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY («Tracking_»), 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 («Tracking_») 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: Antoinette Cobb

JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

October 31, 2017

CERTIFIED MAIL (7003 2260 0000 5824 4968)
RETURN RECEIPT REQUESTED

ALMATIS BURNSIDE, LLC
c/o Corporation Service Company
Agent for Service of Process
501 Louisiana Avenue
Baton Rouge, Louisiana 70802

RE: AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-15-01464A
AGENCY INTEREST NO. 3420

Dear Sir:

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

Any questions concerning this action should be directed to Antoinette Cobb at (225) 219-3072 or via email at antoinette.cobb@la.gov.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/AFC/AFC
Alt ID No. 0180-00001
Attachment

EXHIBIT
3

c: Almatis Burnside, LLC
c/o Ms. Anne Duncan, Plant Manager
P.O. Box 1629
Gonzales, Louisiana 70707

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
ALMATIS BURNSIDE, LLC	*	ENFORCEMENT TRACKING NO.
ASCENSION PARISH	*	
ALT ID NO. 0180-00001	*	AE-CN-15-01464A
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	3420
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, ET SEQ.	*	

AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-15-01464** issued to **ALMATIS BURNSIDE, LLC (RESPONDENT)** on December 16, 2016 in the above-captioned matter as follows:

I.

The Department hereby amends Paragraph X of the Findings of Fact to read as follows:

"X.

In the 30-day written report for CONOPP, Enforcement Tracking No. AE-CN-15-01464 dated February 20, 2017, the Respondent provided the following quantities for emission exceedances:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	POLLUTANTS RELEASED (permit limit)	QUANTITY REPORTED (in lbs)	REPORTED CAUSE
A.	2014 1st Semiannual Monitoring Report (08/28/2014)	0180-00001-V2AA	EQT 0033 Baghouse for Air Lifts	03/17/2014-03/19/2014 (3 days)	PM 1.19 max lb/hr	209.90	Corrective action to repair the baghouse was not completed within three (3) working days

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (duration)	POLLUTANTS RELEASED (permit limit)	QUANTITY REPORTED (in lbs)	REPORTED CAUSE
B.	2015 1st Semiannual Monitoring Report (09/22/2015)	0180-00001-V2AA	EQT 0025 Alumina Silo Baghouse #1	03/14/2015 (1 day)	PM <0.001 max lb/hr	189.38	Process operated while baghouse was down for repair
C.	2015 1st Semiannual Monitoring Report (09/22/2015)	0180-00001-V2AA	EQT 0016 Baghouse for Kiln #3	03/15/2015-03/25/2015 (10 days)	PM 7.35 max lb/hr	30.24	Corrective action to repair the baghouse was not completed within three (3) working days
D.	2015 1st Semiannual Monitoring Report (09/22/2015)	0180-00001-V2AA	EQT 0033 Baghouse for Air Lifts	03/16/2015-03/17/2015 (2 days)	PM 1.19 max lb/hr	112.37	Corrective action to repair the baghouse was not completed within three (3) working days
E.	2015 1st Semiannual Monitoring Report (09/22/2015)	0180-00001-V2AA	EQT 0016 Baghouse for Kiln #3	05/16/2015-05/18/2015 (3 days)	PM 7.35 max lb/hr	2.77	Process operated while baghouse was down for repair
F.	2015 1st Semiannual Monitoring Report (09/22/2015)	0180-00001-V2AA	EQT 0025 Alumina Silo Baghouse #1	06/03/2015	PM <0.001 max lb/hr	182.82	Process operated while baghouse was down for repair
G.	2015 1st Semiannual Monitoring Report (09/22/2015)	0180-00001-V2AA	EQT 0025 Alumina Silo Baghouse #1	06/08/2015	PM <0.001 max lb/hr	287.51	Process operated while baghouse was down for repair

Each emission exceedance is a violation of the applicable permit listed above, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2)."

II.

The Department hereby adds Paragraph XI to the Findings of Fact portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-15-01464 as follows:

"XI.

In the 2016 2nd Semiannual Monitoring Report dated March 31, 2017, the Respondent reported the following deviations from permitted operating parameters:

	EMISSION POINT	PERMIT NUMBER	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
A.	EQT 0033 Baghouse for Air Lifts	0180-00001-V2AA	07/02/2016-07/09/2016 (8 days)	Filter vents: If visible emissions are observed, return the filter to compliance as expeditiously as practicable, but at a maximum within three working days	Visible emissions were observed and filter was not returned to compliance within three (3) days)	Specific Requirement 96

	EMISSION POINT	PERMIT NUMBER	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
B.	EQT 0033 Baghouse for Air Lifts	0180-00001-V2AA	10/07/2016-10/13/2016 (7 days)	Filter vents: If visible emissions are observed, return the filter to compliance as expeditiously as practicable, but at a maximum within three working days	Visible emissions were observed and filter was not returned to compliance within three (3) days)	Specific Requirement 96
C.	EQT 0033 Baghouse for Air Lifts	0180-00001-V2AA	12/01/2016-12/11/2016 (11 days)	Filter vents: If visible emissions are observed, return the filter to compliance as expeditiously as practicable, but at a maximum within three working days	Visible emissions were observed and filter was not returned to compliance within three (3) days)	Specific Requirement 96
D.	EQT 0033 Baghouse for Air Lifts	0180-00001-V2AA	12/15/2016-12/19/2016 (5 days)	Filter vents: If visible emissions are observed, return the filter to compliance as expeditiously as practicable, but at a maximum within three working days	Visible emissions were observed and filter was not returned to compliance within three (3) days)	Specific Requirement 96
E.	EQT 0033 Baghouse for Air Lifts	0180-00001-V2AA	12/21/2016-12/26/2016 (6 days)	Filter vents: If visible emissions are observed, return the filter to compliance as expeditiously as practicable, but at a maximum within three working days	Visible emissions were observed and filter was not returned to compliance within three (3) days)	Specific Requirement 96
F.	EQT 0014 Baghouse for Kiln #1	0180-00001-V2AA	11/17/2016-11/25/2016 (9 days)	Filter vents: If visible emissions are observed, return the filter to compliance as expeditiously as practicable, but at a maximum within three working days.	Visible emissions were observed and filter was not returned to compliance within three (3) days)	Specific Requirement 12
G.	EQT 0014 Baghouse for Kiln #1	0180-00001-V2AA	11/30/2016-12/19/2016 (20 days)	Filter vents: If visible emissions are observed, return the filter to compliance as expeditiously as practicable, but at a maximum within three working days	Visible emissions were observed and filter was not returned to compliance within three (3) days)	Specific Requirement 12
H.	EQT 0014 Baghouse for Kiln #1	0180-00001-V2AA	12/21/2016-12/26/2016 (6 days)	Filter vents: If visible emissions are observed, return the filter to compliance as expeditiously as practicable, but at a maximum within three working days	Visible emissions were observed and filter was not returned to compliance within three (3) days)	Specific Requirement 12

	EMISSION POINT	PERMIT NUMBER	INCIDENT DATE (duration)	OPERATING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
I.	EQT 0010 Baghouse for Alumina Silos	0180-00001-V2AA	08/15/2016 (1 day)	Use and/or diligently maintain the control device in proper working order	Process operated while baghouse was down for repair	LAC 33:III.905

Each failure to operate according to permitted requirements is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In the 2016 2nd Semiannual Monitoring Report dated March 31, 2017, the Respondent reported corrective actions taken and/or implemented to correct the violations."

III.

The Department hereby adds Paragraph XII to the Findings of Fact portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-15-01464 as follows:

"XII.

In the 2016 2nd Semiannual Monitoring Report dated March 31, 2017, the Respondent reported the following deviations from monitoring requirements:

	EMISSION POINT	PERMIT NUMBER	INCIDENT DATE (duration)	MONITORING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
A.	CRG 0002 Baghouse W Test Reqts EQT 0014 Baghouse for Kiln #1 EQT 0015 Baghouse for Kiln #2 EQT 0016 Baghouse for Kiln #3	0180-00001-V2AA	08/02/2016 (1 day)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 12
B.	EQT 0033 Baghouse for Air Lifts	0180-00001-V2AA	08/02/2016 (1 day)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 96
C.	EQT 0010 Baghouse for Alumina Silos	0180-00001-V2AA	08/02/2016 (1 day)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 24
D.	CRG 0002 Baghouse W Test Reqts EQT 0014 Baghouse for Kiln #1 EQT 0015 Baghouse for Kiln #2 EQT 0016 Baghouse for Kiln #3	0180-00001-V2AA	10/06/2016 (1 day) 10/15/2016 (1 day) 10/18/2016 (1 day)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 12

	EMISSION POINT	PERMIT NUMBER	INCIDENT DATE (duration)	MONITORING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
E.	EQT 0033 Baghouse for Air Lifts	0180-00001-V2AA	10/06/2016 (1 day) 10/15/2016 (1 day) 10/18/2016 (1 day)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 96
F.	EQT 0010 Baghouse for Alumina Silos	0180-00001-V2AA	10/06/2016 (1 day) 10/15/2016 (1 day) 10/18/2016 (1 day)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 24
G.	CRG 0002 Baghouse W Test Reqts EQT 0014 Baghouse for Kiln #1 EQT 0015 Baghouse for Kiln #2 EQT 0016 Baghouse for Kiln #3	0180-00001-V2AA	10/26/2016-10/27/2016 (2 days)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 12
H.	EQT 0033 Baghouse for Air Lifts	0180-00001-V2AA	10/26/2016-10/27/2016 (2 days)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 96
I.	EQT 0010 Baghouse for Alumina Silos	0180-00001-V2AA	10/26/2016-10/27/2016 (2 days)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 24
J.	CRG 0002 Baghouse W Test Reqts EQT 0014 Baghouse for Kiln #1 EQT 0015 Baghouse for Kiln #2 EQT 0016 Baghouse for Kiln #3	0180-00001-V2AA	11/10/2016-11/11/2016 (2 days)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 12
K.	EQT 0033 Baghouse for Air Lifts	0180-00001-V2AA	11/10/2016-11/11/2016 (2 days)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 96
L.	EQT 0010 Baghouse for Alumina Silos	0180-00001-V2AA	11/10/2016-11/11/2016 (2 days)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 24
M.	CRG 0002 Baghouse W Test Reqts EQT 0014 Baghouse for Kiln #1 EQT 0015 Baghouse for Kiln #2 EQT 0016 Baghouse for Kiln #3	0180-00001-V2AA	11/29/2016 (1 day)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 12

	EMISSION POINT	PERMIT NUMBER	INCIDENT DATE (duration)	MONITORING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
N.	EQT 0033 Baghouse for Air Lifts	0180-00001-V2AA	11/29/2016 (1 day)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 96
O.	EQT 0010 Baghouse for Alumina Silos	0180-00001-V2AA	11/29/2016 (1 day)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 24
P.	CRG 0002 Baghouse W Test Reqts EQT 0014 Baghouse for Kiln #1 EQT 0015 Baghouse for Kiln #2 EQT 0016 Baghouse for Kiln #3	0180-00001-V2AA	12/20/2016 (1 day)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 12
Q.	EQT 0033 Baghouse for Air Lifts	0180-00001-V2AA	12/20/2016 (1 day)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 96
R.	EQT 0010 Baghouse for Alumina Silos	0180-00001-V2AA	12/20/2016 (1 day)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 24
S.	CRG 0002 Baghouse W Test Reqts EQT 0014 Baghouse for Kiln #1 EQT 0015 Baghouse for Kiln #2 EQT 0016 Baghouse for Kiln #3	0180-00001-V2AA	12/27/2016-12/31/2016 (5 days)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 12
T.	EQT 0033 Baghouse for Air Lifts	0180-00001-V2AA	12/27/2016-12/31/2016 (5 days)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 96
U.	EQT 0010 Baghouse for Alumina Silos	0180-00001-V2AA	12/27/2016-12/31/2016 (5 days)	Filter vents: Visible emissions monitored by visual inspection/determination daily	A record of the daily observation of the filter event did not occur.	Specific Requirement 24

Each failure to monitor as required is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In the 2016 2nd Semiannual Monitoring Report dated March 31, 2017, the Respondent reported corrective actions taken and/or implemented to correct the violations."

IV.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-15-01464** and **AGENCY INTEREST NO. 3420** as if reiterated herein.

V.

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

Baton Rouge, Louisiana, this 31st day of October, 2017.

Lourdes Iturralde
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
Post Office Box 4312
Baton Rouge, LA 70821-4312
Attention: Antoinette Cobb

JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
December 28, 2016

EXHIBIT
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CERTIFIED MAIL (7014 1200 0000 7864 1027)
RETURN RECEIPT REQUESTED

ALMATIS BURNSIDE, LLC
c/o Corporation Service Company
Agent for Service of Process
501 Louisiana Avenue
Baton Rouge, LA 70802

RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-PP-16-00936
AGENCY INTEREST NO. 3420

Dear Sir/Madam:

On or about June 28, 2016, and July 1, 2016, inspections of **BURNSIDE ALUMINA PLANT**, an alumina extraction facility, owned and/or operated by **ALMATIS BURNSIDE, LLC (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Louisiana Solid Waste Regulations. The facility is located at 41237 Highway 22 in Burnside, Ascension Parish, Louisiana.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspections:

A. The Respondent failed to have protection casing with locking covers and a secure locking device in place for all groundwater monitoring wells as required in Part II, Paragraph 522.C.6 of the Solid Waste Permit Application, in violation of Conditions 7 and 8 of Standard Permit P-0158-R1, and LAC 33:VII.805.A.3.c.i. Specifically, the cover for monitoring well #11 could be removed and the well accessed without removing the lock. On or about October 26, 2016, a representative of the Respondent submitted to the Department a response stating that the hinge on the monitoring well #11 was repaired on July 5, 2016. Additionally, on or about December 1, 2016, a representative of the Respondent submitted photographs of the repaired monitoring well. This violation has been addressed.

B. The Respondent failed to provide adequate freeboard to prevent over-topping by wave action as required in Appendix G, Paragraph 5.1 of the Solid Waste Permit Application, in violation of Conditions 7 and 8 of Standard Permit P-0158-R1, and LAC 33:VII.713.A.3. Specifically,

at the time of the inspection, the red mud lakes #2 and #3 were noted to have less than two (2) feet of freeboard. On or about October 26, 2016, a representative of the Respondent submitted to the Department a response stating that the facility was actively pumping excess rainwater out the impoundments to reach the goal level identified in the Operation Plan. Additionally, on or about December 1, 2016, a representative of the Respondent submitted a photograph showing that freeboard is greater than two (2) feet. This violation has been addressed.

C. The Respondent failed to inspect surface impoundments daily and to remove excessive vegetative growth as required in Part II, Paragraph 521.F.2.a and Appendix G, Paragraph 5.1 of the Solid Waste Permit Application, in violation of Conditions 7, 8, and 12 of Standard Permit P-0158-R1, and LAC 33:VII.713.D.3.c. Specifically, the Respondent did not perform a daily inspection on March 7, 2016, March 24, 2016, and June 19, 2016. Additionally, excessive vegetative growth was noted at the time of the inspection in one of the impoundments. On or about October 26, 2016, a representative of the Respondent submitted to the Department a response stating vegetation management around the impoundments is continually accessed and addressed as needed. Additionally, the response stated that the employees of the facility were retrained on the requirement for conducting daily inspections and proper recording of those inspections. On or about December 1, 2016, a representative of the Respondent submitted photographs showing that the vegetation around the edges of the impoundment had been removed. This violation has been addressed.

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.

Prior to the issuance of any additional appropriate enforcement action, 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 Heather Brown at (225) 219-3792 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

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 in order 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 violations 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. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

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

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached **"NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE"** 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 via email at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,

Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/HMB/hmb
Alt ID No. P-0158-R1

c: Burnside Alumina Plant
P.O. Box 1629
Gonzales, LA 70707

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
ENFORCEMENT DIVISION
POST OFFICE BOX 4312
BATON ROUGE, LOUISIANA 70821-4312

NOTICE OF POTENTIAL PENALTY
REQUEST TO SETTLE *(OPTIONAL)*

Enforcement Tracking No.	SE-PP-16-00936	**Contact Name**	Heather Brown
Agency Interest (AI) No.	3420	**Contact Phone No.**	(225) 219-3792
Alternate ID No.	P-0158-R1		
Respondent:	**ALMATIS BURNSIDE, LLC**	**Facility Name:**	Burnside Alumina Plant
	c/o Corporation Service Company	**Physical Location:**	41237 Highway 22
	Agent for Service of Process		
	501 Louisiana Avenue	**City, State, Zip:**	Burnside, LA 70778
	Baton Rouge, LA 70802	**Parish:**	Ascension

SETTLEMENT OFFER *(OPTIONAL)*

(check the applicable option)

____	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:I.Subpart1.Chapter7.
____	In order to resolve any claim for civil penalties for the violations in **NOTICE OF POTENTIAL PENALTY** (SE-PP-16-00936), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
____	In order to resolve any claim for civil penalties for the violations in **NOTICE OF POTENTIAL PENALTY** (SE-PP-16-00936), 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** (SE-PP-16-00936) 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: Heather Brown

JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 27, 2017

Anne Duncan, Plant Manager
c/o Almatis Burnside, Inc.
P. O. Box 1629
Gonzales, LA 70707

RE: ALMATIS BURNSIDE LLC - BURNSIDE ALUMINA PLANT
WARNING LETTER
ENFORCEMENT TRACKING NO. WE-L-17-01158
Activity Tracking No. ENF20170002
AI No. 3420

Dear Sir/Madam:

On or about October 31, 2017, an inspection of the above referenced facility was conducted to determine compliance with the Louisiana Environmental Quality Act and supporting regulations. The inspection report, noting areas of concern, has been forwarded to the Enforcement Division. All violations at your facility will be taken into consideration in determining what further actions this office will take.

We strongly encourage you to review the findings of our most recent inspection and immediately take any and all steps to ensure compliance with all environmental regulations at your facility. We request that you review the area(s) of concern noted and submit a written response within **30 days** of receipt of this letter to Ms. Bernie Boyett at the address below. In your response, please include any action(s) you have taken to correct the area(s) of concern at your facility.

If you have any questions regarding this potential civil enforcement matter, please contact Ms. Bernie Boyett at (225) 219-0783.

Sincerely,

Angela Marse

Angela Marse
Manager
Water Enforcement Section

EXHIBIT
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AM/BB/bb
Alt ID.:LA0005606

JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

July 05, 2018

Almatis Burnside, Inc.
c/o Karen Khonsari, HSE Manager
P.O. Box 1629
Gonzales, LA 70707

RE: Burnside Alumina
WARNING LETTER
ENFORCEMENT TRACKING NO. AE-L-18-00446
AI No. 3420

Dear Sir/Madam:

On or about September 8, October 4, 31, 2016 and February 10, 2017, inspections of the above referenced facility were conducted to determine compliance with the Louisiana Environmental Quality Act and supporting regulations. The inspection report, noting areas of concern, has been forwarded to the Enforcement Division. All violations at your facility will be taken into consideration in determining what further actions this office will take.

We strongly encourage you to review the findings of our most recent inspection and immediately take any and all steps to ensure compliance with all environmental regulations at your facility. We request that you review the area(s) of concern noted and submit a written response within **30 days** of receipt of this letter to Antoinette Cobb at the address below. In your response, please include any action(s) you have taken to correct the area(s) of concern at your facility.

If you have any questions regarding this potential civil enforcement matter, please contact Antoinette Cobb at (225) 219-3072.

Sincerely,

Michelle M. McCarthy
Air Enforcement Manager

MMM/AFC/afc
Alt. ID No. 0180-00001

EXHIBIT
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