

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

U.S. MINERALS, INC.

AI # 43411, 217063

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

\* Settlement Tracking No.  
\* SA-MM-21-0071  
\*  
\* Enforcement Tracking No.  
\* MM-PP-19-01137  
\*  
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SETTLEMENT

The following Settlement is hereby agreed to between U.S. Minerals, Inc. (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a corporation that owns and/or operates a blast media production facility located in Harvey, Jefferson Parish, Louisiana (“the Facility”).

II

On March 24, 2020, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. MM-PP-19-01137 (Exhibit 1), for violations occurring in Jefferson Parish and Plaquemines Parish, Louisiana.

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 ELEVEN THOUSAND AND NO/100 DOLLARS (\$11,000.00), of which One Thousand One Hundred Forty-Nine and 95/100 Dollars (\$1,149.95) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

#### V

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the 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 Jefferson Parish and Plaquemines 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.

U.S. MINERALS, INC.

BY: [Signature]  
(Signature)

Jeff Fink  
(Printed)

TITLE: VP of Operations

THUS DONE AND SIGNED in duplicate original before me this 16<sup>th</sup> day of December, 20 21, at Lake County, Indiana



[Signature]  
NOTARY PUBLIC (ID # 0924727)

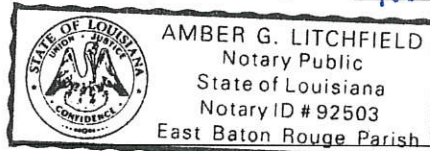
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(stamped or printed)

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

BY: [Signature]  
Chelsea J. Caze, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 9<sup>th</sup> day of August, 20 20, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # 92503)



(stamped or printed)

Approved: [Signature]  
\_\_\_\_\_  
Loures Iturralde, Assistant Secretary

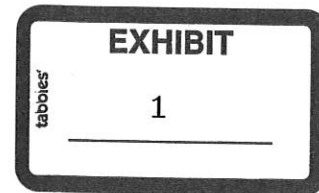
JOHN BEL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, PH.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

MAR 24 2020



CERTIFIED MAIL (7018 0360 0001 5039 0188)  
RETURN RECEIPT REQUESTED

**U.S. MINERALS, INC.**  
c/o C T Corporation System  
Agent for Service of Process  
3867 Plaza Tower Dr.  
Baton Rouge, LA 70816

**RE: NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. MM-PP-19-01137  
AGENCY INTEREST NO. 43411; 217063**

Dear Sir/Madam:

On or about October 29, 2018 and May 21, 2019, inspections of a blast media production facility, owned and/or operated by **U.S. MINERALS, INC. (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste and Solid Waste Regulations. The facility is located at 3860 Peters Road in Harvey, Jefferson Parish, Louisiana. The Respondent has been issued agency implemented EPA Identification No. LAD000740696.

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 and a subsequent file review conducted on or about March 3, 2020:

- A. The Respondent caused and/or allowed the unauthorized disposal of solid waste, in violation of La. R.S. 30:2155 and LAC 33:VII.315.C. Specifically, the October 29, 2018 inspection found the Respondent allowed the pick-up of waste coal slag fines for use as free fill dirt by Jerome Craft. The Respondent did not receive approval from the Department to offer the coal slag fines for soil reuse. An inspection conducted on October 29, 2018 at the Jerome Craft Storage Yard (AI #217063) found coal slag fines spread across the ground, which Mr. Craft stated he had received at no cost from U.S. Minerals, Inc. and used as fill dirt. A representative of the Respondent stated on or about June 20, 2019 that the facility now contracts with River Birch Landfill to properly dispose of the coal slag fines.

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- B. The Respondent offered solid waste to a facility that has not received authorization and/or the required permits necessary to receive and/or manage the generator's solid waste, in violation of LAC 33:VII.315.O. Specifically, an inspection conducted on October 29, 2018 at the Jerome Craft Storage Yard (AI #217063) found coal slag fines spread across the ground, which Mr. Craft stated he had received at no cost from U.S. Minerals, Inc. and used as fill dirt. The Jerome Craft Storage Yard is not an authorized solid waste disposal facility. A representative of the Respondent stated on or about June 20, 2019 that the facility now contracts with River Birch Landfill to properly dispose of the coal slag fines.
- C. The Respondent failed to determine if a solid waste is a hazard, in violation of LAC 33:V.1103. Specifically, the October 29, 2018 inspection discovered the Respondent was offering waste coal slag fines as free fill dirt without having determined whether the waste material was hazardous. During a follow up inspection on or about May 21, 2019, a representative of the Respondent was informed the waste coal slag fines were not eligible for soil reuse until a waste determination was made. On or about June 20, 2019, sample results revealed the coal slag fines contained metal concentrations above RECAP soil screening standards and were therefore, not eligible for soil reuse. Because the coal slag fines are an industrial solid waste, they must be disposed of at a permitted landfill or other facility authorized to receive such waste. TCLP analysis conducted on July 23, 2019 revealed the coal slag fines are not a hazardous waste. A representative of the Respondent stated on or about December 12, 2019 that the facility now contracts with River Birch Landfill to properly dispose of the coal slag fines.

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 William Heintz at 225-219-9782 or [William.Heintz@la.gov](mailto:William.Heintz@la.gov) 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.



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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.Chapter 7. 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.

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/WJH  
Alt ID No. LAD000740696



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.	MM-PP-19-01137	Contact Name	William Heintz
Agency Interest (AI) No.	43411; 217063	Contact Phone No.	225-219-9782
Alternate ID No.	LAD000740696		
Respondent:	U.S. MINERALS, INC.	Facility Name:	U.S. Minerals, Inc.
	c/o C T Corporation System	Physical Location:	3860 Peters Rd.
	Agent for Service of Process		
	3867 Plaza Tower Dr.	City, State, Zip:	Harvey, LA 70058
	Baton Rouge, LA 70816	Parish:	Jefferson

**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 <b>NOTICE OF POTENTIAL PENALTY</b> (MM-PP-19-01137), 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 <b>NOTICE OF POTENTIAL PENALTY</b> (MM-PP-19-01137), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• <b>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.</b></li> </ul>
	The Respondent has reviewed the violations noted in <b>NOTICE OF POTENTIAL PENALTY</b> (MM-PP-19-01137) 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: William Heintz