STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

T.T. BARGE CLEANING MILE 183, INC.
AI# 17771

AND

T.T. BARGE SERVICES MILE 237 LLC
AI# 302

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

SETTLEMENT

The following Settlement is hereby agreed to between T.T. Barge Cleaning Mile 183, L.L.C. f/k/a T.T. Barge Cleaning Mile 183, Inc., T.T. Barge Services Mile 237 LLC (“Respondents”) 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

Respondents are limited liability companies that own and/or operate facilities located in Ascension Parish and West Baton Rouge Parish, Louisiana (“the Facilities”).

II

On May 15, 2012, the Department issued to T.T. Barge Cleaning Mile 183, LLC a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-11-01435 (Exhibit 1).
On May 22, 2012, the Department issued to T.T. Barge Services Mile 237 LLC a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-11-00957 (Exhibit 2).

On December 13, 2017, the Department issued to T.T. Barge Services Mile 237 LLC a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-17-01071 (Exhibit 3).

On March 26, 2019, the Department issued to T.T. Barge Cleaning Mile 183, LLC a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-17-00932 (Exhibit 4).

III

Both Respondents deny they committed any violations or that they are liable for any fines, forfeitures and/or penalties.

IV

Nonetheless, Respondents, without making any admission of liability under state or federal statute or regulation, agree to pay, and the Department agrees to accept, a payment in the amount of SIXTY-FIVE THOUSAND AND NO/100 DOLLARS ($65,000.00), of which Five Thousand Seven Hundred Ninety-Seven and 39/100 Dollars ($5,797.39) represents the Department’s enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondents 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

Respondents further agree that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Orders and Notices of Potential Penalty and this
Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondents, and in any such action Respondents shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondents’ 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 Respondents hereby waive 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 Respondents have caused a public notice advertisement to be placed in the official journal of the parish governing authority in Ascension Parish and West Baton Rouge 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. Respondents have 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.
T.T. BARGE CLEANING MILE 183, L.L.C.
F/K/A T.T. BARGE CLEANING MILE 183 INC. AND T.T. BARGE SERVICES MILE 237 LLC

BY: [Signature]

(Printed)

TITLE: [Printed]

THUS DONE AND SIGNED in duplicate original before me this 25th day of June, 2020, at [Place].

[Signature]

NOTARY PUBLIC (ID # [Number])

[Stamp: Sidney A. Marchand III, ATTY/NOTARY PUBLIC, Louisiana Life Commission, LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY, Chuck Carr Brown, Ph.D., Secretary]

BY: [Signature]

Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 14th day of December, 2020, at Baton Rouge, Louisiana.

[Signature]

[Stamp: Amber G. Liftefield, Notary Public, State of Louisiana, Notary ID # 92503, East Baton Rouge Parish]

Approved: [Signature]

Lourdes Iturralde, Assistant Secretary

SA-MM-20-0018
CERTIFIED MAIL (7004 2510 0005 5753 4912)  
RETURN RECEIPT REQUESTED

T. T. BARGE CLEANING MILE 183, INC.  
c/o Raymond B. Greenwell  
Agent for Service of Process  
19368 Louisiana Highway 36  
Covington, Louisiana 70433

RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-CN-11-01435  
AGENCY INTEREST NO. 17771

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 T. T. BARGE CLEANING MILE 183, 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 Sarah Acosta at (225) 219-3779.

Sincerely,

[Signature]
Celena J. Cage  
Administrator  
Enforcement Division

CJC/SEA/sea  
Alt ID No. 0180-00057  
Attachment
STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

T. T. BARGE CLEANING MILE 183, INC.
ASCENSION PARISH
ALT ID NO. 0180-00057

ENFORCEMENT TRACKING NO.
AE-CN-11-01435

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,

AGENCY INTEREST NO.
17771

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is issued to T. T. BARGE CLEANING MILE 183, 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 a facility located at 7324 Louisiana Highway 405 in Modeste, Ascension Parish, Louisiana. The facility cleans and repairs barges and operates under Air Permit No. 0180-00057-02, issued December 12, 2006.

II.

On or about September 13, 2011, an inspection of the Respondent’s facility was conducted to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department’s investigation is not yet complete, the following violations were noted during the course of the inspection and subsequent file reviews conducted on December 14, 2011, and May 3, 2012.

A. During the course of the inspection, the inspector noted the emissions from EPN ARE002 have not been included in the Emissions Inventory

B. In the Respondent’s 2009 EI, the Respondent reported sulfur dioxide (SO₂) emissions of 2,1060 tons. Air Permit No. 0180-00057-02 limits facility wide SO₂ emissions to 0.04 tpy. The exceedance of this permit limit is a violation of Air Permit No. 0180-00057-02, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).


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 Air Quality Regulations, including but not limited to, Air Permit No. 0180-00057-02 and LAC 33:III.919.

II.

To submit to the Department within thirty (30) days after receipt of this COMPLIANCE ORDER, the information required by Specific Requirement Nos. 16 and 21 of Air Permit No. 0180-00057-02 for the 2008, 2009, and 2010 calendar years.

III.

To submit to the Department, within thirty (30) days after receipt of this COMPLIANCE ORDER, PM emissions for the facility for the 2008, 2009, 2010, and 2011 calendar years.
IV.

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

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Sarah Acosta
Re: Enforcement Tracking No. AE-CN-11-01435
Agency Interest No. 17771

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-11-01435
Agency Interest No. 17771

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 Sarah Acosta at (225) 219-3779 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 15\textsuperscript{th} day of May, 2012.

Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance
Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Sarah Acosta
CERTIFIED MAIL (7004 2510 0005 5753 4905)
RETURN RECEIPT REQUESTED

T. T. BARGE SERVICES MILE 237 LLC
 c/o Raymond B. Greenwell
   Agent for Service of Process
   19368 Louisiana Highway 36
   Covington, Louisiana 70433

RE: CONSOLIDATED COMPLIANCE ORDER
   & NOTICE OF POTENTIAL PENALTY
   ENFORCEMENT TRACKING NO. AE-CN-11-00957
   AGENCY INTEREST NO. 302

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 T.T. BARGE SERVICES MILE 237 LLC (RESPONDENT) for the violations described therein.

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

Any questions concerning this action should be directed to Sarah Acosta at (225) 219-3779.

Sincerely,

Celeria J. Cage
Administrator
Enforcement Division

CJC/SEA/sea
Alt ID No. 3120-00045
Attachment

EXHIBIT
   2
STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

T. T. BARGE SERVICES MILE 237 LLC
WEST BATON ROUGE PARISH
ALT ID NO. 3120-00045

ENFORCEMENT TRACKING NO. AE-CN-11-00957

AGENCY INTEREST NO. 302

PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT,

CONSOLIDATED

COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is issued to T.T. BARGE SERVICES MILE 237 LLC (RESPONDENT) by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates a barge cleaning facility located at 5191 N. River Road in Port Allen, West Baton Rouge Parish, Louisiana. The facility currently operates under Air Permit No. 3120-00045-04 issued on February 6, 2006.

II.

On or about November 19, 2008, an inspection of the Respondent’s facility was conducted to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department’s investigation is not yet complete, the following violations were noted during the course of the inspection and subsequent file reviews conducted on December 1, 2011, December 12, 2011, and May 3, 2012.
A. During the course of the inspection, the inspector noted multiple instances, as listed below, when a volatile chemical with a greater than 20 percent lower explosive limit (LEL) was not sent to the hydrocarbon vapor combustor (HVC):

<table>
<thead>
<tr>
<th>Chemical</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toluene</td>
<td>2/2/08; 3/11/08, 7/1/08</td>
</tr>
<tr>
<td>Transmix</td>
<td>12/10/07</td>
</tr>
<tr>
<td>Orthoxylene</td>
<td>3/3/08</td>
</tr>
<tr>
<td>Xylene</td>
<td>2/8/08; 3/17/08</td>
</tr>
<tr>
<td>BTX</td>
<td>9/17/08; 9/18/08; 9/18/08</td>
</tr>
<tr>
<td>Heptane</td>
<td>7/1/08</td>
</tr>
<tr>
<td>Aviation Gas</td>
<td>7/1/08</td>
</tr>
<tr>
<td>Ethanol</td>
<td>5/29/08; 6/3/08; 7/22/08; 9/14/08</td>
</tr>
<tr>
<td>Acetone</td>
<td>5/5/08; 8/5/08</td>
</tr>
<tr>
<td>Methanol</td>
<td>4/12/08; 5/12/08; 7/18/08; 9/10/08</td>
</tr>
<tr>
<td>Resin Oil</td>
<td>4/9/08; 6/10/08; 6/17/08</td>
</tr>
</tbody>
</table>

Air Permit No. 3120-00045-04 states, “Vapors are routed to the control device until a portable field instrument indicates that the VOC concentration inside the vessel’s compartment(s) is less than 20% of the Lower Explosive Limit (LEL).”. The air permit also states any vapors not routed to the HVC are classified as uncontrolled fugitive barge cleaning emissions. Each incident of the Respondent’s failure to control emissions is a violation of LAC 33:III.905, Specific Requirement No. 35 of Air Permit No. 3120-00045-04, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

B. The Respondent failed to submit the following reports for the 2008, 2009, and 2010 calendar years:

<table>
<thead>
<tr>
<th>Specific Requirement No.</th>
<th>Information to be Reported</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>VOC and TAP Emissions associated with Marine Loading</td>
</tr>
<tr>
<td>62</td>
<td>VOC and TAP Emissions for the entire facility</td>
</tr>
<tr>
<td>68</td>
<td>Total annual emissions of polymerizing monomers</td>
</tr>
<tr>
<td>105</td>
<td>Wash water throughput</td>
</tr>
<tr>
<td>111</td>
<td>Throughput of each material stored associated with Recovered Product Storage Tank CAP</td>
</tr>
<tr>
<td>114</td>
<td>VOC and TAP Emissions associated with Recovered Product Storage Tank CAP</td>
</tr>
</tbody>
</table>
The Respondent failed to submit by the required due date the above-mentioned reports for the 2011 calendar year. The reports for the 2011 calendar year were postmarked on April 2, 2012, and the due date for the information was March 31, 2012. Each incident of the Respondent's failure to submit the required report and/or the untimely submittal of the required reports is a violation of Air Permit No. 3120-00045-04, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

C. In the annual reports dated March 20, 2007, and March 31, 2008, the Respondent reported the following 12-month recovered product throughputs:

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Recovered Product Throughput</th>
<th>Throughput Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>1,453,793</td>
<td>1.40 MM gallons/year</td>
</tr>
<tr>
<td>Feb. 2006 – Jan 2007</td>
<td>1,453,390</td>
<td></td>
</tr>
<tr>
<td>April 2006 – March 2007</td>
<td>1,517,001</td>
<td></td>
</tr>
</tbody>
</table>


D. The Respondent failed to submit the facility's 2010 Emissions Inventory (EI) by the required due date. The EI was postmarked July 11, 2011. The failure to submit the EI by the April 30, 2011, due date is a violation of LAC 33:III.919, Air Permit No. 3120-00045-04, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

E. In the annual reports dated March 20, 2007, March 31, 2008, and April 2, 2012, the Respondent reported the following emissions associated with the EPN 1-00/EQT004, Barge Storage of Product Material (DM 907):

<table>
<thead>
<tr>
<th>Year</th>
<th>Pollutant</th>
<th>Permit Limit (tpy)</th>
<th>Actual Emission (tons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>VOC</td>
<td>0.28</td>
<td>4.38</td>
</tr>
<tr>
<td>2007</td>
<td>VOC</td>
<td>0.28</td>
<td>4.38</td>
</tr>
<tr>
<td>2011</td>
<td>VOC</td>
<td>0.28</td>
<td>1.92</td>
</tr>
</tbody>
</table>

The Respondent's correspondence dated March 31, 2008, states, "The proposed Recovered Product Storage Tanks were still under construction in 2007, and recovered products continue to be routed through the cargo tanks on the DM 907 (EIQ ID 1-00). Emissions from the DM 907 reflect those emissions which are permitted under the Recovered Product Storage Tank CAP.” On April 4, 2012, the
Department received a report containing the 2011 emissions associated with EPN 1-00/EQT004, Barge Storage of Product Material (DM 907). This report states, "The Recovered Product Storage Tanks located on the DM 365 were never placed into service, and recovered products continue to be routed through the inboard cargo tanks on the DM 907 (EIQ ID 1-00). Emissions from the DM 907 reflect those emissions which would be permitted under the Recovered Product Storage Tank CAP." Each exceedance of the permitted emission limit is a violation of Air Permit No. 3120-00045-04, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

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 Air Quality Regulations, including but not limited to Air Permit No. 3120-00045-04, the submittal of required reports to the Department, and controlling emissions as required by the facility's air permit and LAC 33:III.905.

II.

In the event the Respondent believes that complete elimination of uncontrolled emissions is not physically possible within thirty (30) days, the Respondent shall submit, with thirty (30) days after receipt of this COMPLIANCE ORDER, a comprehensive plan for the expeditious elimination and prevention of such non-complying emissions. Such plan shall provide for specific corrective actions taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible.

III.

To submit to the Department, within thirty (30) days after receipt of this COMPLIANCE ORDER, the reports required by Specific Requirement Nos. 27, 62, 68, 105, 111, and 114 of Air Permit No. 3120-00045-04 for the 2008, 2009, and 2010 calendar years.

IV.

To submit to the Department, within thirty (30) days after receipt of this COMPLIANCE ORDER, any instances of uncontrolled fugitive barge cleaning emissions that occurred during the 2008, 2009, 2010, and 2011 calendar years when a volatile chemical with a greater than 20 percent LEL was
not sent to the hydrocarbon vapor combustor (HVC), including the date of the incident, duration of the incident, and chemical involved.

V.

To submit to the Department, within thirty (30) days after receipt of this COMPLIANCE ORDER, emissions including any toxic air pollutants, for the facility for the 2008, 2009, 2010, and 2011 calendar years. These emissions should include, but not be limited to, the uncontrolled fugitive barge cleaning emissions as per Paragraph II of this Order portion.

VI.

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: Sarah Acosta
Re: Enforcement Tracking No. AE-CN-11-00957
Agency Interest No. 302

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-11-00957
     Agency Interest No. 302

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 Sarah Acosta at (225) 219-3779 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 22
day of , 2012.

Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance

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

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

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

FINDINGS OF FACT

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

<table>
<thead>
<tr>
<th>Date of Violation</th>
<th>Description of Violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>File Review 11/30/2017</td>
<td>The Respondent failed to sample the effluent from Outfalls 004, 05A, 05B, 006, and 008 as required by LPDES Permit LA0075213. Specifically, the Respondent failed to sample for pH at Outfall 004 in June 2013; at Outfall 05B from December 2012 to October 2014, December 2014 to June 2016, and October 2016 to April 2017; at Outfall 006 from July to September 2014; and at Outfall 008 in June 2013. The Respondent also failed to estimate flow weekly and sample the effluent from Outfall 05A weekly during numerous monitoring periods from March 2013 to November 2016 [see attachment Table 1]. Each failure to sample or estimate flow prior to July 1, 2016, is a violation of LPDES permit LA0075213 (Part I, Pages 2 through 6 of Part III, Section A.2.1), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Each failure to sample or estimate flow on or after July 1, 2016, is a violation of LPDES permit LA0075213 (Part I, Pages 3 and 6 of Part III, Section A.2.1), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.</td>
</tr>
<tr>
<td>File Review 11/30/2017</td>
<td>The Respondent failed to comply with LPDES permit LA0075213. Specifically, between June 2013 and September 2016, the Respondent reported exceedances of permit effluent limitations for TSS, COD, and oil and grease [see attachment Table 2]. Each permit limit exceedance that occurred prior to July 1, 2016, is a violation of LPDES permit LA0075213 (Part I, Pages 3 and 7 of Part III, Section A.2.1), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Each permit limit exceedance that occurred on or after July 1, 2016, is a violation of LPDES permit LA0075213 (Part I, Pages 3 and 11 of Part III, Section A.2.1), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.</td>
</tr>
<tr>
<td>File Review 11/30/2017</td>
<td>The Respondent failed to comply with LPDES permit LA0075213. Specifically, the Respondent failed to report monthly average BOD&lt;sub&gt;5&lt;/sub&gt;, TSS, and fecal coliform sample results on Discharge Monitoring Reports (DMRs) for Outfalls 004 and 008 from December 2012 to December 2016. Each failure to report a monthly average sample result prior to July 1, 2016, is a violation of LPDES permit LA0075213 (Part I, Pages 2 and 6 of Part III, Section A.2.1), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.4.d. Each failure to report a monthly average sample result on or after July 1, 2016, is a violation of LPDES permit LA0075213 (Part I, Pages 2 and 8 of Part III, Section A.2.1), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.4.d.</td>
</tr>
<tr>
<td>File Review 11/30/2017</td>
<td>The Respondent failed to submit DMRs for Outfall 014 from October to December 2016. [LA0075213 (Part II, Section X.1 and Part III, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.4.a]</td>
</tr>
<tr>
<td>File Review 11/30/2017</td>
<td>The Respondent failed to submit DMRs in a timely manner. The Respondent is required to submit monthly DMRs no later than the 28th day of the month following each quarter. The Department did not receive the July to September 2016 DMRs for Outfall 014 until January 7, 2017. [LA0075213 (Part II, Section X.1 and Part III, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.4.d]</td>
</tr>
<tr>
<td>File Review 11/30/2017</td>
<td>The Respondent failed to submit operating logs detailing Outfall 05A discharges from October 2016 to March 2017. Each failure to submit quarterly operating logs is a violation of LPDES permit LA0075213 (Part II, Section P and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A. LPDES permit LA0075213 (Part II, Section P) requires the Respondent to submit a daily operating log each quarter. All logs submitted to the Department from 2013 to 2017 only list days when a discharge occurred from Outfall 05A and do not list each operating day of the quarter.</td>
</tr>
<tr>
<td>File Review 11/30/2017</td>
<td>The Respondent caused and/or allowed the discharge of a pollutant not authorized by the permit. Specifically, on December 18, 2013, the Respondent cleaned two barges that had transported coke and discharged the wash water containing coke residue to the Mississippi River. [La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D]</td>
</tr>
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</table>
ORDER

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

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

II. 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 violation(s) and actions taken or to be taken to achieve compliance with the “Order” portion of this COMPLIANCE ORDER. This report and any other reports or information required to be submitted to the Enforcement Division by this COMPLIANCE ORDER shall be submitted to the Department at the address specified in this document.

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

RIGHT TO APPEAL

I. The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this 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 left-hand corner of the first page of this document and should be directed to the address specified in this document.

III. Upon the Respondent’s timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act and the Administrative Procedure Act (La. R.S. 49:950, et seq.). 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 2950.4 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 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 Taylor Alexander at (225) 219-3811 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)(b) 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. This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.
CONTACTS AND SUBMITTAL OF INFORMATION

<table>
<thead>
<tr>
<th>Enforcement Division:</th>
<th>Hearing Requests:</th>
</tr>
</thead>
</table>
| Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Water Enforcement Division  
Post Office Box 4312  
Baton Rouge, LA 70821  
Attn: Taylor Alexander | 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-17-01071  
Agency Interest No. 302 |

<table>
<thead>
<tr>
<th>Water Permits Division (if necessary):</th>
<th>Physical Address (if hand delivered):</th>
</tr>
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</table>
| Department of Environmental Quality  
Office of Environmental Services  
Post Office Box 4313  
Baton Rouge, LA 70821-4313  
Attn: Water Permits Division | Department of Environmental Quality  
602 N Fifth Street  
Baton Rouge, LA 70802 |

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

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

- To request closure of the COMPLIANCE ORDER portion, the Respondent must demonstrate compliance with the "Order" portion of this COMPLIANCE ORDER by completing the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form and returning it to the address specified.
  - Before requesting closure of the COMPLIANCE ORDER portion, please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

- To expedite closure of the NOTICE OF POTENTIAL PENALTY portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.
  - The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
  - The settlement offer amount may be entered on the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form. The Respondent must include a justification of the offer.
  - DO NOT submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
  - Before requesting closure of the NOTICE OF POTENTIAL PENALTY portion, please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

If you have questions or need more information, you may contact Taylor Alexander at (225) 219-3811 or Taylor.Alexander@la.gov.

Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

Date: 12-13-17

Attachment(s):  
- Table 1  
- Table 2  
- Request to Close  
- Settlement Brochure
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<td></td>
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<td>pH</td>
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</tr>
<tr>
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<td>pH</td>
<td>1/week</td>
<td>1/month</td>
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<tr>
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<td>Oil and grease</td>
<td>1/week</td>
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<td></td>
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**TABLE 2**

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<tr>
<th>DATE</th>
<th>OUTFALL</th>
<th>PARAMETER</th>
<th>PERMIT LIMIT</th>
<th>SAMPLE RESULT</th>
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<td>008</td>
<td>TSS</td>
<td>30 mg/l (Monthly Average)</td>
<td>38 mg/l</td>
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<tr>
<td>January 2014</td>
<td>05A</td>
<td>COD</td>
<td>250 mg/l (Daily Maximum)</td>
<td>439 mg/l</td>
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<tr>
<td>September 2016</td>
<td>05A</td>
<td>COD</td>
<td>250 mg/l (Daily Maximum)</td>
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<tr>
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<td>05A</td>
<td>Oil and grease</td>
<td>15 mg/l (Daily Maximum)</td>
<td>35 mg/l</td>
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</table>
STATEMENT OF COMPLIANCE

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

All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) III of the "Order" portion of the COMPLIANCE ORDER.

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

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-17-01071), 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 (WE-CN-17-01071), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay $_________, which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.

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

The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-17-01071) 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
Post Office Box 4312
Baton Rouge, LA 70821
Attn: Taylor Alexander

If you have questions or need more information, you may contact Taylor Alexander at (225) 219-3811 or Taylor.Alexander@la.gov.
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 it is reviewed and signed. Upon approval, the Agreement is sent to the Respondent. The Respondent must then return a copy of the Agreement, consent to the penalty, and pay any penalties owed.

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the following factors:

- The nature and gravity of the violation.
- The potential for environmental damage or harm.
- The frequency and duration of the violation.
- The economic impact of the violation.
- The good faith of the Respondent.
- The history of previous violations.
- The relocation history of the Respondent.
- The extent to which the Respondent cooperates with the Department.

The Department reserves the right to accept or reject any settlement offer. The Respondent is required to submit a written offer, along with any supporting documentation. The Department may negotiate the terms of the settlement offer with the Respondent.

The Department may also require the Respondent to meet certain conditions, such as:

- Completing specific corrective actions to address the violation.
- Paying fines or penalties.
- Report to the Department on a regular basis.
- Compliance with any conditions set forth in the settlement agreement.

The Respondent must agree to comply with the terms of the settlement agreement. Failure to do so may result in further enforcement action, including the imposition of additional penalties or fines.

In summary, the settlement agreement process is a means to resolve violations of environmental laws and regulations. The Department uses a penalty matrix to determine the appropriate penalty for each violation. The Respondent must agree to the terms of the settlement agreement and comply with the conditions set forth in it. Failure to do so may result in further enforcement action.

Degree of Risk to Human Health or Property

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

Moderate: (potential for measurable detrimental impact) A violation may impact an environmental resource or a hazard characterized by occasional occurrence and/or pollutant concentration.

Minor: (no harm or risk of harm) A violation may impact an environmental resource or a hazard characterized by relatively low volume and/or infrequent occurrence and low pollutant concentration.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negotiation of 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 requirement, but some implementation of the requirement occurred.

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

The range is adjusted using the following violator specific factors:

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

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

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

**WHAT IS A BEP?**

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement. Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, 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?**

<table>
<thead>
<tr>
<th>Settlement Offers</th>
<th>searchable in EDMS using the following filters Media Air Quality, Function, Enforcement, Description: Settlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Settlement Agreements</td>
<td>Enforcement Division's website specific examples can be provided upon request</td>
</tr>
<tr>
<td>Penalty Determination Method</td>
<td>LAC 33:1 Chapter 7</td>
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<tr>
<td>Beneficial Environmental Projects</td>
<td>LAC 33:1 Chapter 25</td>
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<tr>
<td>Judicial Interest</td>
<td>FAQs provided by the Louisiana State Bar Association</td>
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</tbody>
</table>
CONSORTIUM COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

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

FINDINGS OF FACT

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

I. The Respondent owns and/or operates a barge cleaning and repair facility located at 7324 LA Hwy 405 in Modeste, Ascension Parish, Louisiana. The facility operates or has operated under the authority of Minor Source Air Permit No. 0180-00057-03, issued on September 3, 2013 and Louisiana Pollutant Discharge Elimination System (LPDES) Permit No. LA0083674, issued on December 9, 2014.


III. The Respondent failed to submit the 2015 Total Throughput Reports for the Chemical Storage Tank Cap (GRP001) and Washwater Storage Tank Cap (GRP002) as required by Specific Requirements 31 and 35 of Air Permit No. 0180-00057-03 respectively. The failure to submit the 2015 Total Throughput Report for (GRP001) and (GRP002) by the March 31, 2016, deadline is a violation of Specific Requirements 31 and 35 of Air Permit No. 0180-00057-03, LAC 33:4:2:510.C.4, and La. R.S. 30:2057(A)(2). The 2015 Total Throughput Reports were submitted on August 25, 2017.

IV. The Respondent failed to submit the 2016 Total Throughput Reports for the Chemical Storage Tank Cap (GRP001) and Washwater Storage Tank Cap (GRP002) as required by Specific Requirements 31 and 35 Air Permit No. 0180-00057-03 respectively. The failure to submit the 2016 Total Throughput Report for (GRP001) and (GRP002) by the March 31, 2017, deadline is a violation of Specific Requirements 31 and 35 of Air Permit No. 0180-00057-03, LAC 33:4:2:510.C.4, and La. R.S. 30:2057(A)(2). The 2016 Total Throughput Reports were submitted on August 25, 2017.

V. On or about December 18, 2015, the Respondent changed its company name from T.T. Barge Cleaning Mile 183 Inc. to T.T. Barge Cleaning Mile 183 L.L.C. according to the State of Louisiana Secretary of State records. The failure to submit a Name/Ownership/Operator Change Form (NOC-2) to the Department within forty-five (45) days after a company name change of a permitted facility is a violation of LAC 33:4:1905.A, and La. R.S. 30:2057(A)(2).

ORDER

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

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

II. To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, a written report that includes a detailed description of the circumstances surrounding the cited violation(s) and actions taken or to be taken to achieve compliance with the “Order” portion of this 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 the Department at the address specified in this document.

III. To submit to the Office of Environmental Services, within thirty (30) days after receipt of this COMPLIANCE ORDER, the Name/Ownership/Operator Change Form (NOC-1) demonstrating the company name change as referenced in Paragraph V of the Findings of Fact.

RIGHT TO APPEAL

I. The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this 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 address specified in this document.

III. Upon the Respondent’s timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this 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 Division of Administrative Law (DAL) Procedural Rules. 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 stopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.

VI. Civil penalties of not more than thirty-two thousand five hundred dollars ($32,500) may be assessed for each day of violation. The Respondent’s failure or refusal to comply with this 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 Stacy Martinez at 225-219-3378 or stacy.martinez@la.gov 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 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.

IV. The Department assesses civil penalties based on LAC 33:1 Subpart 1 Chapter 7. 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.
**CONTACTS AND SUBMITTAL OF INFORMATION**

<table>
<thead>
<tr>
<th>Enforcement Division:</th>
<th>Hearing Requests:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Louisiana Department of Environmental Quality</td>
<td>Department of Environmental Quality</td>
</tr>
<tr>
<td>Office of Environmental Compliance</td>
<td>Office of the Secretary</td>
</tr>
<tr>
<td>Air Enforcement Division</td>
<td>Post Office Box 4302</td>
</tr>
<tr>
<td>Post Office Box 4312</td>
<td>Baton Rouge, Louisiana 70821-4302</td>
</tr>
<tr>
<td>Baton Rouge, LA 70821</td>
<td>Attn: Hearings Clerk, Legal Division</td>
</tr>
<tr>
<td>Attn: Sam Martinez</td>
<td>Re: Enforcement Tracking No. MM-CN-17-00932</td>
</tr>
<tr>
<td>Permit Division (if necessary):</td>
<td>Agency Interest No. 17771</td>
</tr>
<tr>
<td>Department of Environmental Quality</td>
<td>Physical Address (If hand delivered):</td>
</tr>
<tr>
<td>Office of Environmental Services</td>
<td>Department of Environmental Quality</td>
</tr>
<tr>
<td>Post Office Box 4313</td>
<td>602 N Fifth Street</td>
</tr>
<tr>
<td>Baton Rouge, LA 70821-4313</td>
<td>Baton Rouge, LA 70802</td>
</tr>
<tr>
<td>Attn: Air Permits Division</td>
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</tr>
</tbody>
</table>

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

- To appeal the COMPLIANCE ORDER portion, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of the COMPLIANCE ORDER.

- To request closure of this CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, the Respondent must demonstrate compliance with the "Order" portion of this COMPLIANCE ORDER by completing the attached "CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL REQUEST TO CLOSE" form and returning it to the address specified.

- To expedite closure of the NOTICE OF POTENTIAL PENALTY portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.


- The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.

- The settlement offer amount may be entered on the attached "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.

If you have questions or need more information, you may contact Stacy Martinez at 225-219-3378 or stacy.martinez@la.gov.

Lourdes Iturrade
Assistant Secretary
Office of Environmental Compliance

Date: 3-26-19

Attachment(s)
- Request to Close

MM-CN-17-00932
**OFFICE OF ENVIRONMENTAL COMPLIANCE**  
**ENFORCEMENT DIVISION**  
**POST OFFICE BOX 4312**  
**Baton Rouge, Louisiana 70821-4312**  
**REQUEST TO CLOSE**

<table>
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<tr>
<th>Enforcement Tracking No.</th>
<th>Contact Name</th>
<th>Agency Interest (AI) No.</th>
<th>Contact Phone No.</th>
<th>Alternate ID No.</th>
<th>Facility Name</th>
<th>Physical Location</th>
<th>City, State, Zip</th>
<th>Parish</th>
</tr>
</thead>
</table>

---

### STATEMENT OF COMPLIANCE

A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.  
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) III 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 33.1.Subpart1.Chapter7.

In order to resolve any claim for civil penalties for the violations in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-17-00932), 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 COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-17-00932), 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 COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-17-00932) 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.

<table>
<thead>
<tr>
<th>Respondent’s Signature</th>
<th>Respondent’s Printed Name</th>
<th>Respondent’s Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Respondent’s Physical Address</th>
<th>Respondent’s Phone #</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

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: Stacy Martinez