STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-AE-19-0070**
NADEL AND GUSSMAN RUSTON, LLC	*	
	*	**Enforcement Tracking Nos.**
AI # 173760	*	**AE-PP-14-01200**
	*	**AE-PP-14-01200A**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between Nadel and Gussman Ruston, 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 a facility located in Shongaloo, Webster Parish, Louisiana ("the Facility").

II

On July 6, 2015, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-14-01200 (Exhibit 1).

On November 9, 2016, the Department issued to Respondent an Amended Notice of Potential Penalty, Enforcement No. AE-PP-14-01200A (Exhibit 2).

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TWO THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS ($2,700.00), of which Nine Hundred Ninety and 57/100 Dollars ($990.57) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the permit record(s), the Notice of Potential Penalty, the Amended Notice of Potential Penalty, and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VII

This settlement is being made in the interest of settling the state's claims and avoiding for

both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

VIII

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

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Webster Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XI

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

NADEL AND GUSSMAN RUSTON, 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

BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

July 6, 2015

CERTIFIED MAIL (7005 0390 0001 6880 8689)
RETURN RECEIPT REQUESTED

NADEL AND GUSSMAN RUSTON, LLC
c/o Joseph Anderson
Agent for Service of Process
3640 Louisiana Highway 33 North, Suite 1
Ruston, LA 71270

RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-14-01200
AGENCY INTEREST NO. 173760

Dear Sir:

On or about December 19, 2014, and January 9, 2015, file reviews of **CROCKER 28 #1 FACILITY (FACILITY)**, owned and/or operated by **NADEL AND GUSSMAN RUSTON, LLC. (RESPONDENT)** were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at Louisiana Highway 159 in Shongaloo, Webster Parish, Louisiana. The Facility currently operates under State Air Permit No. 3080-00485-00 issued on or about January 19, 2011.

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 reviews:

A. On or about January 12, 2015, the Respondent reported in an electronic correspondence that construction began on the facility on or about December, 2009. However, the Respondent did not apply for a minor source permit until on or about October 29, 2010 and the Department issued a State Air Permit No. 3080-00485-00 on or about January 19, 2011. The failure to submit a timely and complete permit application to the Department prior to any construction, reconstruction, or modification is a violation of LAC 33:III.501.C.1, La R.S. 30:2057(A)(1), and 30.2057(A)(2).

B. The facility began operation in January, 2010. During the period starting from January, 2010, and ending on or about January 19, 2011, the facility was in operation without a permit. Operation of a facility which ultimately may result in an initiation or increase in emission of air contaminants

EXHIBIT
1

without a valid permit is a violation of LAC 33:III.501.C.2, La R.S. 30:2057(A)(1), and 30:2057(A)(2).

C. The Respondent failed to submit the Notification of change forms (NOC-1) within 45 days after the change, in violation of LAC 33:I.1907.B, LAC 33:III.517.G and La R.S.30:2057(A)(2). The effective date of name change was on November 1, 2013 and the Respondent submitted the NOC-1 forms to the Department on or about November 21, 2014.

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 violations described herein. Written comments may be filed regarding the violations 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 violations. If you would like to have such a meeting, please contact Pascal Ojong, Environmental Scientist, at (225) 219-4468 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.

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.

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,

D. Chance McNeely
Assistant Secretary

DCM/PON/pon
Alt ID No. 3080-00485

c: Nadel and Gussman Ruston, LLC.
15 E 5th Street, Suite 3200
Tulsa, OK 74103

JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

November 9, 2016

CERTIFIED MAIL (7014 0510 0002 3595 3656)
RETURN RECEIPT REQUESTED

NADEL AND GUSSMAN RUSTON, LLC
c/o Joseph Anderson
Agent for Service of Process
3640 Louisiana Highway 33 North
Ruston, LA 71270

RE: AMENDED NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-14-01200A
AGENCY INTEREST NO. 173760

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED NOTICE OF POTENTIAL PENALTY** is hereby served on **NADEL AND GUSSMAN RUSTON, LLC (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Pascal Ojong at (225) 219-4468.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/PON/pon
Alt ID No. 3080-00485
Attachment

c: Nadel and Gussman Ruston, LLC.
15 E 5th Street, Suite 3200
Tulsa, OK 74103

EXHIBIT
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2

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
NADEL AND GUSSMAN RUSTON, LLC	*	**ENFORCEMENT TRACKING NO.**
WEBSTER PARISH	*	
ALT ID NO. 3080-00485	*	**AE-PP-14-01200A**
	*	
	*	**AGENCY INTEREST NO.**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	**173760**
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, ET SEQ.	*	

AMENDED NOTICE OF POTENTIAL PENALTY

The Louisiana Department of Environmental Quality (the Department) hereby amends the **NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-PP-14-01200** issued to **NADEL AND GUSSMAN RUSTON, LLC (RESPONDENT)** on July 6, 2015, in the above-captioned matter as follows:

I.

The Department hereby amends paragraph B and C of the Notice of Potential Penalty to read as follows:

"B. On or about July 17, 2015, the Respondent reported that the Facility began operation in February, 2010. During the period starting from February, 2010, and ending on or about January 19, 2011, the facility was in operation without a permit. Operation of a facility which ultimately may result in an initiation or increase in emission of air contaminants without a valid permit is a violation of LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

"C. The Respondent failed to submit the Notification of change forms (NOC-1) within 45 days after the change, in violation of LAC 33:I.1905.A

and La. R.S.30:2057(A)(2). The effective date of the company name change was on November 1, 2013, and the Respondent submitted the NOC-1 forms to the Department on or about November 21, 2014.

II.

The Department incorporates all of the remainder of the original **NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-PP-14-01200** and **AGENCY INTEREST NO. 173760** as if reiterated herein.

III.

This **AMENDED NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 9th day of November, 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
Post Office Box 4312
Baton Rouge, LA 70821-4312
Attention: Pascal Ojong